



This City Council 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-XG14pN5JrmBGq/live)

7:00 PM

- 1.0 Call to Order**
- 2.0 Pledge of Allegiance**
- 3.0 Adopt Agenda**
- 4.0 Presentations and Public Hearings**
 - A. 2022 Audit Presentation: Abdo – Res. 2023-29, Accepting 2022 Audit (p. 3-4)
 - B. Coon Lake Regional Park Long Range Plan – Res. 2023-30 (p. 5-22)
 - C. ACSO Monthly Report (p. 23-30)
 - D. Fire Department Monthly Report (p. 31-34)
 - E. Public Hearing: Ord. Amendments – MS4 Permit (p. 35-71)
 - F. Public Hearing: Ord. Amendments – SRWMO Management Plan (p. 72-82)
 - G. Public Hearing: Ord. & Fee Schedule Amendments – Park Dedication Fee (p. 83-105)
- 5.0 Public Forum**
- 6.0 Consent Agenda (p. 106-108)**

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

 - A. Approve Bill List (p. 109-111)
 - B. Minutes: April 3, 2023 City Council Work Meeting (p. 112-125)
 - C. Minutes: April 10, 2023 City Council Meeting (p. 126-138)
 - D. Res. 2023-31, 2023 Street Re-Surface Improvement Projects (p. 139)
 - E. Ice Arena Locker Room and Bathroom Flooring Bids
 - F. Seasonal Employee Hire
 - G. Chloride Application for Klondike Drive (p. 140-141)
 - H. Res. 2023-26, Amending Filing Date on Res. 2022-56 (p. 142-145)
 - I. Res. 2023-33, Municipal Request for MSA Project Funds: University Ave Project (p. 146-168)
 - J. April 10, 2023 Consent Agenda: Items C and J Re-vote
- 7.0 New Business - Commission, Association and Task Force Reports**
 - A. Planning Commission
 - B. Economic Development Authority

- C. Park Commission

8.0 Department Reports

- A. Community Development
 - 1. IUP Extension Request - 655 198th Avenue NE (p. 169-174)
 - 2. Res. 2023-24 and Res. 2023-25, 19848 E. Bethel Blvd NE (p. 175-208)
- B. Engineer
- C. City Attorney
- D. Finance
- E. Public Works
- F. Fire Department
- G. City Administrator
 - 1. May 2023 Work Meeting Agenda (p. 209)
 - 2. Town Hall Meeting Agenda (p. 210-211)
 - 3. Temporary ACO Contract (p. 212-213)

9.0 Other

- A. Staff Report
- B. Council Reports
- C. Other

10.0 Adjourn

**City of East Bethel
City Council Regular Meeting
Agenda Item Information**



Date: April 10, 2023

Agenda Item Number: Item 4.0 A

Agenda Item: Presentation of the Annual Financial Statements and Auditor’s Management Letter

Background Information:

The 2022 Annual Financial Report has been prepared, audited and is presented for review and approval. Abdo, the City’s Auditor, will present the report to Council.

Attachment(s):

1. [2022 Financial Report](#) *(please use hyperlink to view this protected document)*
2. [2022 Management Letter](#) *(please use hyperlink to view this protected document)*
3. Resolution 2023-29, Accepting the 2022 Annual Financial Report
4. [2022 Audit Presentation](#) *(please use hyperlink to view this protected document)*

Fiscal Impact: None

Recommendation(s): Upon completion of the City Auditor’s report, Staff recommends adoption of Resolution 2023-29, accepting the 2022 Annual Financial Report for operations and activities of the City of East Bethel for fiscal year 2022 and direction to submit the report to the State Auditor.

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

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

RESOLUTION NO. 2023-29

**RESOLUTION ACCEPTING AND ADOPTING THE 2022 CITY OF EAST BETHEL
ANNUAL FINANCIAL REPORT**

WHEREAS, the 2022 Annual Financial Report of the City has been prepared; and

WHEREAS, the City's auditing firm, Abdo, has completed its review of the financial report; and

WHEREAS, the audit opinion finds that the financial report presents fairly, in all material respects, the financial position of the City as of December 31, 2022.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the City Council hereby accepts and adopts the 2022 Annual Financial Report and directs its submission to the State Auditor.

Adopted this 24th day of April 2023 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Tim Harrington, Mayor

ATTEST:

Jack Davis, City Administrator

**City of East Bethel
City Council Meeting
Agenda Item Information**



Date: April 24, 2023

Agenda Item Number: Item 4.0 B

Agenda Item: Coon Lake Regional Park Long Range Plan

Background Information:

Karen Blasko, Parks Planner with Anoka County Parks, will present the Coon Lake Regional Park Long Range Plan. Coon Lake County Park is approximately 110 acres and is located on the east end of Coon Lake in Columbus Township. The park was approved for Regional Park status in 2021 and as part of that designation, a long-range plan must be in place before the County is eligible for Metro Regional Park funding.

The East Bethel Park Commission provided comments to the draft master plan at their December 13, 2022 meeting and have reviewed the attached Long Range Plan at their April 11, 2023 meeting.

The East Bethel City Council, along with other local communities, will be asked to submit a resolution of support for the project.

Attachment(s):

Attachment 1 - Coon Lake Regional Park Long Range Plan

Attachment 2 - Resolution 2023-30 Resolution of Support for Anoka County's Coon Lake Regional Park Long Range Plan

Fiscal Impact:

Recommendation(s): The Parks Commission unanimously voted to recommend support of the Coon Lake Regional Park Long Range Plan and recommends that City Council approve Resolution 2023-30 supporting Anoka County's efforts to redevelop the park.



ANOKA
COUNTY
PARKS



COON LAKE REGIONAL PARK
LONG RANGE PLAN

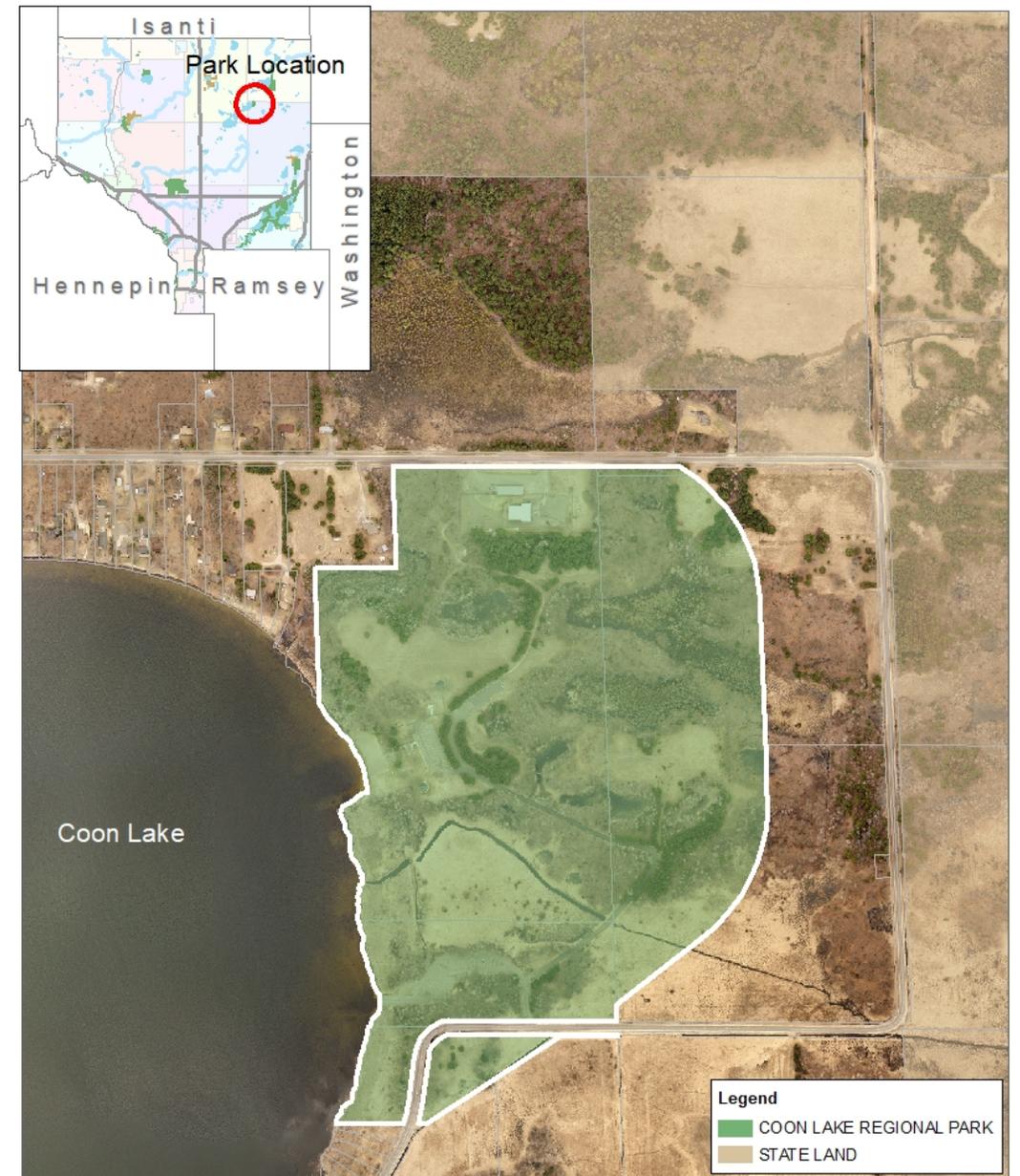
INTRODUCTION

What:

- Coon Lake County Park was approved to be included within the Metropolitan Regional System in 2021.

Why:

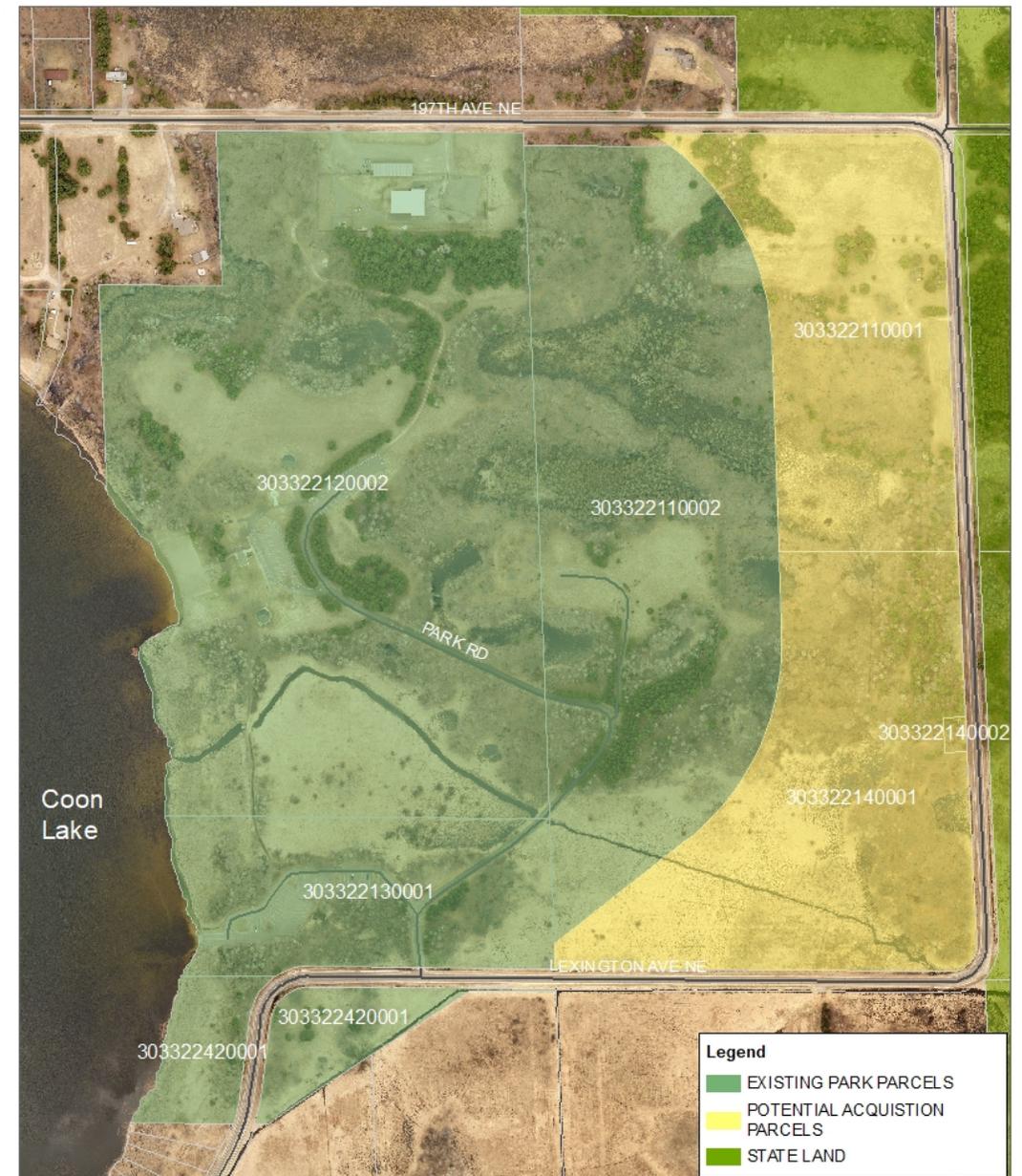
- The 110 acre park sits on the east side of Coon Lake and offers some of the same amenities as a regional park.
- An approved long-range plan must be in place before the County is eligible for Metro Regional Park funding.



Proposed Coon Lake Regional Park
Boundaries

BOUNDARIES/ ACQUISITION

- Approx. 41 acres proposed
- Recently was sold – missed opportunity



Proposed Coon Lake Regional Park
Boundaries

STEWARDSHIP PLAN

- How the County will manage revenues and expenses.
- Revenues generated through rental fees, special use permits, programs, etc.
- O&M costs covered by County Parks Budget, which include revenues and levy dollars and Metropolitan Council O&M grant dollars.



DEMAND FORECAST

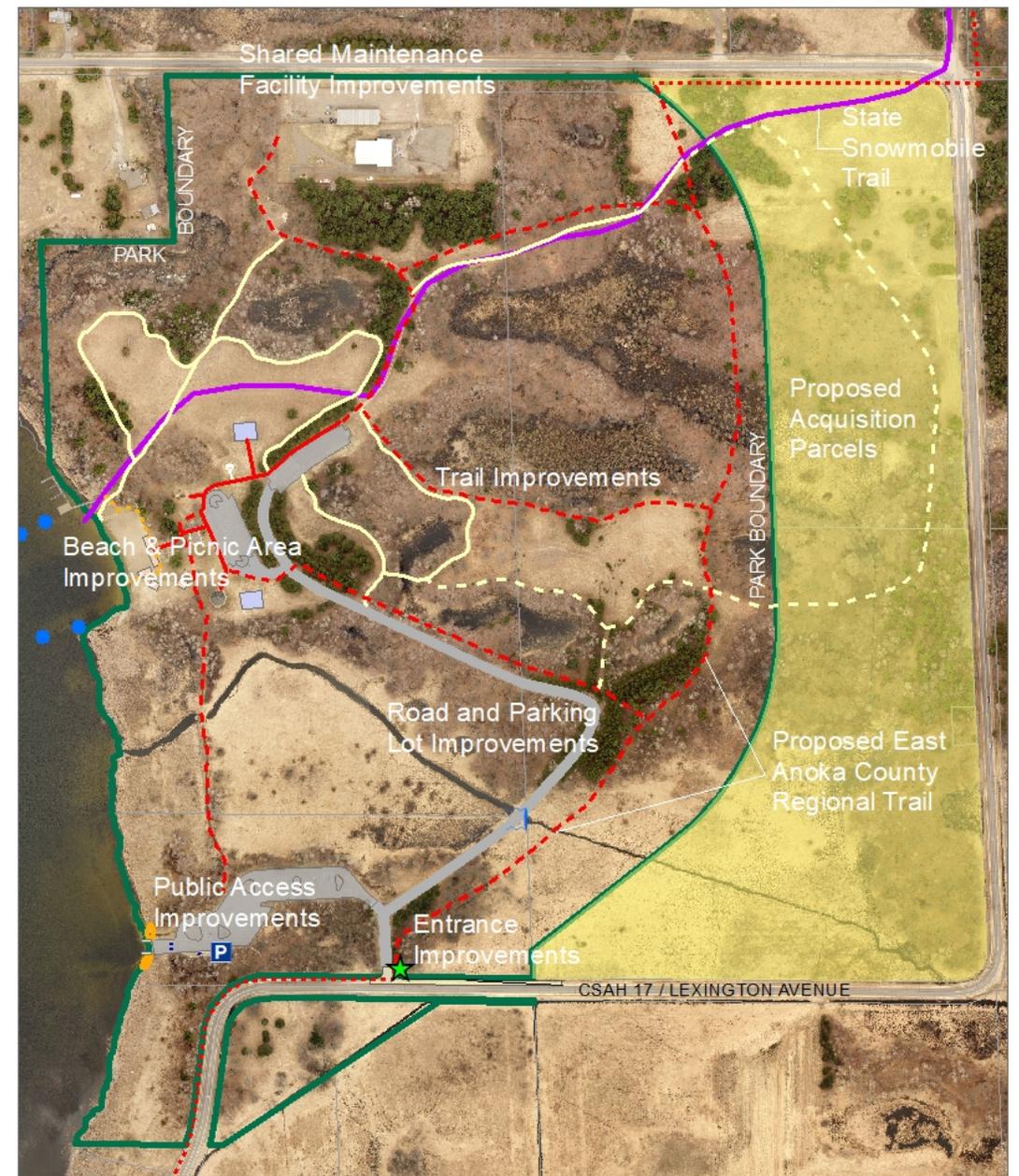
- Look at forecasted demand
- Met Council Forecast, by 2050:
 - 1 in 5 people will be over 65 years of age
 - 44% of total population will be BIPOC
- Forecast 53% of regional residents under age 18 will be BIPOC
- Anoka County forecasted population: 443,500 – an increase of about 17%.



DEVELOPMENT CONCEPT

- Entrance Improvements
- Road & Parking Lot Improvements
- Public Access Improvements
- Trail Improvements
- Maintenance Facility Improvements
- Beach & Picnic Area Improvements

Total Cost Estimate for the Development Concept: \$5,505,000 – phased over time



Coon Lake Park
General Development Concept



CONFLICTS

- **Research conflicts related to:**
 - Surrounding land uses
 - Traffic/Safety
 - Swimming/Boating at Beach

- **Traffic/Safety solutions:**
 - Turn lane at entrance (not part of park)
 - Digital sign
 - Continue to work with Transportation Division

- **Swimming/Boating solutions:**
 - Dock structure to help separate uses at Beach



Coon Lake Park
Proposed Entrance Improvements

0 100 200 Feet

North Arrow

Date: 09/30/2022

PUBLIC SERVICES

- Are there any non-recreation related public services that need to be provided as part of this development?
- While the Lexington Road improvements are technically outside the park, we've included them in the plan.



OPERATIONS

- Anoka County Ordinance dated January 30, 2018 regulates the parks and trails under Anoka County jurisdiction
- Partner with Parks Services, County Sheriff and DNR on education and monitoring of the site
- We estimate the annual O&M costs for the park to be approximately \$50,000



PARTNER ENGAGEMENT

- Ensures we engage our local partners (cities) and other regulatory agencies on plan development.



PUBLIC ENGAGEMENT

- This section ensures we are reaching out to the public for input.
- Reached 25,000 people
- Interactions with 4,500
- Social media, surveys, in-person meetings, Plan Your Parks webpage
- Worked with various community groups, such as Coon Lake Improvement Association



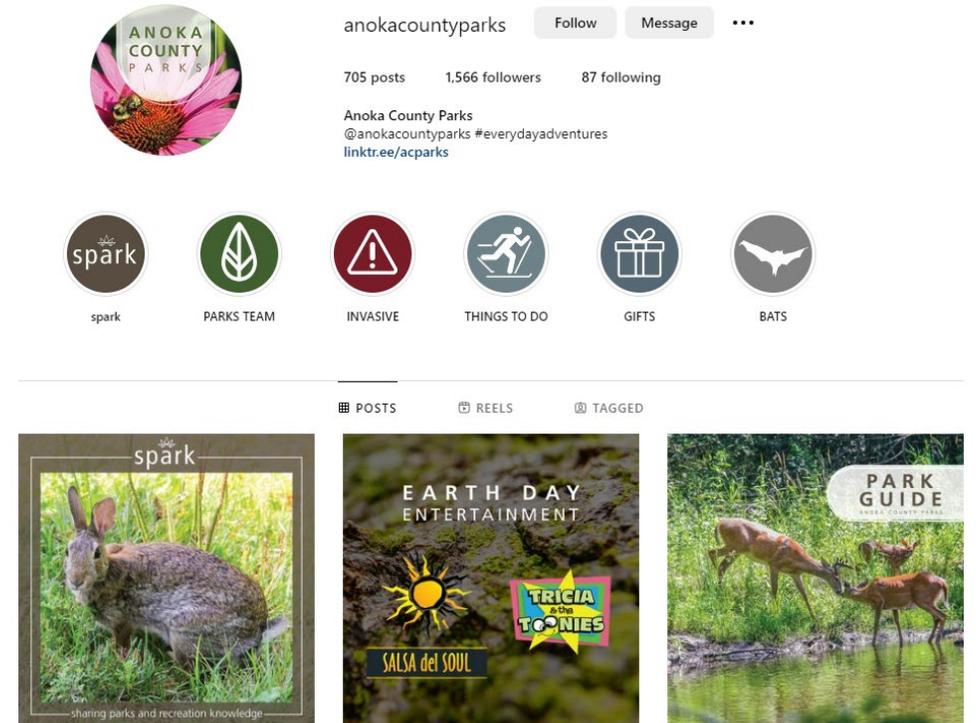
EQUITY ANALYSIS

- This section ensures we look at who we are engaging with during the engagement process.
- Identifies who benefits the most and least from a plan.
- Ensures all voices are heard.
- Shows that the Parks has more work to do to create open, welcoming spaces to all population groups.



PUBLIC AWARENESS

- Discussion of how the County will make the public aware of the plan, park and regional system.



ACCESSIBILITY

- Ensures that the parks and trails will be accessible to all.



NATURAL RESOURCES

- Discussion of the Natural Resources in the area and how they will be managed.



The logo for Anoka County Parks is a white, rounded rectangle with a thin white border. It contains the text "ANOKA COUNTY PARKS" in a green, sans-serif font. The background of the logo is a faint, light-colored image of leaves.

**ANOKA
COUNTY
PARKS**

**QUESTIONS?
THANK YOU**

PLAN YOUR PARKS

Karen Blaska, Park Planner
Karen.blaska@anoka.co.mn.us
763-324-3412 or 612-845-8391

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

RESOLUTION NO. 2023-30

**RESOLUTION OF SUPPORT FOR ANOKA COUNTY'S
COON LAKE REGIONAL PARK
LONG RANGE PLAN**

WHEREAS, it is necessary and in the public interest for the County of Anoka to provide open space recreational facilities within the County; and

WHEREAS, the County of Anoka has worked with the local cities and other regulating agencies in a cooperative effort to develop a regional park in the city; and,

WHEREAS, the County of Anoka and the Metropolitan Council have designated the park as a regional park; and,

WHEREAS, the County of Anoka has developed a long-range program for development at Coon Lake Regional Park, which is to include reconstruct and improvement of existing facilities and construction of new facilities and amenities; and,

WHEREAS, the Metropolitan Council requires a long-range plan for this regional park be approved by the Metropolitan Council; and,

WHEREAS, the City of East Bethel representatives have reviewed and gave input on the plan.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the City of East Bethel hereby offers support to Anoka County for the Coon Lake Regional Park Long-Range Plan and its effort to redevelop the park.

Adopted this 24th day of April, 2023 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Tim Harrington, Mayor

ATTEST:

Jack Davis, City Administrator

**City of East Bethel
City Council Meeting
Agenda Item Information**



Date: April 24, 2023

Agenda Item Number: Item 4.0 C

Agenda Item: Sheriff's Department Report

Background Information:

Lieutenant Derek Peters will present the Anoka County Sheriff's Office monthly report.

Attachment(s):

1. Sheriff's Office March Report *(this item will be provided as soon as it is made available)*
2. CSO Report of Activities
3. CFS Report

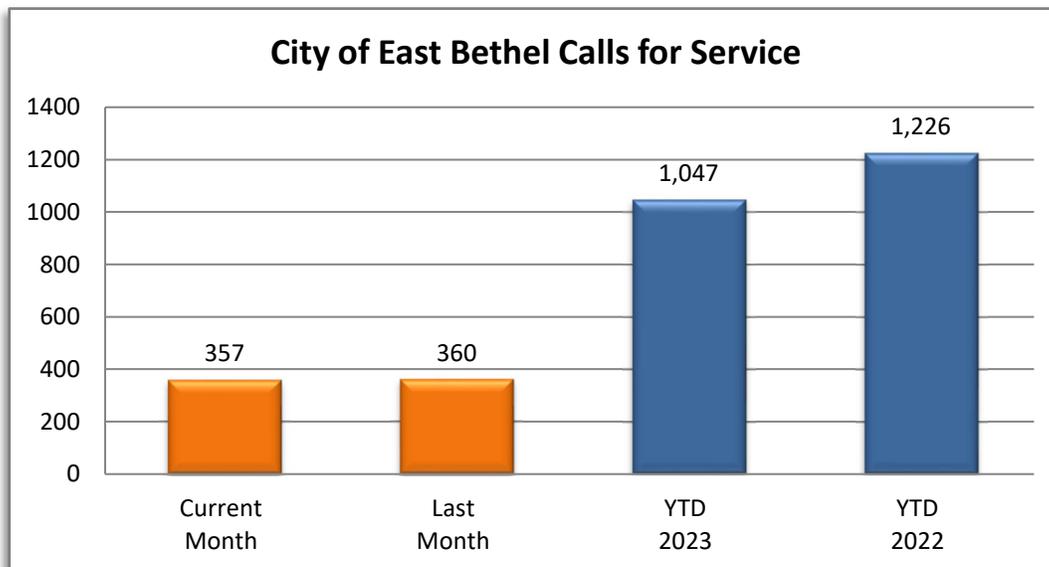
Fiscal Impact:

Recommendation(s): No Action Required

PATROL DIVISION

CITY OF EAST BETHEL - MARCH 2023

OFFENSE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD 2023	YTD 2022
Calls for Service*	330	360	357										1,047	1,226
Burglaries	1	0	0										1	1
Thefts	8	1	7										16	9
Crim Sex Conduct	1	3	0										4	1
Assault	0	1	3										4	3
Dam to Property	0	2	1										3	5
Harass Comm	0	0	0										0	0
PI Accidents	8	9	4										21	18
PD Accidents	19	18	15										52	59
Medical	59	60	54										173	131
Animal Complaint	35	31	16										82	37
Alarms	12	12	14										38	69
Felony Arrests	0	1	2										3	3
Gross Misd Arrests	5	5	3										13	3
Misd Arrests	8	5	5										18	10
DUI Arrests	2	5	3										10	3
Domestic Arrests	0	0	3										3	3
Warrant Arrests	1	4	5										10	5
Traffic Stops	190	125	144										459	255
Traffic Arrests	28	17	37										82	70

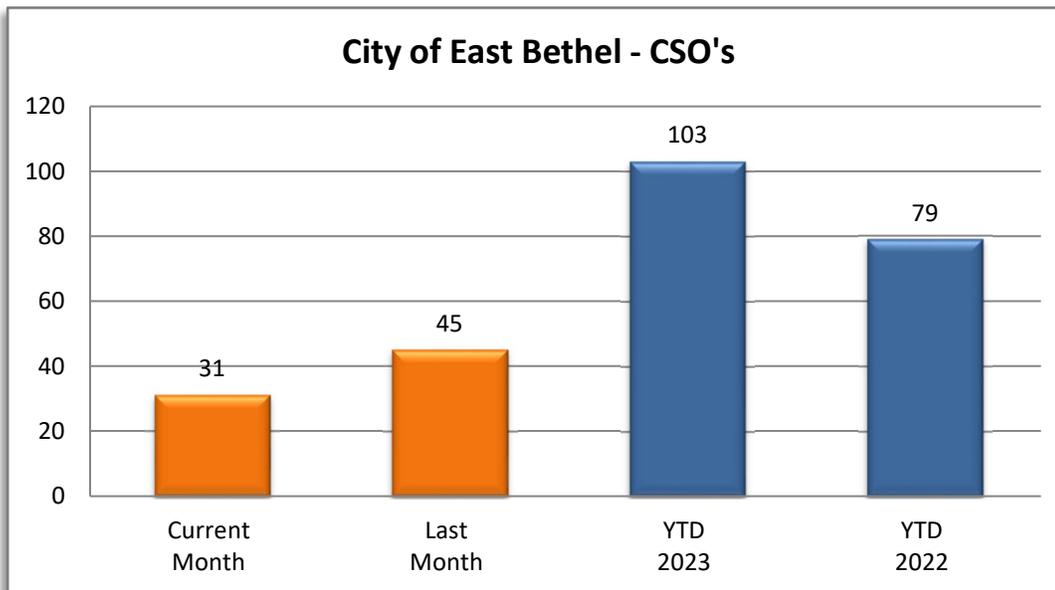


ANOKA COUNTY SHERIFF'S OFFICE MONTHLY REPORT

PATROL DIVISION

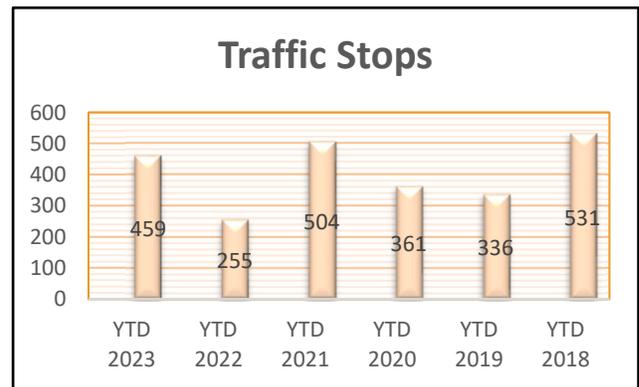
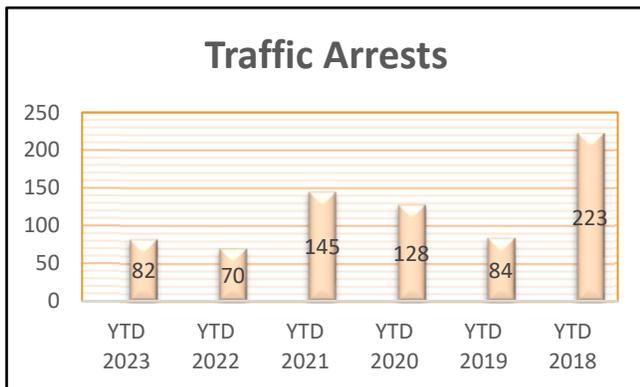
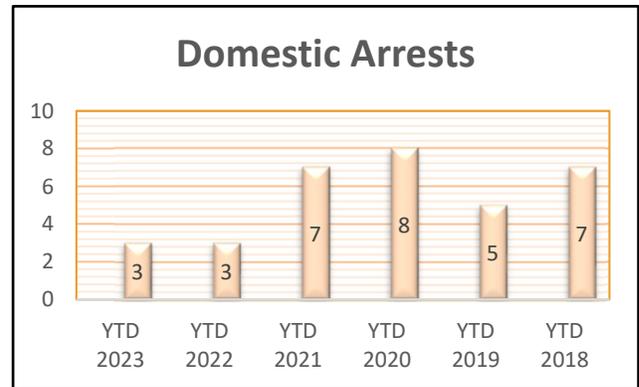
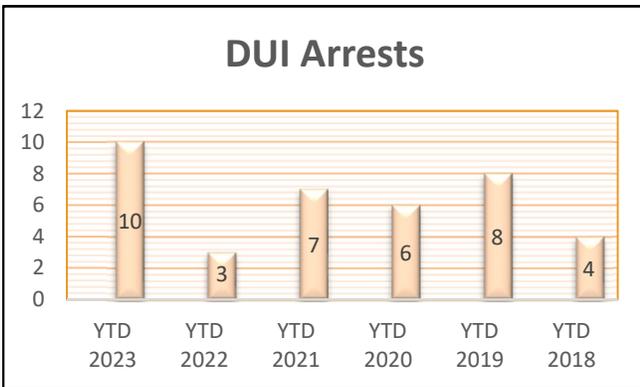
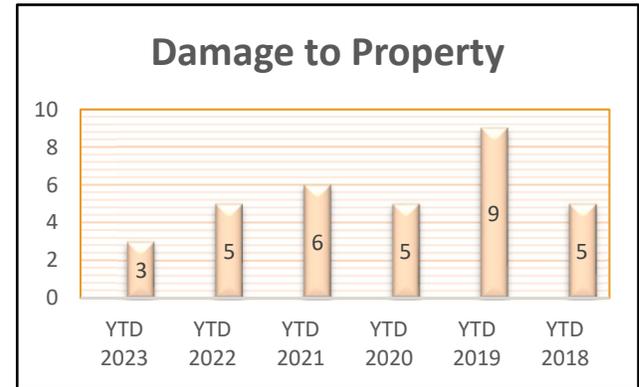
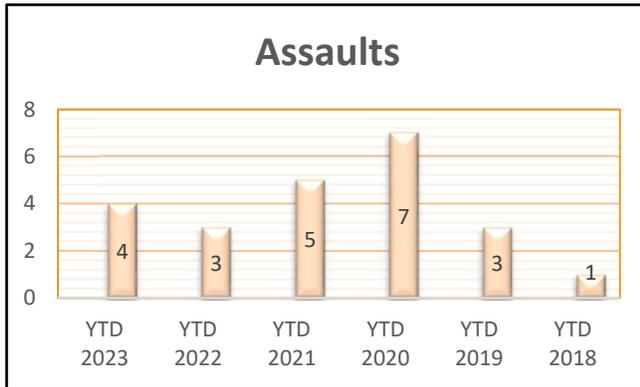
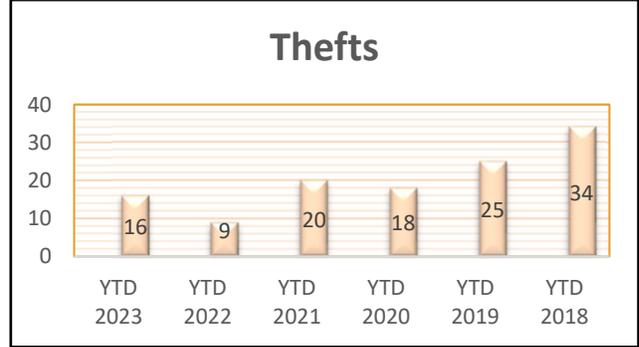
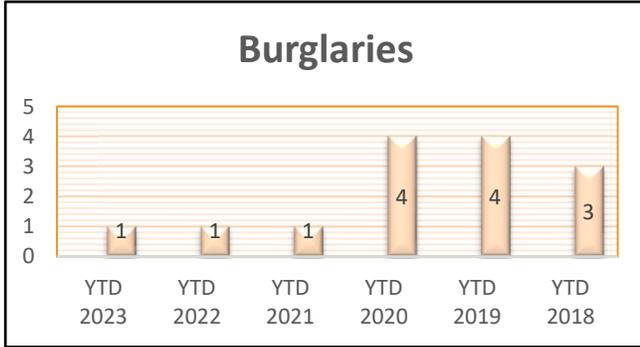
CITY OF EAST BETHEL CSO'S ACTIVITY - MARCH 2023

OFFENSE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD 2023	YTD 2022
Call for Service	27	45	31										103	79
Accident Assist	1	3	4										8	8
Vehicle Lock Out	1	4	1										6	6
Extra Patrol	0	0	0										0	14
House Check	0	0	0										0	0
Business Check	0	0	0										0	0
Animal Complaints	11	13	2										26	9
Traffic Assist	0	0	0										0	14
Aids: Agency	0	0	0										0	40
Aids: Public	14	25	24										63	40
Paper Service	0	0	0										0	0
Inspections	0	0	0										0	0
Ordinance Viol	0	0	0										0	3



CITY OF EAST BETHEL

YEAR TO DATE - MARCH 2018-2023

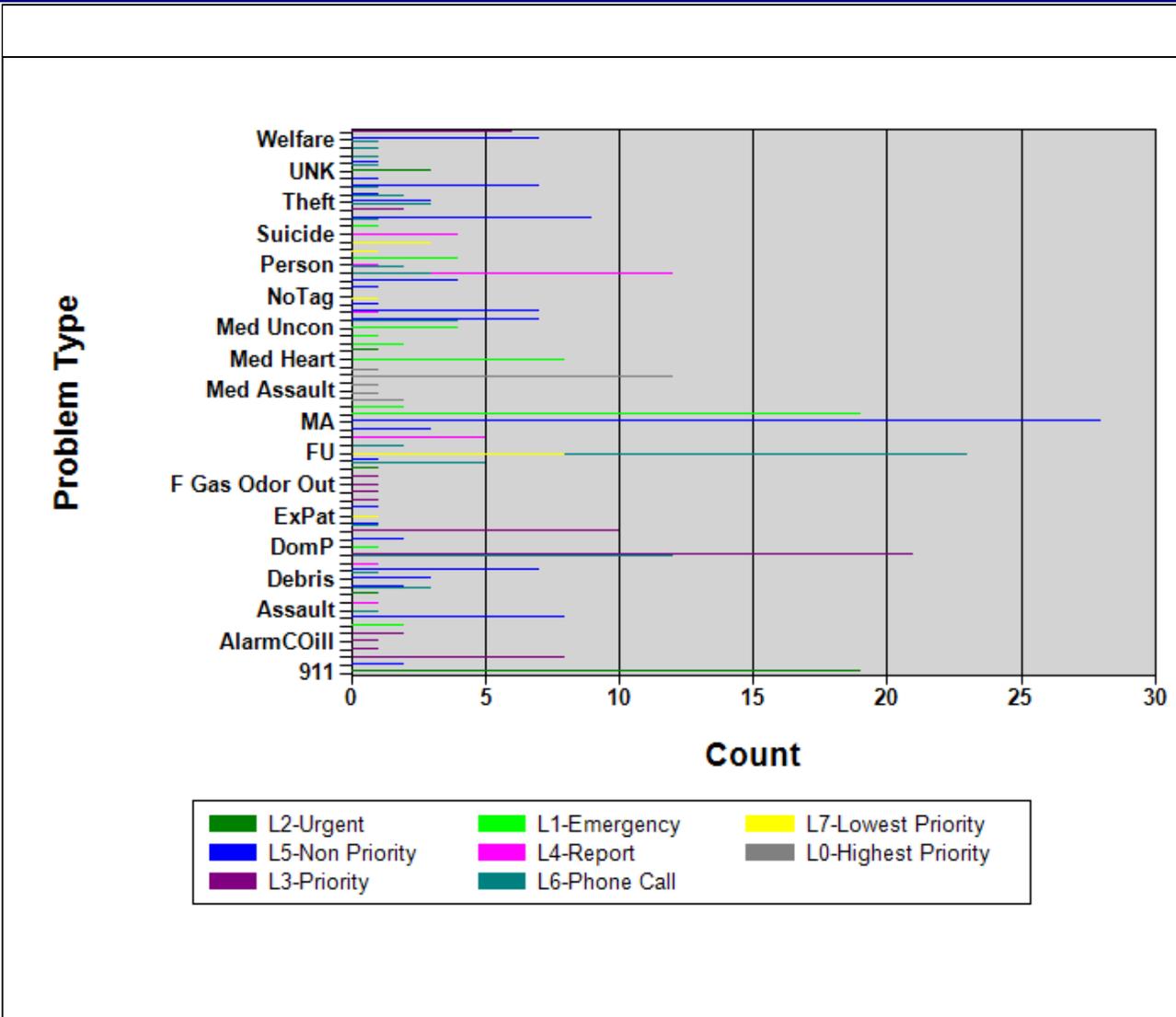


Problem Type Summary

2:17 PM 04/07/2023

Data Source: Data Warehouse

Agency:	LAW ENFORCEMENT
Division:	East Bethel Law
Day Range:	Date From 3/1/2023 To 3/31/2023
Exclusion:	• Calls canceled before first unit assigned



Priority	Description
0	L0-Highest Priority
1	L1-Emergency
2	L2-Urgent
3	L3-Priority
4	L4-Report
5	L5-Non Priority
6	L6-Phone Call
7	L7-Lowest Priority

Problem Type	Priority								Total
	0	1	2	3	4	5	6	7	
911	0	0	19	0	0	0	0	0	19
Abandon	0	0	0	0	0	2	0	0	2
Abuse	0	0	0	0	0	0	0	0	0
AbuseP	0	0	0	0	0	0	0	0	0
AlarmB	0	0	0	8	0	0	0	0	8

AlarmCO	0	0	0	1	0	0	0	0	1
AlarmCOill	0	0	0	1	0	0	0	0	1
AlarmF	0	0	0	2	0	0	0	0	2
AlarmFsmoke	0	0	0	0	0	0	0	0	0
AlarmHoldup	0	2	0	0	0	0	0	0	2
AlarmV	0	0	0	0	0	0	0	0	0
AlarmWF	0	0	0	0	0	0	0	0	0
Animal	0	0	0	0	0	8	0	0	8
AnimalResc	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Assault	0	0	0	0	1	0	1	0	2
AssaultP	0	0	0	0	0	0	0	0	0
Boat Assist	0	0	0	0	0	0	0	0	0
Bomb	0	0	0	0	0	0	0	0	0
BombP	0	0	0	0	0	0	0	0	0
Broadcast	0	0	0	0	0	0	0	0	0
Burg	0	0	0	0	1	0	0	0	1
BurgP	0	0	1	0	0	0	0	0	1
Civil	0	0	0	0	0	2	3	0	5
CivilP	0	0	0	0	0	0	0	0	0
CSC	0	0	0	0	0	0	0	0	0
Debris	0	0	0	0	0	3	0	0	3
Deer	0	0	0	0	0	7	1	0	8
Disorderly	0	0	0	0	1	0	0	0	1
Dom	0	0	0	21	1	0	12	0	34
DomP	0	1	0	0	0	0	0	0	1
Drugs	0	0	0	0	0	2	0	0	2
DUI	0	0	0	10	0	0	0	0	10
Dumping	0	0	0	0	0	0	0	0	0
Escort	0	0	0	0	0	1	1	0	2
ExPat	0	0	0	0	0	0	0	1	1
F Aircraft	0	0	0	0	0	0	0	0	0
F Assist	0	0	0	0	0	1	0	0	1
F CleanUp	0	0	0	0	0	0	0	0	0
F Collapse	0	0	0	1	0	0	0	0	1
F Dump	0	0	0	0	0	0	0	0	0
F Elec Smell	0	0	0	1	0	0	0	0	1
F Expl	0	0	0	0	0	0	0	0	0
F Gas Odor In	0	0	0	0	0	0	0	0	0
F Gas Odor Out	0	0	0	1	0	0	0	0	1
F Grass fire	0	0	0	0	0	0	0	0	0
F Illegal	0	0	0	0	0	0	0	0	0
F Misc	0	0	0	1	0	0	0	0	1
F Mutual Aid	0	0	0	0	0	0	0	0	0
F Oven	0	0	0	0	0	0	0	0	0
F Powerlines	0	0	0	0	0	0	0	0	0
F SmokeIn	0	0	0	0	0	0	0	0	0
F SmokeOut	0	0	0	0	0	0	0	0	0
F Structure	0	0	0	0	0	0	0	0	0
F Train	0	0	0	0	0	0	0	0	0
F Veh	0	0	1	0	0	0	0	0	1
F Water Rescue	0	0	0	0	0	0	0	0	0
Fight	0	0	0	0	0	0	0	0	0
Flood in	0	0	0	0	0	0	0	0	0
Flood out	0	0	0	0	0	0	0	0	0
Fraud	0	0	0	0	0	1	5	0	6
FraudP	0	0	0	0	0	0	0	0	0
FU	0	0	0	0	0	0	23	8	31
FW	0	0	0	0	0	0	0	0	0
Gun	0	0	0	0	0	0	0	0	0
Harass	0	0	0	0	0	0	2	0	2
Info	0	0	0	0	0	0	0	0	0
Lift Assist	0	0	0	0	5	0	0	0	5
Liq	0	0	0	0	0	0	0	0	0
Lockout	0	0	0	0	0	3	0	0	3
LockoutP	0	0	0	0	0	0	0	0	0

MA	0	0	0	0	0	28	0	0	28
MASS	0	0	0	0	0	0	0	0	0
Med -	0	19	0	0	0	0	0	0	19
Med Alarm	0	2	0	0	0	0	0	0	2
Med Allergic	2	0	0	0	0	0	0	0	2
Med Assault	1	0	0	0	0	0	0	0	1
Med Bleed	1	0	0	0	0	0	0	0	1
Med Breathing Diff	12	0	0	0	0	0	0	0	12
Med Breathing Not	0	0	0	0	0	0	0	0	0
Med Choking	1	0	0	0	0	0	0	0	1
Med Drown	0	0	0	0	0	0	0	0	0
Med Electro	0	0	0	0	0	0	0	0	0
Med Fall	0	0	0	0	0	0	0	0	0
Med Heart	0	8	0	0	0	0	0	0	8
Med Hold	0	0	1	0	0	0	0	0	1
Med ILL	0	2	0	0	0	0	0	0	2
Med Info	0	0	0	0	0	0	0	0	0
Med OB	0	0	0	0	0	0	0	0	0
Med Priority	0	0	0	0	0	0	0	0	0
Med Seizure	0	1	0	0	0	0	0	0	1
Med Stab-Gunshot	0	0	0	0	0	0	0	0	0
Med Stroke	0	0	0	0	0	0	0	0	0
Med Uncon	0	4	0	0	0	0	0	0	4
Medex	0	0	0	0	0	0	0	0	0
Misc	0	0	0	0	0	7	4	0	11
MiscO	0	0	0	0	1	7	0	0	8
Mutual Aid Law	0	0	0	0	0	0	0	0	0
Noise	0	0	0	0	0	1	0	0	1
NoTag	0	0	0	0	0	0	0	1	1
Ord	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	1	0	0	1
Park	0	0	0	0	0	4	0	0	4
PD	0	0	0	0	12	0	3	0	15
Person	0	0	0	0	1	0	2	0	3
PI	0	4	0	0	0	0	0	0	4
POR	0	0	0	0	0	0	0	0	0
Property	0	0	0	0	0	0	0	0	0
PW	0	0	0	0	0	0	0	1	1
REPO-TOW	0	0	0	0	0	0	0	3	3
RJ	0	0	0	0	0	0	0	0	0
RoadClosure	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
RobberyP	0	0	0	0	0	0	0	0	0
Shots	0	0	0	0	0	0	0	0	0
Slumper	0	0	0	0	0	0	0	0	0
StolenProp	0	0	0	0	0	0	0	0	0
Suicide	0	0	0	0	4	0	0	0	4
SuicideP	0	1	0	0	0	0	0	0	1
Susp	0	0	0	0	0	9	1	0	10
SuspP	0	0	0	2	0	0	0	0	2
Theft	0	0	0	0	0	3	3	0	6
TheftP	0	0	0	0	0	0	0	0	0
Threat	0	0	0	0	0	1	2	0	3
ThreatP	0	0	0	0	0	0	0	0	0
Traf	0	0	0	0	0	7	1	0	8
Tres	0	0	0	0	0	1	0	0	1
UNK	0	0	3	0	0	0	0	0	3
Unsecure	0	0	0	0	0	0	0	0	0
Vand	0	0	0	0	0	1	1	0	2
VandP	0	0	0	0	0	0	0	0	0
VehTheft	0	0	0	0	0	0	1	0	1
VehTheftP	0	0	0	0	0	0	0	0	0
Weapon	0	0	0	0	0	0	1	0	1
Weather	0	0	0	0	0	0	0	0	0
Welfare	0	0	0	0	0	7	1	0	8
WelfareP	0	0	0	0	0	0	0	0	0

WT

Item 4.0 C, Attachment 3

Total

0	0	0	6	0	0	0	0	6
17	44	25	55	27	107	68	14	357

**City of East Bethel
City Council Meeting
Agenda Item Information**



Date: April 24, 2023

Agenda Item Number: Item 4.0 D

Agenda Item: Fire Department Report

Background Information:

Fire Chief Rodney Sanow will present the Fire Department's monthly report.

Attachment(s):

Attachment 1 – March 2023 calls and call graph

Fiscal Impact:

Recommendation(s): Information item only. No Action Required



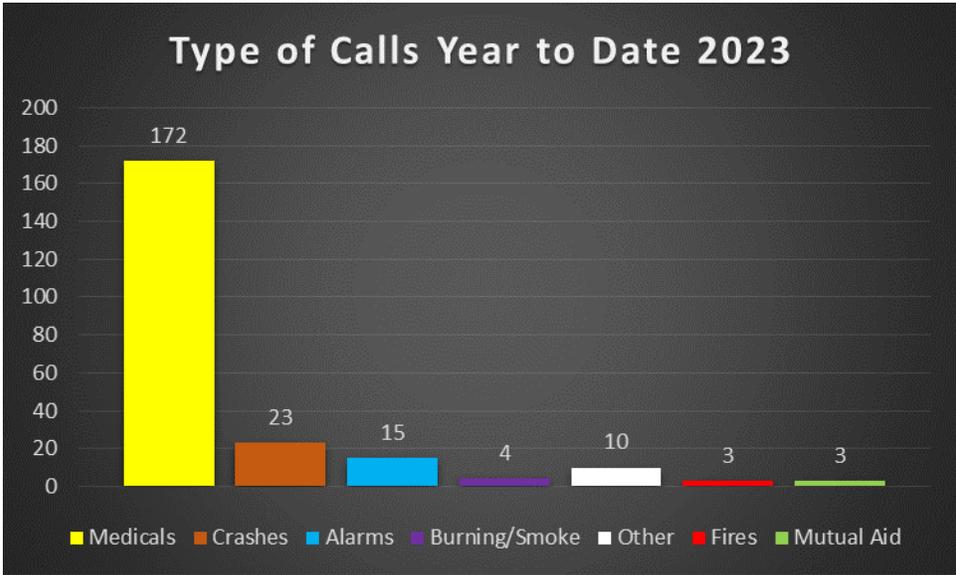
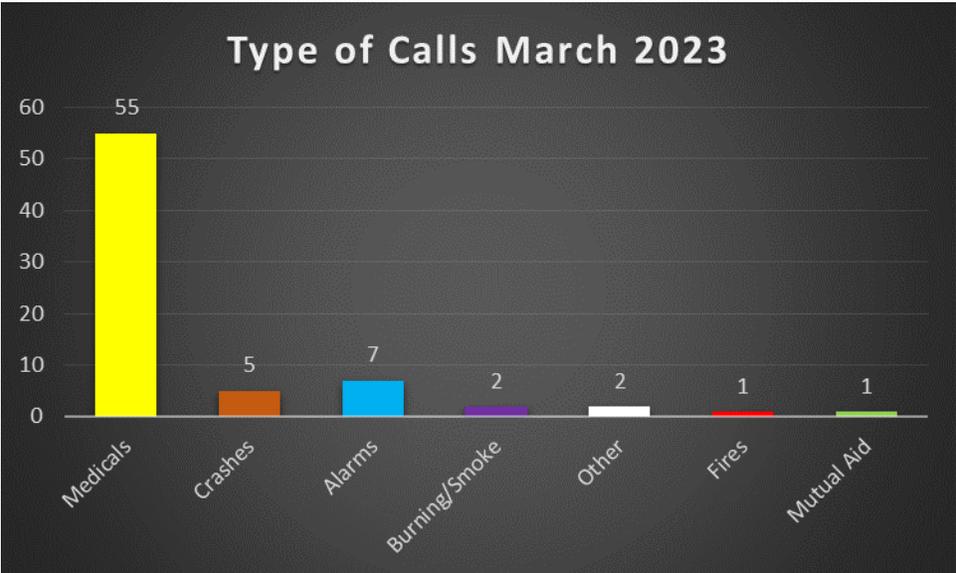
East Bethel Fire Department March 2023 Response Calls

Incident No.	Incident Date	Street Address	Incident Type
158	3/1/2023	21975 Van Buren Streets Northeast	Other
159	3/1/2023	18800 Ulysses Street Northeast	EMS call
160	3/3/2023	4453 229th Avenue Northeast	EMS call
161	3/3/2023	330 Laurel Road Northeast	Alarms
162	3/3/2023	1635 207th Lane Northeast	Other
163	3/3/2023	21203 Okinawa Street Northeast	Alarms
164	3/3/2023	19848 East Bethel Boulevard Northeast	Burning/Smoke
165	3/4/2023	20310 Jewell Street Northeast	EMS call
166	3/4/2023	19484 Jamestown Street Northeast	EMS call
167	3/5/2023	3538 190th Avenue Northeast	EMS call
168	3/5/2023	18215 Fillmore Street Northeast	Alarms
169	3/5/2023	Hwy 65 Northeast and 221st Ave	EMS call
170	3/5/2023	24355 Hwy 65 Northeast Apt 175	EMS call
171	3/6/2023	24355 Hwy 65 Northeast Apt 92	EMS call
172	3/6/2023	21908 Zumbrota Street Northeast	EMS call
173	3/6/2023	4758 200th Lane Northeast	EMS call
174	3/7/2023	19131 Taylor Street Northeast Apt 12	EMS call
175	3/8/2023	19980 Naples Court Northeast	EMS call
176	3/8/2023	18333 Yancy Street Northeast	EMS call
177	3/9/2023	18357 Everglade Drive Northeast	EMS call
178	3/9/2023	19131 Taylor Street Northeast Apt 309	EMS call
179	3/10/2023	23614 Monroe Street Northeast	EMS call
180	3/10/2023	1105 Klondike Drive Northeast	EMS call
181	3/10/2023	22999 3rd Street Northeast	EMS call
182	3/10/2023	2717 183rd Avenue Northeast	EMS call
183	3/10/2023	18164 Hwy 65 Northeast Apt #6	EMS call
184	3/11/2023	24355 Hwy 65 Northeast Apt #92	EMS call
185	3/11/2023	24355 Hwy 65 Northeast Apt 134	EMS call
186	3/12/2023	2748 222nd Lane Northeast	EMS call
187	3/12/2023	22529 University Avenue Northeast	EMS call
188	3/13/2023	2748 222nd Lane Northeast	EMS call
189	3/13/2023	19131 Taylor Street Northeast Apt 328	EMS call
190	3/14/2023	24355 Hwy 65 Northeast Apt 104	EMS call
191	3/14/2023	19312 Taylor Street Northeast	EMS call
192	3/14/2023	Hwy 65 and 205th Ave	Fire
193	3/14/2023	Hwy 65 Northeast and Viking Boulevard	Crash
194	3/15/2023	18922 Yalta Street Northeast	EMS call
195	3/16/2023	18164 Hwy 65 Northeast Apt 56	EMS call
196	3/16/2023	3112 199 Avenue Northeast	EMS call

Incident No.	Incident Date	Street Address	Incident Type
197	3/16/2023	18164 Hwy 65 Northeast Apt 76	EMS call
198	3/17/2023	24000 Hwy 65 Northeast	Crash
199	3/17/2023	2120 Deerwood Lane Northeast	EMS call
200	3/17/2023	22047 Martin Lake Road Northeast	Mutual Aid
201	3/19/2023	18913 Jewell Street Northeast	EMS call
202	3/19/2023	18913 Jewell Street Northeast	EMS call
203	3/20/2023	24355 Hwy 65 Northeast Apt 81	EMS call
204	3/20/2023	20761 Eveleth Street Northeast	Alarms
205	3/20/2023	24355 Hwy 65 Northeast Apt 132	EMS call
206	3/21/2023	23733 Marmon Street Northeast	EMS call
207	3/21/2023	1714 207 Avenue Northeast	EMS call
208	3/22/2023	2385 Viking Boulevard Northeast	EMS call
209	3/23/2023	23675 Opal Street Northeast	EMS call
210	3/23/2023	20863 Tyler Street Northeast	EMS call
211	3/23/2023	19001 Jackson Street Northeast	Burning/Smoke
212	3/23/2023	19131 Taylor Street Northeast Apt 07	EMS call
213	3/24/2023	19434 4th Street Northeast	EMS call
214	3/25/2023	Hwy 65 Northeast and Viking Blvd NE	Crash
215	3/25/2023	178 Maple Street Northeast	EMS call
216	3/25/2023	Hwy 65 Northeast and Viking Blvd	Crash
217	3/26/2023	1664 209th Avenue Northeast	Alarms
218	3/26/2023	24255 Fillmore Circle Northeast	EMS call
219	3/28/2023	20350 Monroe Court Northeast	Alarms
220	3/28/2023	18164 Hwy 65 Northeast Apt 162	EMS call
221	3/28/2023	22400 Hwy 65 Northeast	Crash
222	3/28/2023	24123 Pierce Street Northeast	EMS call
223	3/28/2023	4832 Viking Boulevard Northeast	EMS call
224	3/28/2023	19307 Leyte Street Northeast	EMS call
225	3/29/2023	456 193rd Lane Northeast	EMS call
226	3/29/2023	20803 Goodhue Street Northeast	EMS call
227	3/29/2023	24355 Hwy 65 Northeast Apt 111	EMS call
228	3/30/2023	1664 209th Avenue Northeast	Alarms
229	3/31/2023	18462 Yancy Court Northeast	EMS call
230	3/31/2023	24357 Pierce Street Northeast	EMS call

73 Total calls

- 55 Medicals
- 5 Crashes
- 7 Alarms
- 2 Burning/Smoke
- 2 Other
- 1 Fires
- 1 Mutual Aid



**City of East Bethel
City Council Meeting
Agenda Item Information**



Date: April 24, 2023

Agenda Item Number: 4.0 E

Agenda Item: MS4 Ordinance Amendments

Background Material:

As the City of East Bethel has a population greater than 10,000, we are federally required to obtain a Municipal Separate Storm Sewer System (MS4) permit for managing non-point source storm water. Non-point source storm water is generally the overland flow of storm water that does not originate from a single discharge, otherwise known as point-source storm water.

The City of East Bethel has developed a Storm Water Pollution Prevention Plan as required by the National Pollutant Discharge Elimination Program, which authorizes City's to discharge storm water to the public water system. The goal of the Storm Water Pollution Prevention Program is to reduce the discharge of pollutants into receiving waters to the maximum extent practicable. The NPDES permit is issued through the Minnesota Pollution Control Agency. The City's current permit is included as Attachment 1. The permit replaces the previous permit that was in place in 2013. The expiration date shown on the General Permit in Attachment 1 is two years behind the schedule of the 2013 permit due to COVID related issues in the timely issuance of the 2018 permit.

Several code updates are required to comply with the new permit. The three codes that require amendments are summarized below:

1. City Code Chapter 10, Animals
 - Section 18.5 of the General Permit (Attachment 1) requires a regulator mechanism be developed to remove and properly dispose of pet waste on City-owned property. Ordinance No. 2023-03, which is included as Attachment 2, adds Section 10-1. Animal Waste to City Code Chapter 10.
2. City Code Chapter 66, Subdivisions
 - Section 18.6 of the General Permit (Attachment 1) requires a regulator mechanism be developed to require proper salt storage at certain facilities. Ordinance No. 2023-05, which is included as Attachment 3, adds Section 66-171 - Salt Storage, to the City Code Chapter 66. Best Management Practices are defined in the MPCA Administrative Rules, Chapter 7090. Storm Water Regulatory Program, 7090.0080, subpart 2.
3. City Code Appendix A, Zoning, Section 35, Grading, Filling and Excavation
 - Section 20.7 of the General Permit (Attachment 1) has added a new water quantity requirement for linear projects. Ordinance No. 2023-06, which is included as Attachment 4, adds Paragraph 7.B.2.b.iv to address this requirement. Section 27.18 of the General Permit provides a definition for linear projects.
 - Section 20.9 of the General Permit (Attachment 1) addresses when infiltration systems are prohibited. Ordinance No. 2023-06, which is included as Attachment 4, adds

Paragraph 7.B.2.c which includes the new permit language and replaces Paragraphs 7.B.2.c and 7.B.2.d.

Attachment(s):

Attachment 1 – MS4 General Permit

Attachment 2 – Ordinance 2023-03: Ch 10, Article I, Animal Waste

Attachment 3 – Ordinance 2023-05: Ch 66, Art IV, Sec 66-171, Salt Storage

Attachment 4 – Ordinance 2023-06: City Code Appendix A, Zoning, Section 35, Grading, Filling and Excavation, paragraphs 7.B.2.b.iv and 7.B.2.c

Fiscal Impact: To be determined

Recommendation(s):

Staff is requesting that City Council conduct a public hearing to receive comments on amendments to Ordinance 2023-03, 2023-05 and 2023-06, and at the conclusion of the hearing and City Council discussion of this item, approve those amendments to Ordinances 2023-03, Ordinances 2023-05 and Ordinances 2023-06 Paragraphs 7.B.2.b.iv and 7.B.2.c, as exhibited in Attachments 2, 3 and 4.

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

**AUTHORIZATION TO DISCHARGE STORMWATER
ASSOCIATED WITH SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS
UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/
STATE DISPOSAL SYSTEM (SDS) PROGRAM
MS400087**

Permittee: City of East Bethel
Coverage issuance date: October 22, 2021
Expiration date: November 15, 2025

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to operate a small municipal separate storm sewer system (MS4) and to discharge from the small MS4 to receiving waters, in accordance with the requirements of the Small Municipal Separate Storm Sewer Systems General Permit MNR040000 (General Permit).

The goal of the General Permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

The MPCA issued the General Permit on November 16, 2020, however the permittee received coverage under the General Permit on the coverage issuance date identified above. The General Permit expires at midnight on the expiration date identified above.

Signature: *Duane Duncanson*

for the Minnesota Pollution Control Agency

This document has been electronically signed.

Duane Duncanson
Supervisor
Municipal Stormwater Unit
Municipal Division

If you have questions about the General Permit, including specific permit requirements, permit reporting, or permit compliance status, please contact the MPCA at:

Municipal Stormwater Program
Municipal Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Telephone: 651-296-6300 or toll free in Minnesota: 800-657-3864

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1.1	Eligibility. [Minn. R. 7090]
1.2	To be eligible for authorization to discharge stormwater under the Small Municipal Separate Storm Sewer Systems General Permit (General Permit), the applicant must be an owner and/or operator (owner/operator) of a small Municipal Separate Storm Sewer System (MS4) and meet one or more of the criteria requiring permit issuance as specified in Minn. R. 7090.1010. [Minn. R. 7090.1010]
2.1	Authorized Stormwater Discharges. [Minn. R. 7090]
2.2	The General Permit authorizes stormwater discharges from small MS4s as defined in 40 CFR 122.26(b)(16). [Minn. R. 7090]
3.1	Authorized Non-Stormwater Discharges. [Minn. R. 7090]
3.2	The following categories of non-stormwater discharges or flows are authorized under the General Permit to enter the permittee's small MS4 only if the permittee does not identify them as significant contributors of pollutants (i.e., illicit discharges), in which case the discharges or flows must be addressed in the permittee's Stormwater Pollution Prevention Program (SWPPP): water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(b)(20)), uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from firefighting activities. [Minn. R. 7090]
4.1	Limitations on Authorization. [Minn. R. 7090]
4.2	The following discharges or activities are not authorized by the General Permit: <ul style="list-style-type: none"> a. non-stormwater discharges, except those authorized by the permittee in item 3.2; b. discharges of stormwater to the small MS4 from activities requiring a separate NPDES/SDS permit. The General Permit does not replace or satisfy any other permitting requirements; c. the General Permit does not replace or satisfy any environmental review requirements, including those under the Minnesota Environmental Policy Act (Minn. Stat. 116D), or the National Environmental Policy Act (42 U.S.C. 4321 et seq.); d. the General Permit does not replace or satisfy any review requirements for endangered or threatened species, from new or expanded discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species, or adversely modify a designated critical habitat; e. the General Permit does not replace or satisfy any review requirements for historic places or archeological sites, from new or expanded discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites; and f. discharges to prohibited outstanding resource value waters pursuant to Minn. R. 7050.0335, subp. 3. <p>Only the permittee's small MS4 and the portions of the storm sewer system that are under the permittee's operational control are authorized by the General Permit. [Minn. R. 7090]</p>
5.1	Permit Authorization. [Minn. R. 7001]
5.2	The applicant must submit a complete application in accordance with Sections 9 through 12 in order to obtain authorization to discharge stormwater from a small MS4 under the General Permit. [Minn. R. 7001]
5.3	The Commissioner reviews the General Permit application for completeness. After review, the Commissioner will do one of the following: <ul style="list-style-type: none"> a. if an application is determined to be incomplete, the Commissioner will notify the applicant in writing, indicate why the application is incomplete, and request that the applicant resubmit the application; or b. if an application is determined to be complete, the Commissioner will make a preliminary determination as to whether coverage under the General Permit should be issued or denied in accordance with Minn. R. 7001. [Minn. R. 7001]
5.4	The Commissioner provides a public notice with the opportunity for a hearing on the preliminary determination to issue coverage under the General Permit. [Minn. R. 7001]
5.5	Upon receipt of written notification of final approval of the application from the Commissioner, the applicant is authorized to discharge stormwater from the small MS4 under the terms and conditions of the General Permit. [Minn. R. 7001]

6.1	Transfer of Ownership or Control. [Minn. R. 7001, Minn. R. 7090.0080]
6.2	Where the ownership or significant operational control of the small MS4 changes after the submittal of an application in accordance with Sections 9 through 12, the new owner/operator must submit a new application in accordance with Sections 9 through 12. [Minn. R. 7090]
7.1	Issuance of Individual Permits. [Minn. R. 7001]
7.2	The permit applicant may request an individual permit in accordance with Minn. R. 7001.0210, subp. 6, for authorization to discharge stormwater associated with a small MS4. [Minn. R. 7001.0210, subp. 6]
7.3	The Commissioner may require an individual permit for the permit applicant or permittee covered by a general permit, in accordance with Minn. R. 7001.0210, subp. 6. [Minn. R. 7001.0210, subp. 6]
8.1	Rights and Responsibilities. [Minn. R. 7001, Minn. R. 7090]
8.2	The Commissioner may modify the General Permit or issue other permits, in accordance with Minn. R. 7001, to include more stringent effluent limitations or permit requirements that modify or are in addition to the Minimum Control Measures of the General Permit, or both. These modifications may be based on the Commissioner's determination that such modifications are needed to protect water quality. [Minn. R. 7001]
8.3	The Commissioner may designate additional small MS4s for coverage under the General Permit in accordance with Minn. R. 7090. The owner/operator of a small MS4 that is designated for coverage must comply with the permit requirements by the dates specified in the Commissioner's determination. [Minn. R. 7090]
9.1	Application for Reissuance. [Minn. R. 7001]
9.2	If an existing permittee desires to continue permit coverage beyond the expiration date, the permittee must submit an application for permit reissuance: Due by 180 days prior to permit expiration. [Minn. R. 7001.0040, subp. 3]
10.1	New Permittee Applicants. [Minn. R. 7090]
10.2	To become a new permittee authorized to discharge stormwater under the General Permit, the owner/operator of a small MS4 must submit an application, on a form provided by the Agency, in accordance with the schedule in Appendix B, Table 3, and the following requirements: a. submit Part 1 of the permit application (includes the permit application fee); and b. submit Part 2 of the permit application, also known as the Stormwater Pollution Prevention Program (SWPPP) document, in accordance with Section 12. [Minn. R. 7090]
11.1	Existing Permittee Applicants. [Minn. R. 7090]
11.2	All existing permittees seeking to continue discharging stormwater associated with a small MS4 after the issuance date of the General Permit must submit Part 2 of the permit application: Due by 150 days after permit issuance. Existing permittees were required to submit Part 1 of the permit application prior to the expiration date (July 31, 2018) of the Agency's small MS4 general permit No.MNR040000, effective August 1, 2013. [Minn. R. 7090]
12.1	Stormwater Pollution Prevention Program (SWPPP) Document. [Minn. R. 7090]
12.2	All applicants must submit a SWPPP Document (i.e., Part 2 of the permit application) when seeking coverage under the General Permit. The SWPPP Document will become an enforceable part of the General Permit upon approval by the Agency. Modifications to the SWPPP Document that are required or allowed by the General Permit (see Section 24) will also become enforceable provisions. The applicant must submit the SWPPP Document on a form provided by the Agency. The applicant's SWPPP Document must include items 12.3 through 12.11, as applicable. [Minn. R. 7090]
12.3	The applicant must provide a description of partnerships with another regulated small MS4(s), into which the applicant has entered in order to satisfy one or more requirements of the General Permit. [Minn. R. 7090]
12.4	The applicant must provide a description of each program the applicant has developed and implemented to satisfy the Minimum Control Measure (MCM) requirements, including: a. the Best Management Practices (BMPs) the applicant has implemented for each MCM at the time of application; b. the status of each required component of the program; and c. name(s) of individual(s) or position titles responsible for implementing and/or coordinating each component of the program.

	<p>If the program has not been developed at the time of application (e.g., new permittee applicants), or revised to meet new requirements of the General Permit (e.g., existing permittee applicants); the applicant must satisfy the permit requirements in accordance with the schedule in Appendix B, Table 2 (existing permittee applicants), or Table 3 (new permittee applicants). [Minn. R. 7090]</p>
12.5	<p>The applicant must indicate whether each storm sewer system map requirement of Section 14 is satisfied at the time of application. For each requirement of Section 14 that is not satisfied at the time of application, the applicant must satisfy the permit requirements in accordance with the schedule in Appendix B, Table 2 (existing permittee applicants), or Table 3 (new permittee applicants). [Minn. R. 7090]</p>
12.6	<p>The applicant must provide a description of existing regulatory mechanism(s) the applicant has developed, implemented, and enforced to satisfy the requirements of Sections 18, 19, and 20. At a minimum, the applicant must provide the following information:</p> <ul style="list-style-type: none">a. the type(s) of regulatory mechanism(s) the applicant has in place at the time of application that will be used to satisfy the requirements;b. the status of each required component of the regulatory mechanism(s); andc. if available, a website address to the regulatory mechanism(s). <p>If the regulatory mechanism(s) have not been developed at the time of application (e.g., new permittee applicants), or revised to meet new requirements of the General Permit (e.g., existing permittee applicants); the applicant must satisfy the permit requirements in accordance with the schedule in Appendix B, Table 2 (existing permittee applicants), or Table 3 (new permittee applicants). [Minn. R. 7090]</p>
12.7	<p>The applicant must provide a description of existing enforcement response procedures (ERPs) the applicant has developed and implemented that satisfy the ERP requirements of items 18.14, 19.12, and 20.19. If the applicant has not yet developed ERPs (e.g., new permittee applicants), or existing ERPs must be updated to satisfy new requirements, the applicant must satisfy the permit requirements in accordance with the schedule in Appendix B, Table 2 (existing permittee applicants), or Table 3 (new permittee applicants). [Minn. R. 7090]</p>
12.8	<p>The applicant must submit a compliance schedule for each applicable Waste Load Allocation (WLA) not being met for oxygen demand, nitrate, total suspended solids (TSS), and total phosphorus (TP). The applicant may develop a compliance schedule to include multiple WLAs. The applicant's compliance schedule must include the following information:</p> <ul style="list-style-type: none">a. proposed BMPs or progress toward implementation of BMPs to be achieved during the permit term;b. the year each BMP is expected to be implemented;c. a target year the applicable WLA(s) will be achieved; andd. if the applicant has an applicable WLA for TSS or TP, a cumulative estimate of TSS and TP load reductions (in pounds) to be achieved during the permit term and the Agency-approved method used to determine the estimate. <p>Agency-approved methods include "Program for Predicting Polluting Particle Passage thru Pits, Puddles, and Ponds (P8) Urban Catchment Model", "Source Loading and Management Model for Windows (WinSLAMM)", "Minimal Impact Design Standards (MIDS) calculator", "Minnesota Pollution Control Agency (MPCA) simple estimator tool", or any other method that receives Agency-approval. [Minn. R. 7090]</p>
12.9	<p>For each applicable WLA where a reduction in pollutant loading is required for bacteria, chloride, and temperature, the applicant must provide a description of any existing BMPs the applicant has developed and implemented to satisfy the requirements of items 22.3 through 22.7, including:</p> <ul style="list-style-type: none">a. the BMPs the applicant has implemented for each required component at the time of application;b. the status of each required component; andc. name(s) of individual(s) or position titles responsible for implementing and/or coordinating each required component. <p>If the required components have not been developed at the time of application (e.g., new permittee applicants), or revised to meet new requirements of the General Permit (e.g., existing permittee applicants); the applicant must satisfy the permit requirements in accordance with the schedule in Appendix B, Table 2 (existing permittee applicants), or Table 3 (new permittee applicants). [Minn. R. 7090]</p>

12.10	<p>If the applicant is claiming to meet an applicable WLA where a reduction in pollutant loading is required for oxygen demand, nitrate, TSS, or TP, the applicant must provide documentation to demonstrate the applicable WLA is being met. At a minimum, the applicant must provide the following information:</p> <ul style="list-style-type: none">a. a list of all structural stormwater BMPs implemented to achieve the applicable WLA, including the BMP type (e.g., constructed basin, infiltrator, filter, swale or strip, etc.), location in geographic coordinates, owner, and year implemented; andb. documentation using an Agency-approved method, which demonstrates the estimated reductions of oxygen demand (or its surrogate pollutants), nitrate, TSS, or TP from BMPs meet the MS4 WLA reductions included in the TMDL report, if that information is available (e.g., percent reduction or pounds reduced); orc. documentation using an Agency-approved method, which demonstrates the applicant's existing load meets the WLA. [Minn. R. 7090]
12.11	<p>For the requirements of Section 23, alum or ferric chloride phosphorus treatment systems, if applicable, the applicant must submit the following information:</p> <ul style="list-style-type: none">a. location of the system in geographic coordinates;b. name(s) of the individual(s) or position titles responsible for the operation of the system;c. information described in item 23.11, if the system is constructed at the time the applicant submits the application to the Agency;d. indicate if the system complies with the requirements in Section 23; ande. if applicable, for each requirement in Section 23 that the applicant's system does not comply with at the time of application, the applicant must bring the system into compliance in accordance with the schedule in Appendix B, Table 2 (existing permittee applicants), or Table 3 (new permittee applicants). [Minn. R. 7090]
13.1	<p>Stormwater Pollution Prevention Program (SWPPP). [Minn. R. 7090]</p>
13.2	<p>The permittee must develop, implement, and enforce a SWPPP designed to reduce the discharge of pollutants from the small MS4 to the Maximum Extent Practicable (MEP) and to protect water quality. Existing permittees regulated within the urbanized area as defined by the United States Census Bureau, the applicable urbanized area for which the permittee must develop, implement, and enforce a SWPPP can be based on the most recent decennial census of 2010 for the duration of the General Permit. [Minn. R. 7090]</p>
13.3	<p>If the permittee enters into a partnership for purposes of meeting SWPPP requirements, the permittee maintains legal responsibility for compliance with the General Permit. [Minn. R. 7090]</p>
13.4	<p>Existing permittees must revise their SWPPP developed under the Agency's small MS4 general permit No.MNR040000 that was effective August 1, 2013, to meet the requirements of the General Permit in accordance with the schedule in Appendix B, Table 2. New permittees must develop, implement, and enforce their SWPPP in accordance with the schedule in Appendix B, Table 3. The permittee's SWPPP must consist of Sections 14 through 23, as applicable. [Minn. R. 7090]</p>
14.1	<p>Mapping. [Minn. R. 7090]</p>
14.2	<p>New permittees must develop, and existing permittees must update, as necessary, a storm sewer system map that depicts the following:</p> <ul style="list-style-type: none">a. the permittee's entire MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes;b. outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinates;c. structural stormwater BMPs that are part of the permittee's MS4; andd. all receiving waters. [Minn. R. 7090]
15.1	<p>Minimum Control Measures (MCMs). [Minn. R. 7090.1040]</p>
15.2	<p>The permittee must incorporate the following six MCMs into the SWPPP. [Minn. R. 7090.1040]</p>
16.1	<p>MCM 1: Public Education and Outreach. [Minn. R. 7090]</p>
16.2	<p>New permittees must develop and implement, and existing permittees must revise their current program, as necessary, and continue to implement, a public education program to distribute educational materials or equivalent outreach that informs the public of the impact stormwater discharges have on waterbodies and that includes actions citizens, businesses,</p>

	and other local organizations can take to reduce the discharge of pollutants to stormwater. The permittee may use existing materials if they are appropriate for the message the permittee chooses to deliver, or the permittee may develop its own educational materials. The permittee may partner with other MS4 permittees, community groups, watershed management organizations, or other groups to implement its education and outreach program. The permittee must incorporate Section 16 requirements into their program. [Minn. R. 7090]
16.3	During the permit term, the permittee must distribute educational materials or equivalent outreach focused on at least two (2) specifically selected stormwater-related issues of high priority to the permittee (e.g., specific TMDL reduction targets, changing local business practices, promoting adoption of residential BMPs, lake improvements through lake associations, household chemicals, yard waste, etc.). The topics must be different from those described in items 16.4 through 16.6. [Minn. R. 7090]
16.4	At least once each calendar year, the permittee must distribute educational materials or equivalent outreach focused on illicit discharge recognition and reporting illicit discharges to the permittee. [Minn. R. 7090]
16.5	For cities and townships, at least once each calendar year, the permittee must distribute educational materials or equivalent outreach to residents, businesses, commercial facilities, and institutions, focused on the following: a. impacts of deicing salt use on receiving waters; b. methods to reduce deicing salt use; and c. proper storage of salt or other deicing materials. [Minn. R. 7090]
16.6	For cities and townships, at least once each calendar year, the permittee must distribute educational materials or equivalent outreach focused on pet waste. The educational materials or equivalent outreach must include information on the following: a. impacts of pet waste on receiving waters; b. proper management of pet waste; and c. any existing permittee regulatory mechanism(s) for pet waste. [Minn. R. 7090]
16.7	The permittee must develop and implement an education and outreach plan that consists of the following: a. target audience(s) (e.g., residents, businesses, commercial facilities, institutions, and local organizations; consideration should be given to low-income residents, people of color, and non-native English speaking residents. A resource to help identify these areas is available on the Agency's environmental justice website); b. name or position title of responsible person(s) for overall plan implementation; c. specific activities and schedules to reach each target audience; and d. a description of any coordination with and/or use of stormwater education and outreach programs implemented by other entities, if applicable. [Minn. R. 7090]
16.8	The permittee must document the following information: a. a description of all specific stormwater-related issues identified by the permittee in item 16.3; b. all information required under the permittee's education and outreach plan in item 16.7; c. activities held, including dates, to reach each target audience; d. quantities and descriptions of educational materials distributed, including dates distributed; and e. estimated audience (e.g., number of participants, viewers, readers, listeners, etc.) for each completed education and outreach activity. [Minn. R. 7090]
16.9	The permittee must conduct an annual assessment of the public education program to evaluate program compliance, the status of achieving the measurable requirements in Section 16, and determine how the program might be improved. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., education and outreach efforts, implementation of written plans, etc.). The permittee must perform the annual assessment prior to completion of each annual report and document any modifications made to the program as a result of the annual assessment. [Minn. R. 7090]
17.1	MCM 2: Public Participation/Involvement. [Minn. R. 7090]
17.2	New permittees must develop and implement, and existing permittees must revise their current program, as necessary, and continue to implement, a Public Participation/Involvement program to solicit public input on the SWPPP and involve the public in activities that improve or protect water quality. The permittee must incorporate Section 17 requirements into

	their program. [Minn. R. 7090]
17.3	Each calendar year, the permittee must provide a minimum of one (1) opportunity for the public to provide input on the adequacy of the SWPPP. The permittee may conduct a public meeting(s) to satisfy this requirement, provided appropriate local public notice requirements are followed and the public is given the opportunity to review and comment on the SWPPP. [Minn. R. 7090]
17.4	The permittee must provide access to the SWPPP Document, annual reports, and other documentation that supports or describes the SWPPP (e.g., regulatory mechanism(s), etc.) for public review, upon request. All public data requests are subject to the Minnesota Government Data Practices Act, Minn. Stat. 13. [Minn. Stat. 13]
17.5	The permittee must consider oral and written input regarding the SWPPP submitted by the public to the permittee. [Minn. R. 7090]
17.6	Each calendar year, the permittee must provide a minimum of one (1) public involvement activity that includes a pollution prevention or water quality theme (e.g., rain barrel distribution event, rain garden workshop, cleanup event, storm drain stenciling, volunteer water quality monitoring, adopt a storm drain program, household hazardous waste collection day, etc.). [Minn. R. 7090]
17.7	The permittee must document the following information: a. all relevant written input submitted by persons regarding the SWPPP; b. all responses from the permittee to written input received regarding the SWPPP, including any modifications made to the SWPPP as a result of the written input received; c. date(s), location(s), and estimated number of participants at events held for purposes of compliance with item 17.3; d. notices provided to the public of any events scheduled to meet item 17.3, including any electronic correspondence (e.g., website, e-mail distribution lists, notices, etc.); and e. date(s), location(s), description of activities, and estimated number of participants at events held for the purpose of compliance with item 17.6. [Minn. R. 7090]
17.8	The permittee must conduct an annual assessment of the Public Participation/Involvement program to evaluate program compliance, the status of achieving the measurable requirements in Section 17, and determine how the program might be improved. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., public input and involvement opportunities, etc.). The permittee must perform the annual assessment prior to completion of each annual report and document any modifications made to the program as a result of the annual assessment. [Minn. R. 7090]
18.1	MCM 3: Illicit Discharge Detection and Elimination (IDDE). [Minn. R. 7090]
18.2	New permittees must develop, implement, and enforce, and existing permittees must revise their current program as necessary, and continue to implement and enforce, a program to detect and eliminate illicit discharges into the MS4. The permittee must incorporate Section 18 requirements into their program. [Minn. R. 7090]
18.3	The permittee must maintain a map of the permittee's MS4, as required in Section 14. [Minn. R. 7090]
18.4	To the extent allowable under state or local law, the permittee must develop, implement, and enforce a regulatory mechanism(s) that prohibits non-stormwater discharges into the permittee's MS4, except those non-stormwater discharges authorized in item 3.2. A regulatory mechanism(s) for the purposes of the General Permit may consist of contract language, an ordinance, permits, standards, written policies, operational plans, legal agreements, or any other mechanism, that will be enforced by the permittee. The regulatory mechanism(s) must also include items 18.5 and 18.6, as applicable. [Minn. R. 7090]
18.5	For cities, townships, and counties, the permittee's regulatory mechanism(s) must require owners or custodians of pets to remove and properly dispose of feces on permittee owned land areas. [Minn. R. 7090]
18.6	For cities and townships, the permittee's regulatory mechanism(s) must require proper salt storage at commercial, institutional, and non-NPDES permitted industrial facilities. At a minimum, the regulatory mechanism(s) must require the following: a. designated salt storage areas must be covered or indoors; b. designated salt storage areas must be located on an impervious surface; and c. implementation of practices to reduce exposure when transferring material in designated salt storage areas (e.g., sweeping, diversions, and/or containment). [Minn. R. 7090]

18.7	The permittee must incorporate illicit discharge detection into all inspection and maintenance activities conducted in items 21.9, 21.10, and 21.11. Where feasible, the permittee must conduct illicit discharge inspections during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). [Minn. R. 7090]
18.8	At least once each calendar year, the permittee must train all field staff in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. Field staff includes, but is not limited to, police, fire department, public works, and parks staff. Training for this specific requirement may include, but is not limited to, videos, in-person presentations, webinars, training documents, and/or emails. [Minn. R. 7090]
18.9	The permittee must ensure that individuals receive training commensurate with their responsibilities as they relate to the permittee's IDDE program. Individuals includes, but is not limited to, individuals responsible for investigating, locating, eliminating illicit discharges, and/or enforcement. The permittee must ensure that previously trained individuals attend a refresher-training every three (3) calendar years following the initial training. [Minn. R. 7090]
18.10	The permittee must maintain a written or mapped inventory of priority areas the permittee identifies as having a higher likelihood for illicit discharges. At a minimum, the permittee must evaluate the following for potential inclusion in the inventory: a. land uses associated with business/industrial activities; b. areas where illicit discharges have been identified in the past; and c. areas with storage of significant materials that could result in an illicit discharge. [Minn. R. 7090]
18.11	To the extent allowable under state or local law, the permittee must conduct additional illicit discharge inspections in areas identified in item 18.10. [Minn. R. 7090]
18.12	The permittee must implement written procedures for investigating, locating, and eliminating the source of illicit discharges. At a minimum, the written procedures must include: a. a timeframe in which the permittee will investigate a reported illicit discharge; b. use of visual inspections to detect and track the source of an illicit discharge; c. tools available to the permittee to investigate and locate an illicit discharge (e.g., mobile cameras, collecting and analyzing water samples, smoke testing, dye testing, etc.); d. cleanup methods available to the permittee to remove an illicit discharge or spill; and e. name or position title of responsible person(s) for investigating, locating, and eliminating an illicit discharge. [Minn. R. 7090]
18.13	The permittee must implement written procedures for responding to spills, including emergency response procedures to prevent spills from entering the MS4. The written procedures must also include the immediate notification of the Minnesota Department of Public Safety Duty Officer at 800-422-0798 (toll free) or 651-649-5451 (Metro area), if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. 115.061. [Minn. R. 7090]
18.14	The permittee must maintain written enforcement response procedures (ERPs) to compel compliance with the permittee's regulatory mechanism(s) in Section 18. At a minimum, the written ERPs must include: a. a description of enforcement tools available to the permittee and guidelines for the use of each tool; b. timeframes to complete corrective actions; and c. name or position title of responsible person(s) for conducting enforcement. [Minn. R. 7090]
18.15	The permittee must document the following information: a. date(s) and location(s) of IDDE inspections conducted in accordance with items 18.7 and 18.11; b. reports of alleged illicit discharges received, including date(s) of the report(s), and any follow-up action(s) taken by the permittee; c. date(s) of discovery of all illicit discharges; d. identification of outfalls, or other areas, where illicit discharges have been discovered; e. sources (including a description and the responsible party) of illicit discharges (if known); and f. action(s) taken by the permittee, including date(s), to address discovered illicit discharges. [Minn. R. 7090]
18.16	For each training in item 18.8 and 18.9, the permittee must document:

	<ul style="list-style-type: none">a. general subject matter covered;b. names and departments of individuals in attendance; andc. date of each event. [Minn. R. 7090]
18.17	<p>The permittee must document any enforcement conducted pursuant to the ERPs in item 18.14, including verbal warnings. At a minimum, the permittee must document the following:</p> <ul style="list-style-type: none">a. name of the person responsible for violating the terms and conditions of the permittee's regulatory mechanism(s);b. date(s) and location(s) of the observed violation(s);c. description of the violation(s);d. corrective action(s) (including completion schedule) issued by the permittee;e. referrals to other regulatory organizations (if any); andf. date(s) violation(s) resolved. [Minn. R. 7090]
18.18	<p>The permittee must conduct an annual assessment of the IDDE program to evaluate program compliance, the status of achieving the measurable requirements in Section 18, and determine how the program might be improved. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., trainings, inventory, inspections, enforcement, etc.). The permittee must perform the annual assessment prior to completion of each annual report and document any modifications made to the program as a result of the annual assessment. [Minn. R. 7090]</p>
19.1	<p>MCM 4: Construction Site Stormwater Runoff Control. [Minn. R. 7090]</p>
19.2	<p>New permittees must develop, implement, and enforce, and existing permittees must revise their current program, as necessary, and continue to implement and enforce, a Construction Site Stormwater Runoff Control program. The program must address construction activity with a land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, within the permittee's jurisdiction and that discharge to the permittee's MS4. The permittee must incorporate Section 19 requirements into their program. [Minn. R. 7090]</p>
19.3	<p>To the extent allowable under state or local law, the permittee must develop, implement, and enforce a regulatory mechanism(s) that establishes requirements for erosion, sediment, and waste controls that is at least as stringent as the Agency's most current Construction Stormwater General Permit (MNR100001), herein referred to as the CSW Permit. A regulatory mechanism(s) for the purposes of the General Permit may consist of contract language, an ordinance, permits, standards, written policies, operational plans, legal agreements, or any other mechanism, that will be enforced by the permittee. [Minn. R. 7090]</p>
19.4	<p>When the CSW Permit is reissued, the permittee must revise their regulatory mechanism(s), if necessary, within 12 months of the issuance date of that permit, to be at least as stringent as the requirements for erosion, sediment, and waste controls described in the CSW Permit. [Minn. R. 7090]</p>
19.5	<p>The permittee's regulatory mechanism(s) must require that owners and operators of construction activity develop site plans that must be submitted to the permittee for review and confirmation that regulatory mechanism(s) requirements have been met, prior to the start of construction activity. The regulatory mechanism(s) must require the owners and operators of construction activity to keep site plans up-to-date with regard to stormwater runoff controls. The regulatory mechanism(s) must require that site plans incorporate the following erosion, sediment, and waste controls that are at least as stringent as described in the CSW Permit:</p> <ul style="list-style-type: none">a. erosion prevention practices;b. sediment control practices;c. dewatering and basin draining;d. inspection and maintenance;e. pollution prevention management measures;f. temporary sediment basins; andg. termination conditions. [Minn. R. 7090]
19.6	<p>The permittee must implement written procedures for site plan reviews conducted by the permittee prior to the start of all construction activity, to ensure compliance with requirements of the regulatory mechanism(s). At a minimum, the procedures must include:</p> <ul style="list-style-type: none">a. written notification to owners and operators proposing construction activity, including projects less than one acre that

	<p>are part of a larger common plan of development or sale, of the need to apply for and obtain coverage under the CSW Permit; and</p> <p>b. use of a written checklist, consistent with the requirements of the regulatory mechanism(s), to document the adequacy of each site plan required in item 19.5. [Minn. R. 7090]</p>
19.7	<p>The permittee must implement an inspection program that includes written procedures for conducting site inspections, to determine compliance with the permittee's regulatory mechanism(s). The inspection program must also meet the requirements in items 19.8 and 19.9. [Minn. R. 7090]</p>
19.8	<p>The permittee must maintain written procedures for identifying high-priority and low-priority sites for inspection. At a minimum, the written procedures must include:</p> <ul style="list-style-type: none">a. a detailed explanation describing how sites will be categorized as either high-priority or low-priority;b. a frequency at which the permittee will conduct inspections for high-priority sites;c. a frequency at which the permittee will conduct inspections for low-priority sites; andd. the name(s) of individual(s) or position title(s) responsible for conducting site inspections. [Minn. R. 7090]
19.9	<p>The permittee must implement a written checklist to document each site inspection when determining compliance with the permittee's regulatory mechanism(s). At a minimum, the checklist must include the permittee's inspection findings on the following areas, as applicable to each site:</p> <ul style="list-style-type: none">a. stabilization of exposed soils (including stockpiles);b. stabilization of ditch and swale bottoms;c. sediment control BMPs on all down gradient perimeters of the project and up gradient of buffer zones;d. storm drain inlet protection;e. energy dissipation at pipe outlets;f. vehicle tracking BMPs;g. preservation of a 50 foot natural buffer or redundant sediment controls where stormwater flows to a surface water within 50 feet of disturbed soils;h. owner/operator of construction activity self-inspection records;i. containment for all liquid and solid wastes generated by washout operations (e.g., concrete, stucco, paint, form release oils, curing compounds, and other construction materials); andj. BMPs maintained and functional. [Minn. R. 7090]
19.10	<p>The permittee must implement written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee. [Minn. R. 7090]</p>
19.11	<p>The permittee must ensure that individuals receive training commensurate with their responsibilities as they relate to the permittee's Construction Site Stormwater Runoff Control program. Individuals includes, but is not limited to, individuals responsible for conducting site plan reviews, site inspections, and/or enforcement. The permittee must ensure that previously trained individuals attend a refresher-training every three (3) calendar years following the initial training. [Minn. R. 7090]</p>
19.12	<p>The permittee must maintain written enforcement response procedures (ERPs) to compel compliance with the permittee's regulatory mechanism(s) in item 19.3. At a minimum, the written ERPs must include:</p> <ul style="list-style-type: none">a. a description of enforcement tools available to the permittee and guidelines for the use of each tool; andb. name or position title of responsible person(s) for conducting enforcement. [Minn. R. 7090]
19.13	<p>For each site plan review conducted by the permittee, the permittee must document the following:</p> <ul style="list-style-type: none">a. project name;b. location;c. total acreage to be disturbed;d. owner and operator of the proposed construction activity;e. proof of notification to obtain coverage under the CSW Permit, as required in item 19.6, or proof of coverage under the CSW Permit; andf. any stormwater related comments and supporting completed checklist, as required in item 19.6, used by the permittee to determine project approval or denial. [Minn. R. 7090]

19.14	For each training in item 19.11, the permittee must document: a. general subject matter covered; b. names and departments of individuals in attendance; and c. date of each event. [Minn. R. 7090]
19.15	The permittee must document any enforcement conducted pursuant to the ERPs in item 19.12, including verbal warnings. At a minimum, the permittee must document the following: a. name of the person responsible for violating the terms and conditions of the permittee's regulatory mechanism(s); b. date(s) and location(s) of the observed violation(s); c. description of the violation(s); d. corrective action(s) (including completion schedule) issued by the permittee; e. referrals to other regulatory organizations (if any); and f. date(s) violation(s) resolved. [Minn. R. 7090]
19.16	The permittee must conduct an annual assessment of the Construction Site Stormwater Runoff Control program to evaluate program compliance, the status of achieving the measurable requirements in Section 19, and determine how the program might be improved. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., inventory, trainings, site plan reviews, inspections, enforcement, etc.). The permittee must perform the annual assessment prior to completion of each annual report and document any modifications made to the program as a result of the annual assessment. [Minn. R. 7090]
20.1	MCM 5: Post-Construction Stormwater Management. [Minn. R. 7090]
20.2	New permittees must develop, implement, and enforce, and existing permittees must revise their current program, as necessary, and continue to implement and enforce, a Post-Construction Stormwater Management program that prevents or reduces water pollution after construction activity is completed. The program must address construction activity with land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, within the permittee's jurisdiction and that discharge to the permittee's MS4. The permittee must incorporate Section 20 requirements into their program. [Minn. R. 7090]
20.3	To the extent allowable under state or local law, the permittee must develop, implement, and enforce a regulatory mechanism(s) that incorporates items 20.4 through 20.15. A regulatory mechanism(s) for the purposes of the General Permit may consist of contract language, an ordinance, permits, standards, written policies, operational plans, legal agreements, or any other mechanism, that will be enforced by the permittee. [Minn. R. 7090]
20.4	The permittee's regulatory mechanism(s) must require owners of construction activity to submit site plans with post-construction stormwater management BMPs designed with accepted engineering practices to the permittee for review and confirmation that regulatory mechanism(s) requirements have been met, prior to start of construction activity. [Minn. R. 7090]
20.5	The permittee's regulatory mechanism(s) must require owners of construction activity to treat the water quality volume on any project where the sum of the new impervious surface and the fully reconstructed impervious surface equals one or more acres. [Minn. R. 7090]
20.6	For construction activity (excluding linear projects), the water quality volume must be calculated as one (1) inch times the sum of the new and the fully reconstructed impervious surface. [Minn. R. 7090]
20.7	For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first, as described in item 20.8. Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge from the MS4. [Minn. R. 7090]
20.8	Volume reduction practices (e.g., infiltration or other) to retain the water quality volume on-site must be considered first when designing the permanent stormwater treatment system. The General Permit does not consider wet sedimentation basins and filtration systems to be volume reduction practices. If the General Permit prohibits infiltration as described in

	item 20.9, other volume reduction practices, a wet sedimentation basin, or filtration basin may be considered. [Minn. R. 7090]
20.9	<p>Infiltration systems must be prohibited when the system would be constructed in areas:</p> <ul style="list-style-type: none">a. that receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface;b. where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the Agency's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans;c. where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour;d. with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock;e. of predominately Hydrologic Soil Group D (clay) soils;f. in an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health;g. in an ERA within a DWSMA classified as moderate vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater;h. outside of an ERA within a DWSMA classified as high or very high vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater;i. within 1,000 feet up-gradient or 100 feet down gradient of active karst features; orj. that receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities. <p>See "higher level of engineering review" in the Minnesota Stormwater Manual for more information. [Minn. R. 7090]</p>
20.10	For non-linear projects, where the water quality volume cannot cost effectively be treated on the site of the original construction activity, the permittee must identify, or may require owners of the construction activity to identify, locations where off-site treatment projects can be completed. If the entire water quality volume is not addressed on the site of the original construction activity, the remaining water quality volume must be addressed through off-site treatment and, at a minimum, ensure the requirements of items 20.11 through 20.14 are met. [Minn. R. 7090]
20.11	<p>The permittee must ensure off-site treatment project areas are selected in the following order of preference:</p> <ul style="list-style-type: none">a. locations that yield benefits to the same receiving water that receives runoff from the original construction activity;b. locations within the same Department of Natural Resource (DNR) catchment area as the original construction activity;c. locations in the next adjacent DNR catchment area up-stream; ord. locations anywhere within the permittee's jurisdiction. [Minn. R. 7090]
20.12	Off-site treatment projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. Routine maintenance of structural stormwater BMPs already required by the General Permit cannot be used to meet this requirement. [Minn. R. 7090]
20.13	Off-site treatment projects must be completed no later than 24 months after the start of the original construction activity. If the permittee determines more time is needed to complete the treatment project, the permittee must provide the reason(s) and schedule(s) for completing the project in the annual report. [Minn. R. 7090]
20.14	If the permittee receives payment from the owner of a construction activity for off-site treatment, the permittee must apply any such payment received to a public stormwater project, and all projects must comply with the requirements in items 20.11 through 20.13. [Minn. R. 7090]
20.15	The permittee's regulatory mechanism(s) must include the establishment of legal mechanism(s) between the permittee and owners of structural stormwater BMPs not owned or operated by the permittee, that have been constructed to meet the

	<p>requirements in Section 20. The legal mechanism(s) must include provisions that, at a minimum:</p> <ul style="list-style-type: none">a. allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines the owner of that structural stormwater BMP has not ensured proper function;b. are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party; andc. are designed to protect/preserve structural stormwater BMPs. If structural stormwater BMPs change, causing decreased effectiveness, new, repaired, or improved structural stormwater BMPs must be implemented to provide equivalent treatment to the original BMP. [Minn. R. 7090]
20.16	<p>The permittee must maintain a written or mapped inventory of structural stormwater BMPs not owned or operated by the permittee that meet all of the following criteria:</p> <ul style="list-style-type: none">a. the structural stormwater BMP includes an executed legal mechanism(s) between the permittee and owners responsible for the long-term maintenance, as required in item 20.15; andb. the structural stormwater BMP was implemented on or after August 1, 2013. [Minn. R. 7090]
20.17	<p>The permittee must implement written procedures for site plan reviews conducted by the permittee prior to the start of construction activity, to ensure compliance with requirements of the permittee's regulatory mechanism(s). [Minn. R. 7090]</p>
20.18	<p>The permittee must ensure that individuals receive training commensurate with their responsibilities as they relate to the permittee's Post-Construction Stormwater Management program. Individuals includes, but is not limited to, individuals responsible for conducting site plan reviews and/or enforcement. The permittee must ensure that previously trained individuals attend a refresher-training every three (3) calendar years following the initial training. [Minn. R. 7090]</p>
20.19	<p>The permittee must maintain written enforcement response procedures (ERPs) to compel compliance with the permittee's regulatory mechanism(s) required in Section 20. At a minimum, the written ERPs must include:</p> <ul style="list-style-type: none">a. a description of enforcement tools available to the permittee and guidelines for the use of each tool; andb. name or position title of responsible person(s) for conducting enforcement. [Minn. R. 7090]
20.20	<p>For each site plan review conducted by the permittee, the permittee must document the following:</p> <ul style="list-style-type: none">a. supporting documentation used to determine compliance with Section 20 of the General Permit, including any calculations for the permanent stormwater treatment system;b. the water quality volume that will be treated through volume reduction practices (e.g., infiltration or other) compared to the total water quality volume required to be treated;c. documentation associated with off-site treatment projects authorized by the permittee, including rationale to support the location of permanent stormwater treatment projects in accordance with items 20.10 and 20.11;d. payments received and used in accordance with item 20.14; ande. all legal mechanisms drafted in accordance with item 20.15, including date(s) of the agreement(s) and name(s) of all responsible parties involved. [Minn. R. 7090]
20.21	<p>For each training in item 20.18, the permittee must document:</p> <ul style="list-style-type: none">a. general subject matter covered;b. names and departments of individuals in attendance; andc. date of each event. [Minn. R. 7090]
20.22	<p>The permittee must document any enforcement conducted pursuant to the ERPs in item 20.19, including verbal warnings. At a minimum, the permittee must document the following:</p> <ul style="list-style-type: none">a. name of the person responsible for violating the terms and conditions of the permittee's regulatory mechanism(s);b. date(s) and location(s) of the observed violation(s);c. description of the violation(s);d. corrective action(s) (including completion schedule) issued by the permittee;e. referrals to other regulatory organizations (if any); andf. date(s) violation(s) resolved. [Minn. R. 7090]

20.23	The permittee must conduct an annual assessment of the Post-Construction Stormwater Management program to evaluate program compliance, the status of achieving the measurable requirements in Section 20, and determine how the program might be improved. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., inventory, trainings, site plan reviews, inspections, enforcement, etc.). The permittee must perform the annual assessment prior to completion of each annual report and document any modifications made to the program as a result of the annual assessment. [Minn. R. 7090]
21.1	MCM 6: Pollution Prevention/Good Housekeeping For Municipal Operations. [Minn. R. 7090]
21.2	New permittees must develop and implement, and existing permittees must revise their current program, as necessary, and continue to implement, an operations and maintenance program that prevents or reduces the discharge of pollutants to the MS4 from permittee owned/operated facilities and operations. The permittee must incorporate Section 21 requirements into their program. [Minn. R. 7090]
21.3	<p>The permittee must maintain a written or mapped inventory of permittee owned/operated facilities that contribute pollutants to stormwater discharges. The permittee must implement BMPs that prevent or reduce pollutants in stormwater discharges from all inventoried facilities. Facilities to be inventoried may include, but is not limited to:</p> <ul style="list-style-type: none">a. composting;b. equipment storage and maintenance;c. hazardous waste disposal;d. hazardous waste handling and transfer;e. landfills;f. solid waste handling and transfer;g. parks;h. pesticide storage;i. public parking lots;j. public golf courses;k. public swimming pools;l. public works yards;m. recycling;n. salt storage;o. snow storage;p. vehicle storage and maintenance (e.g., fueling and washing) yards; andq. materials storage yards. [Minn. R. 7090]
21.4	<p>The permittee must implement BMPs that prevent or reduce pollutants in stormwater discharges from the following municipal operations that may contribute pollutants to stormwater discharges, where applicable:</p> <ul style="list-style-type: none">a. waste disposal and storage, including dumpsters;b. management of temporary and permanent stockpiles of materials such as street sweepings, snow, sand and sediment removal piles (e.g., effective sediment controls at the base of stockpiles on the down gradient perimeter);c. vehicle fueling, washing, and maintenance;d. routine street and parking lot sweeping;e. emergency response;f. cleaning of maintenance equipment, building exteriors, dumpsters, and the disposal of associated waste and wastewater;g. use, storage, and disposal of significant materials;h. landscaping, park, and lawn maintenance;i. road maintenance, including pothole repair, road shoulder maintenance, pavement marking, sealing, and repaving;j. right-of-way maintenance, including mowing; andk. application of herbicides, pesticides, and fertilizers. [Minn. R. 7090]
21.5	<p>The permittee must implement the following BMPs at permittee owned/operated salt storage areas:</p> <ul style="list-style-type: none">a. cover or store salt indoors;b. store salt on an impervious surface; andc. implement practices to reduce exposure when transferring material from salt storage areas (e.g., sweeping, diversions,

	and/or containment). [Minn. R. 7090]
21.6	The permittee must implement a written snow and ice management policy for individuals that perform winter maintenance activities for the permittee. The policy must establish practices and procedures for snow and ice control operations (e.g., plowing or other snow removal practices, sand use, and application of deicing compounds). [Minn. R. 7090]
21.7	<p>Each calendar year, the permittee must ensure all individuals that perform winter maintenance activities for the permittee receive training that includes:</p> <ul style="list-style-type: none">a. the importance of protecting water quality;b. BMPs to minimize the use of deicers (e.g., proper calibration of equipment and benefits of pretreatment, pre-wetting, and anti-icing); andc. tools and resources to assist in winter maintenance (e.g., deicing application rate guidelines, calibration charts, Smart Salting Assessment Tool). <p>The permittee may use training materials from the Agency's Smart Salting training or other organizations to meet this requirement. [Minn. R. 7090]</p>
21.8	The permittee must maintain written procedures for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater. [Minn. R. 7090]
21.9	<p>The permittee must inspect structural stormwater BMPs (excluding stormwater ponds, which are under a separate schedule below) each calendar year to determine structural integrity, proper function, and maintenance needs unless the permittee determines either of the following conditions apply:</p> <ul style="list-style-type: none">a. complaints received or patterns of maintenance indicate a greater frequency is necessary; orb. maintenance or sediment removal is not required after completion of the first two calendar year inspections; in which case the permittee may reduce the frequency of inspections to once every two (2) calendar years. [Minn. R. 7090]
21.10	Prior to the expiration date of the General Permit, the permittee must conduct at least one inspection of all ponds and outfalls (excluding underground outfalls) in order to determine structural integrity, proper function, and maintenance needs. [Minn. R. 7090]
21.11	Based on inspection findings, the permittee must determine if repair, replacement, or maintenance measures are necessary in order to ensure the structural integrity and proper function of structural stormwater BMPs and outfalls. The permittee must complete necessary maintenance as soon as possible. If the permittee determines necessary maintenance cannot be completed within one year of discovery, the permittee must document a schedule(s) for completing the maintenance. [Minn. R. 7090]
21.12	<p>The permittee must implement a stormwater management training program commensurate with individual's responsibilities as they relate to the permittee's SWPPP, including reporting and assessment activities. The permittee may use training materials from the United States Environmental Protection Agency (USEPA), state and regional agencies, or other organizations as appropriate to meet this requirement. The training program must:</p> <ul style="list-style-type: none">a. address the importance of protecting water quality;b. cover the requirements of the permit relevant to the responsibilities of the individual not already addressed in items 18.8, 18.9, 19.11, 20.18, and 21.7; andc. include a schedule that establishes initial training for individuals, including new and/or seasonal employees, and recurring training intervals to address changes in procedures, practices, techniques, or requirements. [Minn. R. 7090]
21.13	<p>The permittee must document the following information associated with the operations and maintenance program:</p> <ul style="list-style-type: none">a. date(s) and description of findings, including whether or not an illicit discharge is detected, for all inspections conducted in accordance with items 21.9 and 21.10;b. any adjustments to inspection frequency as authorized in item 21.9;c. date(s) and a description of maintenance conducted as a result of inspection findings, including whether or not an illicit discharge is detected;d. schedule(s) for maintenance of structural stormwater BMPs and outfalls as required in item 21.11; ande. stormwater management training events, including general subject matter covered, names and departments of individuals in attendance, and date of each event. [Minn. R. 7090]

21.14	The permittee must document pond sediment excavation and removal activities, including: a. a unique ID number and geographic coordinates of each stormwater pond from which sediment is removed; b. the volume (e.g., cubic yards) of sediment removed from each stormwater pond; c. results from any testing of sediment from each removal activity; and d. location(s) of final disposal of sediment from each stormwater pond. [Minn. R. 7090]
21.15	The permittee must conduct an annual assessment of the operations and maintenance program to evaluate program compliance, the status of achieving the measurable requirements in Section 21, and determine how the program might be improved. Measurable requirements are activities that must be documented or tracked as applicable to the MCM (e.g., inventory, trainings, inspections, maintenance activities, etc.). The permittee must perform the annual assessment prior to completion of each annual report and document any modifications made to the program as a result of the annual assessment. [Minn. R. 7090]
22.1	Discharges to Impaired Waters with a USEPA-Approved TMDL that Includes an Applicable WLA. [Minn. R. 7090]
22.2	If the permittee has an applicable WLA not being met for oxygen demand, nitrate, TSS, or TP, the permittee must provide a summary of the permittee's progress toward achieving those applicable WLAs with the annual report. The summary must include the following information: a. a list of all BMPs applied towards achieving applicable WLAs for oxygen demand, nitrate, TSS, and TP; b. the implementation status of BMPs included in the compliance schedule at the time of final application submittal; and c. an updated estimate of cumulative TSS and TP load reductions. [Minn. R. 7090]
22.3	If the permittee has an applicable WLA where a reduction in pollutant loading is required for bacteria, the permittee must maintain a written or mapped inventory of potential areas and sources of bacteria (e.g., dense populations of waterfowl or other bird, dog parks). [Minn. R. 7090]
22.4	If the permittee has an applicable WLA where a reduction in pollutant loading is required for bacteria, the permittee must maintain a written plan to prioritize reduction activities to address the areas and sources identified in the inventory in item 22.3. The written plan must include BMPs the permittee will implement over the permit term, which may include, but is not limited to: a. water quality monitoring to determine areas of high bacteria loading; b. installation of pet waste pick-up bags in parks and open spaces; c. elimination of over-spray irrigation that may occur at permittee owned areas; d. removal of organic matter via street sweeping; e. implementation of infiltration structural stormwater BMPs; or f. management of areas that attract dense populations of waterfowl (e.g., riparian plantings). [Minn. R. 7090]
22.5	If the permittee has an applicable WLA where a reduction in pollutant loading is required for chloride, the permittee must document the amount of deicer applied each winter maintenance season to all permittee owned/operated surfaces. [Minn. R. 7090]
22.6	If the permittee has an applicable WLA where a reduction in pollutant loading is required for chloride, each calendar year the permittee must conduct an assessment of the permittee's winter maintenance operations to reduce the amount of deicing salt applied to permittee owned/operated surfaces and determine current and future opportunities to improve BMPs. The permittee may use the Agency's Smart Salting Assessment Tool or other available resources and methods to complete this assessment. The permittee must document the assessment. The assessment may include, but is not limited to: a. operational changes such as pre-wetting, pre-treating the salt stockpile, increasing plowing prior to deicing, monitoring of road surface temperature, etc.; b. implementation of new or modified equipment providing pre-wetting, or other capability for minimizing salt use; c. regular calibration of equipment; d. optimizing mechanical removal to reduce use of deicers; or e. designation of no salt and/or low salt zones. [Minn. R. 7090]
22.7	If the permittee has an applicable WLA where a reduction in pollutant loading is required for temperature (i.e., City of Duluth, City of Hermantown, City of Rice Lake, City of Stillwater, MnDOT Outstate, St. Louis County, University of Minnesota

	<p>- Duluth, and Lake Superior College), the permittee must maintain a written plan that identifies specific activities the permittee will implement to reduce thermal loading during the permit term. The written plan may include, but is not limited to:</p> <ul style="list-style-type: none">a. implementation of infiltration BMPs such as bioinfiltration practices;b. disconnection and/or reduction of impervious surfaces;c. retrofitting existing structural stormwater BMPs; ord. improvement of riparian vegetation. [Minn. R. 7090]
23.1	Alum or Ferric Chloride Phosphorus Treatment Systems. [Minn. R. 7090]
23.2	If the permittee uses an alum or ferric chloride phosphorus treatment system, the permittee must comply with Section 23 requirements. [Minn. R. 7090]
23.3	The permittee's alum or ferric chloride phosphorus treatment system must comply with the following: <ul style="list-style-type: none">a. the permittee must use the treatment system for the treatment of phosphorus in stormwater. Non-stormwater discharges must not be treated by this system;b. the treatment system must be contained within the conveyances and structural stormwater BMPs of the MS4. The utilized conveyances and structural stormwater BMPs must not include any receiving waters;c. phosphorus treatment systems utilizing chemicals other than alum or ferric chloride must receive written approval from the Agency; andd. in-lake phosphorus treatment activities are not authorized under the General Permit. [Minn. R. 7090]
23.4	The permittee's alum or ferric chloride phosphorus treatment system must meet the following design parameters: <ul style="list-style-type: none">a. the treatment system must be constructed in a manner that diverts the stormwater flow to be treated from the main conveyance system;b. a high flow bypass must be part of the inlet design; andc. a flocculant storage/settling area must be incorporated into the design, and adequate maintenance access must be provided (minimum of 8 feet wide) for the removal of accumulated sediment. [Minn. R. 7090]
23.5	A designated person must perform visual monitoring of the treatment system for proper performance at least once every seven (7) days, and within 24 hours after a rainfall event greater than 2.5 inches in 24 hours. Following visual monitoring which occurs within 24 hours after a rainfall event, the next visual monitoring must be conducted within seven (7) days after that rainfall event. [Minn. R. 7090]
23.6	Three (3) benchmark monitoring stations must be established. Table 1 in Appendix A must be used for the parameters, units of measure, and frequency of measurement for each station. [Minn. R. 7090]
23.7	Samples must be collected as grab samples or flow-weighted 24-hour composite samples. [Minn. R. 7090]
23.8	Each sample, excluding pH samples, must be analyzed by a laboratory certified by the Minnesota Department of Health and/or the Agency, and: <ul style="list-style-type: none">a. sample preservation and test procedures for the analysis of pollutants must conform to 40 CFR Part 136 and Minn. R. 7041.3200;b. detection limits for dissolved phosphorus, dissolved aluminum, and dissolved iron must be a minimum of 6 micrograms per liter, 10 micrograms per liter, and 20 micrograms per liter, respectively; andc. pH must be measured within 15 minutes of sample collection using calibrated and maintained equipment. [Minn. R. 7090]
23.9	In the following situations, the permittee must perform corrective action(s) and immediately notify the Minnesota Department of Public Safety Duty Officer at 800-422-0798 (toll free) or 651-649-5451 (Metro area): <ul style="list-style-type: none">a. the pH of the discharged water is not within the range of 6.0 and 9.0;b. any indications of toxicity or measurements exceeding water quality standards which could endanger human health, public drinking water supplies, or the environment; orc. a spill or discharge or alteration resulting in water pollution as defined in Minn. Stat. 115.01, subd. 13, of alum or ferric chloride.

	If item b is applicable, the permittee must also report the non-compliance to the Commissioner as required in item 26.11. [Minn. R. 7001.0150, subp. 3(K), Minn. R. 7090]
23.10	If the permittee discovers indications of toxicity or measurements exceeding water quality standards that the permittee determines does not endanger human health, public drinking water supplies, or the environment, the permittee must report the non-compliance to the Commissioner as required in item 26.12. [Minn. R. 7001.0150, subp. 3(L), Minn. R. 7090]
23.11	The permittee must submit the following information with the annual report. The annual report must include a month-by-month summary of: a. date(s) of operation; b. chemical(s) used for treatment; c. gallons of water treated; d. gallons of alum or ferric chloride treatment used; e. calculated pounds of phosphorus removed; and f. any performance issues and the corrective action(s), including the date(s) when corrective action(s) were taken. [Minn. R. 7090]
23.12	A record of the design parameters in items 23.13 through 23.15 must be kept on-site. [Minn. R. 7090]
23.13	Site-specific jar testing conducted using typical and representative water samples in accordance with the most current approved version of ASTM D2035. [Minn. R. 7090]
23.14	Baseline concentrations of the following parameters in the influent and receiving waters: a. aluminum or iron; and b. phosphorus. [Minn. R. 7090]
23.15	The following system parameters and how each was determined: a. flocculant settling velocity; b. minimum required retention time; c. rate of diversion of stormwater into the system; d. the flow rate from the discharge of the outlet structure; and e. range of expected dosing rates. [Minn. R. 7090]
23.16	The following site-specific procedures must be developed and a copy kept on-site: a. procedures for the installation, operation and maintenance of all pumps, generators, control systems, and other equipment; b. specific parameters for determining when the solids must be removed from the system and how the solids will be handled and disposed of; and c. procedures for cleaning up and/or containing a spill of each chemical stored on-site. [Minn. R. 7090]
24.1	Stormwater Pollution Prevention Program (SWPPP) Modification. [Minn. R. 7090]
24.2	The Commissioner may require the permittee to modify the SWPPP as needed, in accordance with the procedures of Minn. R. 7001, and may consider the following factors: a. discharges from the MS4 are impacting the quality of receiving waters; b. more stringent requirements are necessary to comply with state or federal regulations; and c. additional conditions are deemed necessary to comply with the goals and applicable requirements of the Clean Water Act and protect water quality. [Minn. R. 7090]
24.3	Modifications that the permittee chooses to make to the SWPPP other than modifications authorized in item 24.4, must be approved by the Commissioner in accordance with the procedures of Minn. R. 7001. All requests must be in writing, setting forth schedules for compliance. The request must discuss alternative program modifications, assure compliance with requirements of the permit, and meet other applicable laws. [Minn. R. 7090]
24.4	The permittee may modify the SWPPP without prior approval of the Commissioner provided the Commissioner is notified of the modification in the annual report for the year the modification is made and the modification falls under one of the following categories:

	<p>a. a BMP is added, and none subtracted, from the SWPPP; or</p> <p>b. a less effective BMP is replaced with a more effective BMP. The alternate BMP must address the same, or similar, concerns as the ineffective or failed BMP. [Minn. R. 7090]</p>
25.1	Annual Assessment, Annual Reporting, and Recordkeeping. [Minn. R. 7090]
25.2	The permittee must conduct an annual assessment to evaluate compliance with the terms and conditions of the General Permit, including the effectiveness of the components of the SWPPP and the status of achieving the measurable requirements in the General Permit. Measurable requirements are activities that must be documented or tracked (e.g., education and outreach efforts, implementation of written plans, inventories, trainings, site plan reviews, inspections, enforcement, etc.). The permittee must perform the annual assessment prior to completion of each annual report and document any modifications made to the SWPPP as a result of the annual assessment. [Minn. R. 7090]
25.3	<p>The permittee must submit an annual report: Due annually, by the 30th of June. The annual report must cover the portion of the previous calendar year during which the permittee was authorized to discharge stormwater under the General Permit. The annual report shall be submitted to the Agency, in a manner determined by the Agency, that includes but is not limited to:</p> <p>a. the status of compliance with permit terms and conditions, including an assessment of the appropriateness of BMPs identified by the permittee and progress towards achieving the measurable requirements of each of the MCMs. The assessment must be based on results of information collected and analyzed, including monitoring (if any), inspection findings, and public input received during the reporting period;</p> <p>b. the stormwater activities the permittee plans to undertake during the next reporting cycle;</p> <p>c. a change in any identified BMPs for any of the MCMs;</p> <p>d. the summary required in item 22.2 to demonstrate progress toward achieving applicable WLAs;</p> <p>e. information required to be recorded or documented in Sections 13 through 24; and</p> <p>f. a statement that the permittee is relying on a partnership(s) with another regulated small MS4(s) to satisfy one or more permit requirements (if applicable), and what agreements the permittee has entered into in support of this effort. [Minn. R. 7090]</p>
25.4	The permittee must make records, including components of the SWPPP, available to the public at reasonable times during regular business hours (see 40 CFR 122.7 for confidentiality provision). [Minn. R. 7090]
25.5	The permittee must retain copies of the permit application, all documentation necessary to comply with SWPPP requirements, all data and information used by the permittee to complete the application process, and any information developed as a requirement of the General Permit or as requested by the Commissioner, for a period of at least three (3) years beyond the date of permit expiration. This period is automatically extended during the course of an unresolved enforcement action regarding the small MS4 or as requested by the Commissioner. [Minn. R. 7001.0080, Minn. R. 7090]
25.6	The permittee must, when requested by the Commissioner, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the General Permit or regarding the conduct of the activity covered by the General Permit. [Minn. R. 7001.0150, subp. 3(H), Minn. R. 7090]
25.7	<p>The permittee must use an electronic submittal process, as provided by the Agency, to submit information required by the General Permit. If electronic submittal is not available, the permittee must use the following mailing address:</p> <p>Supervisor, Municipal Stormwater Unit Minnesota Pollution Control Agency 520 Lafayette Road North St. Paul, Minnesota 55155-4194. [Minn. R. 7090]</p>
26.1	General Conditions. [Minn. R. 7090]
26.2	The Agency's issuance of a permit does not release the permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the General Permit. [Minn. R. 7001.0150, subp. 3(A)]
26.3	The Agency's issuance of a permit does not prevent the future adoption by the Agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or

	orders against the permittee. [Minn. R. 7001.0150, subp. 3(B)]
26.4	The General Permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, subp. 3(C)]
26.5	The Agency's issuance of a permit does not obligate the Agency to enforce local laws, rules or plans beyond that authorized by Minnesota statutes. [Minn. R. 7001.0150, subp. 3(D)]
26.6	The permittee must perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the Agency and in compliance with the conditions of the permit. [Minn. R. 7001.0150, subp. 3(E)]
26.7	The permittee must at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the General Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The permittee must install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the General Permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible. [Minn. R. 7001.0150, subp. 3(F)]
26.8	The permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the Agency or to the Commissioner by the General Permit. The permittee must immediately upon discovery report to the Commissioner an error or omission in these records, reports, plans, or other documents. [Minn. R. 7001.0150, subp. 3(G), Minn. R. 7001.1090, subp. 1(G), Minn. R. 7001.1090, subp. 1(H), Minn. Stat. 609.671]
26.9	When authorized by Minn. Stat. 115.04, 115B.17, subd. 4, and 116.091, and upon presentation of proper credentials, the Agency, or an authorized employee or agent of the Agency, must be allowed by the permittee to enter at reasonable times upon the property of the permittee to examine and copy books, papers, records, or memoranda pertaining to the activity covered by the General Permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the General Permit. [Minn. R. 7001.0150, subp. 3(I)]
26.10	If the permittee discovers, through any means, including notification by the Agency, that noncompliance with a condition of the General Permit has occurred, the permittee must take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance. [Minn. R. 7001.0150, subp. 3(J)]
26.11	If the permittee discovers that noncompliance with a condition of the General Permit has occurred which could endanger human health, public drinking water supplies, or the environment, the permittee must, within 24 hours of the discovery of the noncompliance, orally notify the Commissioner. Within five days of the discovery of the noncompliance, the permittee must submit to the Commissioner a written description of the noncompliance; the cause of the noncompliance; the exact dates of the period of the noncompliance; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [Minn. R. 7001.0150, subp. 3(K)]
26.12	The permittee must report noncompliance with the General Permit not reported under item 26.11 as a part of the next report which the permittee is required to submit under the General Permit. If no reports are required within 30 days of the discovery of the noncompliance, the permittee must submit the information listed in item 26.11 within 30 days of the discovery of the noncompliance. [Minn. R. 7001.0150, subp. 3(L), Minn. R. 7090]
26.13	The permittee must give advance notice to the Commissioner as soon as possible of planned physical alterations or additions to the permitted facility (MS4) or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or a condition of the General Permit. [Minn. R. 7001.0150, subp. 3(M)]
26.14	The General Permit is not transferable to any person without the express written approval of the Agency after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred must comply with the conditions of the General Permit. [Minn. R. 7001.0150, subp. 3(N)]
26.15	The General Permit authorizes the permittee to perform the activities described in the permit under the conditions of the General Permit. In issuing the permit, the state and Agency assume no responsibility for damage to persons, property, or the environment caused by the activities of the permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state and Agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minn. Stat. 3.736. [Minn. R. 7001.0150,

	subp. 3(O)]
26.16	The General Permit incorporates by reference the applicable portions of 40 CFR 122.41 and 122.42(c) and (d), and Minn. R. 7001.1090, which are enforceable parts of the General Permit. [Minn. R. 7090]
26.17	The provisions of the General Permit are severable, and if any provision of the General Permit, or the application of any provision of the General Permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of the General Permit shall not be affected thereby. [Minn. R. 7090]
27.1	Definitions. [Minn. R. 7090]
27.2	"Active karst" means a terrain having distinctive landforms and hydrology created primarily from the dissolution of soluble rocks within 50 feet of the land surface. [Minn. R. 7090]
27.3	"Agency" means the Minnesota Pollution Control Agency or MPCA. [Minn. Stat. 116.36, subd. 2]
27.4	"Alum or Ferric Chloride Phosphorus Treatment System" means the diversion of flowing stormwater from a MS4, removal of phosphorus through the use a continuous feed of alum or ferric chloride additive, flocculation, and the return of the treated stormwater back into a MS4 or receiving water. [Minn. R. 7090]
27.5	"Applicable WLA" means a Waste Load Allocation assigned to the permittee and approved by the USEPA prior to the issuance date of the General Permit. [Minn. R. 7090]
27.6	"Best Management Practices" or "BMPs" means practices to prevent or reduce the pollution of the waters of the state, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage. [Minn. R. 7001.1020, subp. 5]
27.7	"Commissioner" means the Commissioner of the Minnesota Pollution Control Agency or the Commissioner's designee. [Minn. Stat. 116.36, subd. 3]
27.8	"Common Plan of Development or Sale" means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur. [Minn. R. 7090]
27.9	"Construction Activity" means activities including clearing, grading, and excavating, that result in land disturbance of equal to or greater than one acre, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. This includes a disturbance to the land that results in a change in the topography, existing soil cover, both vegetative and nonvegetative, or the existing soil topography that may result in accelerated stormwater runoff that may lead to soil erosion and movement of sediment. Construction activity does not include a disturbance to the land of less than five acres for the purpose of routine maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Routine maintenance does not include activities such as repairs, replacement and other types of non-routine maintenance. Pavement rehabilitation that does not disturb the underlying soils (e.g., mill and overlay projects) is not construction activity. [Minn. R. 7090]
27.10	"DNR Catchment Area" means the Hydrologic Unit 08 areas delineated and digitized by the Minnesota DNR. The catchment areas are available for download at the Minnesota DNR Geospatial Commons website. DNR catchment areas may be locally corrected, in which case the local corrections may be used. [Minn. R. 7090]
27.11	"Existing Permittee" means an owner/operator of a small MS4 that has been authorized to discharge stormwater under a previously issued general permit for small MS4s in the state of Minnesota. [Minn. R. 7090]
27.12	"Fully reconstructed" means areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, and other pavement rehabilitation projects that do not expose the underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed. Maintenance activities such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed. [Minn. R. 7090]
27.13	"General permit" means a permit issued under Minn. R. 7001.0210 to a category of permittees whose operations, emissions, activities, discharges, or facilities are the same or substantially similar. [Minn. R. 7001.0010, subp. 4]
27.14	"Geographic Coordinates" means the point location of a stormwater feature expressed by X, Y coordinates of a standard Cartesian coordinate system (i.e. latitude/longitude) that can be readily converted to Universal Transverse Mercator (UTM), Zone 15N in the NAD83 datum. For polygon features, the geographic coordinates will typically define the approximate

	center of a stormwater feature. [Minn. R. 7090]
27.15	"High Flow Bypass" means a function of an inlet device that allows a certain flow of water through, but diverts any higher flows away. High flow bypasses are generally used for BMPs that can only treat a designed amount of flow and that would be negatively affected by higher flows. [Minn. R. 7090]
27.16	"Illicit Discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities. [40 CFR 122.26(b)(2)]
27.17	"Impaired Water" means waters identified as impaired by the Agency, and approved by the USEPA, pursuant to section 303(d) of the Clean Water Act (33 U.S.C. 303(d)). [Minn. R. 7090]
27.18	"Linear project" means construction of new or fully reconstructed roads, trails, sidewalks, or rail lines that are not part of a common plan of development or sale. For example, roads being constructed concurrently with a new residential development are not considered linear projects because they are part of a common plan of development or sale. [Minn. R. 7090]
27.19	"Maximum Extent Practicable" or "MEP" means the statutory standard (33 U.S.C. 1342(p)(3)(B)(iii)) that establishes the level of pollutant reductions that an owner or operator of regulated MS4s must achieve. The USEPA has intentionally not provided a precise definition of MEP to allow maximum flexibility in MS4 permitting. The pollutant reductions that represent MEP may be different for each small MS4, given the unique local hydrologic and geologic concerns that may exist and the differing possible pollutant control strategies. Therefore, each permittee will determine appropriate BMPs to satisfy each of the six Minimum Control Measures (MCMs) through an evaluative process. The USEPA envisions application of the MEP standard as an iterative process. [Minn. R. 7090]
27.20	"Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains: <ul style="list-style-type: none"> a. owned or operated by a state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district, or drainage district or similar entity, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management Agency under section 208 of the federal Clean Water Act, United States Code, title 33, section 1288, that discharges into waters of the state; b. designed or used for collecting or conveying stormwater; c. that is not a combined sewer; and d. that is not part of a publicly owned treatment works as defined in 40 CFR 122.2. Municipal separate storm sewer systems do not include separate storm sewers in very discrete areas, such as individual buildings. [Minn. R. 7090.0080, subp. 8]
27.21	"New Permittee" means an owner/operator of a small MS4 that has not been authorized to discharge stormwater under a previously issued General Stormwater Permit for small MS4s in the state of Minnesota and that applies for, and obtains coverage under the General Permit. [Minn. R. 7090]
27.22	"Non-Stormwater Discharge" means any discharge not composed entirely of stormwater. [Minn. R. 7090]
27.23	"Operator" means the person with primary operational control and legal responsibility for the MS4. [Minn. R. 7090.0080, subp. 10]
27.24	"Outfall" means the point source where a MS4 discharges to a receiving water, or the stormwater discharge permanently leaves the permittee's MS4. It does not include diffuse runoff or conveyances that connect segments of the same stream or water systems (e.g., when a conveyance temporarily leaves an MS4 at a road crossing). [Minn. R. 7090]
27.25	"Owner" means the person that owns the MS4. [Minn. R. 7090.0080, subp. 11]
27.26	"Permittee" means a person or persons, that signs the permit application submitted to the Agency and is responsible for compliance with the terms and conditions of the General Permit. [Minn. R. 7090]
27.27	"Person" means the state or any Agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and includes any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation, or other entity. [Minn. Stat. 115.01, subd. 10]

27.28	"Pipe" means a closed manmade conveyance device used to transport stormwater from location to location. The definition of pipe does not include foundation drain pipes, irrigation pipes, land drain tile pipes, culverts, and road sub-grade drain pipes. [Minn. R. 7090]
27.29	"Receiving Water" means any lake, river, stream or wetland that receives stormwater discharges from an MS4. [Minn. R. 7090]
27.30	"Reduce" means reduce to the Maximum Extent Practicable (MEP) unless otherwise defined in the context in which it is used. [Minn. R. 7090]
27.31	"Seasonally Saturated Soil" means the highest seasonal elevation in the soil in a reduced chemical state because of soil voids filled with water causing anaerobic conditions. Seasonally saturated soil is evidenced by the presence of redoximorphic features or other information determined by scientifically established methods or empirical field measurements. [Minn. R. 7090]
27.32	"Section" includes all item numbers of the same whole number. For example, "Section 5" of the General Permit refers to items 5.1 through 5.5. [Minn. R. 7090]
27.33	"Significant Materials" includes, but is not limited to: raw materials, fuels, materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); fertilizers, pesticides, and waste products such as ashes, slag, and sludge that have the potential to be released with stormwater discharges. When determining whether a material is significant, the physical and chemical characteristics of the material should be considered (e.g. the material's solubility, transportability, and toxicity characteristics) to determine the material's pollution potential. [40 CFR 122.26(b)(12)]
27.34	"Small Municipal Separate Storm Sewer System" or "small MS4", means all separate storm sewers that are: a. Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management Agency under section 208 of the CWA that discharges to waters of the United States. b. Not defined as "large" or "medium" Municipal Separate Storm Sewer Systems pursuant to 40 CFR 122.26 paragraphs (b)(4) and (b)(7) or designated under paragraph (a)(1)(v). c. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings. [Minn. R. 7090]
27.35	"Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage. [Minn. R. 7090.0080, subp. 12]
27.36	"Stormwater flow direction" means the direction of predominant flow within a pipe. Flow direction can be discerned if pipe elevations can be displayed on the storm sewer system map. [Minn. R. 7090]
27.37	"Stormwater Pollution Prevention Program" or "SWPPP" means a comprehensive program developed by the permittee to manage and reduce the discharge of pollutants in stormwater to and from the small MS4. [Minn. R. 7090]
27.38	"Structural Stormwater BMP" means a stationary and permanent BMP that is designed, constructed, and operated to prevent or reduce the discharge of pollutants in stormwater. [Minn. R. 7090]
27.39	"Total Maximum Daily Load" or "TMDL" means the sum of the individual Waste Load Allocations for point sources and load allocations for nonpoint sources and natural background, as more fully defined in 40 CFR 130.2, paragraph (i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water of the state and still assure attainment and maintenance of water quality standards. [Minn. R. 7052.0010, subp. 42]
27.40	"Waste Load Allocation" or "WLA" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution, as more fully defined in Code of Federal Regulations, title 40, section 130.2, paragraph (h). In the absence of a TMDL approved by USEPA under 40 CFR 130.7, or an assessment and remediation plan developed and approved according to Minn. R. 7052.0200, subp. 1(C), a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards and criteria. [Minn. R. 7052.0010, subp. 45]

27.41	"Water pollution" means (a) the discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish or other aquatic life; or (b) the alteration made or induced by human activity of the chemical, physical, biological, or radiological integrity of waters of the state. [Minn. Stat. 115.01, subd. 13]
27.42	"Water Quality Standards" means those provisions contained in Minn. R. 7050 and 7052. [Minn. R. 7090]
27.43	"Water Quality Volume" means either: a. for construction activity (excluding linear projects), one (1) inch of runoff from the sum of the new and fully reconstructed impervious surfaces created by the project (calculated as an instantaneous volume); or b. for linear projects, the greater of one (1) inch of runoff from the new impervious surface or one-half (0.5) inch of runoff from the sum of the new and fully reconstructed impervious surfaces created by the project (calculated as an instantaneous volume). [Minn. R. 7090]
27.44	"Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. [Minn. Stat. 115.01, subd. 22]
27.45	"Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes: a. a predominance of hydric soils; b. inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and c. under normal circumstances support a prevalence of such vegetation. [Minn. R. 7050.0186, subp. 1a.B]

Appendix A. Alum or Ferric Chloride Phosphorus Treatment Systems

**Table 1:
 Monitoring parameters during operation**

Station	Alum parameters	Ferric parameters	Units	Frequency
Upstream- background	Total Phosphorus	Total Phosphorus	mg/L	1 x week
	Dissolved Phosphorus	Dissolved Phosphorus	mg/L	1 x week
	Total Aluminum	Total Iron	mg/L	1 x month
	Dissolved Aluminum	Dissolved Iron	mg/L	1 x week
	pH	pH	SU	1 x week
	Flow	Flow	Mgd	Daily
Alum or Ferric Chloride Feed	Alum	Ferric	Gallons	Daily total dosed in gallons
Discharge from treatment	Total Phosphorus	Total Phosphorus	mg/L	1 x week
	Dissolved Phosphorus	Dissolved Phosphorus	mg/L	1 x week
	Total Aluminum	Total Iron	mg/L	1 x month
	Dissolved Aluminum	Dissolved Iron	mg/L	1 x week
	pH	pH	SU	1 x week
	Flow	Flow	Mgd	Daily

Appendix B. Schedules

Table 2:
Existing Permittees - Schedule of permit requirements

<i>Permit requirement</i>	<i>Schedule</i>
<p>Section 12. Stormwater Pollution Prevention Program (SWPPP) Document</p> <ul style="list-style-type: none"> • <i>Submit the SWPPP Document completed in accordance with Section 12.</i> 	<ul style="list-style-type: none"> • Within 150 days after General Permit issuance date.
<p>Section 13. Stormwater Pollution Prevention Program (SWPPP)</p> <ul style="list-style-type: none"> • <i>Complete revisions to incorporate the new requirements of Sections 14 - 23 into current SWPPP.</i> 	<ul style="list-style-type: none"> • Within 12 months of the date General Permit coverage is extended, unless other timelines have been specifically established in the General Permit and identified below.
<p>Section 19. Construction Site Stormwater Runoff Control</p> <ul style="list-style-type: none"> • <i>Complete revisions to Construction Site Stormwater Runoff Control program, including revisions to regulatory mechanism(s), if necessary.</i> • <i>When the CSW Permit is reissued, revise regulatory mechanism(s), if necessary, to be at least as stringent as the requirements for erosion, sediment, and waste controls described in the CSW Permit.</i> 	<ul style="list-style-type: none"> • Within 12 months of the date General Permit coverage is extended. • Within 12 months of the issuance date of the CSW Permit (expected issuance date of the CSW Permit is August 1, 2023).
<p>Section 21. Pollution Prevention/Good Housekeeping for Municipal Operations</p> <ul style="list-style-type: none"> • <i>Conduct structural stormwater best management practice (BMP) inspections.</i> • <i>Conduct pond and outfall inspections.</i> 	<ul style="list-style-type: none"> • Each calendar year. • Prior to the expiration date of the General Permit.
<p>Section 22. Discharges to Impaired Waters with a USEPA-Approved TMDL that includes an Applicable WLA</p> <ul style="list-style-type: none"> • <i>Submit all information required in item 22.2.</i> • <i>Meet requirements for applicable WLAs for bacteria, chloride, and temperature in Section 22.</i> 	<ul style="list-style-type: none"> • With each annual report. • Within 12 months of the date General Permit coverage is extended.
<p>Section 25. Annual Assessment, Annual Reporting, and Recordkeeping</p> <ul style="list-style-type: none"> • <i>Conduct assessment of the SWPPP.</i> • <i>On a form provided by the Agency, submit an annual report.</i> 	<ul style="list-style-type: none"> • Prior to completion of each annual report. • By June 30th of each calendar year.

Table 3:
New Permittees - Schedule of permit requirements

<i>Permit requirement</i>	<i>Schedule</i>
<p>Section 10. New Permittee Applicants</p> <ul style="list-style-type: none"> • <i>Submit Part 1, and Part 2 of the permit application as required by Section 12.</i> 	<ul style="list-style-type: none"> • Within 18 months of written notification from the Commissioner that the MS4 meets the criteria in Minn. R. 7090.1010, subp. 1.A. or B. and General Permit coverage is required.
<p>Section 13. Stormwater Pollution Prevention Program (SWPPP)</p> <ul style="list-style-type: none"> • <i>Complete all requirements of Sections 14 - 23.</i> 	<ul style="list-style-type: none"> • Within 36 months of the date General Permit coverage is extended, unless other timelines have been specifically established in the General Permit and identified below; or • Within timelines established by the Commissioner in item 8.3.
<p>Section 14. Mapping</p> <ul style="list-style-type: none"> • <i>Develop a storm sewer system map.</i> 	<ul style="list-style-type: none"> • Within 24 months of the date General Permit coverage is extended.
<p>Section 18. Illicit Discharge Detection and Elimination</p> <ul style="list-style-type: none"> • <i>Develop, implement, and enforce an Illicit Discharge Detection and Elimination Program.</i> 	<ul style="list-style-type: none"> • Within 12 months of the date General Permit coverage is extended.
<p>Section 19. Construction Site Stormwater Runoff Control</p> <ul style="list-style-type: none"> • <i>Develop, implement, and enforce a Construction Site Stormwater Runoff Control Program.</i> • <i>When the CSW Permit is reissued, revise regulatory mechanism(s), if necessary, to be at least as stringent as the requirements for erosion, sediment, and waste controls described in the CSW Permit.</i> 	<ul style="list-style-type: none"> • Within 12 months of the date General Permit coverage is extended. • Within 12 months of the issuance date of the CSW Permit (expected issuance date of the CSW Permit is August 1, 2023).
<p>Section 20. Post-Construction Stormwater Management</p> <ul style="list-style-type: none"> • <i>Develop, implement, and enforce a Post-Construction Stormwater Management program.</i> 	<ul style="list-style-type: none"> • Within 24 months of the date General Permit coverage is extended.
<p>Section 21. Pollution Prevention/Good Housekeeping for Municipal Operations</p> <ul style="list-style-type: none"> • <i>Conduct structural stormwater BMP inspections.</i> • <i>Conduct pond and outfall inspections.</i> 	<ul style="list-style-type: none"> • Each calendar year. • Prior to the expiration date of the General Permit.
<p>Section 22. Discharges to Impaired Waters with a USEPA-Approved TMDL that includes an Applicable WLA</p> <ul style="list-style-type: none"> • <i>Submit all information required in item 22.2.</i> • <i>Meet requirements for applicable WLAs for bacteria, chloride, and temperature in Section 22.</i> 	<ul style="list-style-type: none"> • With each annual report. • Within 12 months of the date General Permit coverage is extended.
<p>Section 23. Alum or Ferric Chloride Phosphorus Treatment Systems (if applicable)</p> <ul style="list-style-type: none"> • <i>Meet requirements for treatment systems in Section 23.</i> 	<ul style="list-style-type: none"> • Within 12 months of the date General Permit coverage is extended.
<p>Section 25. Annual SWPPP Assessment, Annual Reporting, and Recordkeeping</p> <ul style="list-style-type: none"> • <i>Conduct assessment of the SWPPP.</i> • <i>On a form provided by the Agency, submit an annual report.</i> 	<ul style="list-style-type: none"> • Prior to completion of each annual report. • By June 30th of each calendar year.

CITY OF EAST BETHEL
COUNTY OF ANOKA
STATE OF MINNESOTA

ORDINANCE NO. 2023-03

THE CITY COUNCIL OF THE CITY OF EAST BETHEL DOES HEREBY ORDAIN AS FOLLOWS:

CITY CODE CHAPTER 10 – ANIMALS

Add the following section to Article I, IN GENERAL:

Sec. 10-1. – Animal waste.

When on public property, the owner of any animal or person having the custody or the control of any animal shall be responsible for cleaning up any feces of the animal and properly disposing of such feces in designated animal waste containers on the public lands or in the absence of those facilities, by off-site disposal in a manner that is consistent with all laws and regulations governing animal waste removal and disposition.

All other Titles, Chapters and Sections of the City Code shall remain as written and adopted by the City of East Bethel City Council.

Adopted by the City Council of the City of East Bethel on this 24th day of April, 2023.

CITY OF EAST BETHEL

Tim Harrington, Mayor

ATTEST:

Jack Davis, City Administrator

CITY OF EAST BETHEL
COUNTY OF ANOKA
STATE OF MINNESOTA

ORDINANCE NO. 2023-05

THE CITY COUNCIL OF THE CITY OF EAST BETHEL DOES HEREBY ORDAIN AS FOLLOWS:

CITY CODE CHAPTER 66 – SUBDIVISIONS

Add the following section to Article IV, Design Standards:

Sec. 66-171. – Salt storage.

- (a) Salt storage at commercial, institutional, and non-NPDES permitted industrial facilities must be in compliance with the following:
 - (1) Salt storage must occur in a designated area which is covered or indoors;
 - (2) Designated salt storage must be located on an impervious surface;
 - (3) The operator/owner of the property must implement practices such as sweeping, diversions, and/or containments to reduce exposure when transferring material in designated salt storage areas.

All other Titles, Chapters and Sections of the City Code shall remain as written and adopted by the City of East Bethel City Council.

Adopted by the City Council of the City of East Bethel on this 24th day of April, 2023.

CITY OF EAST BETHEL

Tim Harrington, Mayor

ATTEST:

Jack Davis, City Administrator

CITY OF EAST BETHEL
COUNTY OF ANOKA
STATE OF MINNESOTA

ORDINANCE NO. 2023-06

THE CITY COUNCIL OF THE CITY OF EAST BETHEL DOES HEREBY ORDAIN AS FOLLOWS:

Changes in the following sections are denoted with an underline for new text or ~~striketrough~~ for ~~deleted language~~.

CITY CODE APPENDIX A, ZONING

SECTION 35. GRADING, FILLING, AND EXCAVATION

SECTION 35. Stormwater management, paragraph 7, shall hereby be amended to read as follows:

7. Stormwater management.

No land shall be developed and no use shall be allowed that results in water runoff causing flooding, erosion, or increased runoff on adjacent property. Such runoff shall be properly channeled into a watercourse, ditch, storm pond, or other appropriate facility subject to review and approval by the city engineer.

Stormwater pollution prevention plans (SWPPP). Stormwater pollution prevention plans are required for small and large sites, as defined below, to be submitted to the city engineer for review and approval.

- A. Small sites consist of more than 20,000 square feet but less than 1.0 acre of land disturbance, filling, grading or other such activity.
 - 1) Small sites shall be designed to control runoff rate so as to not cause downstream flooding or erosion. Calculations shall use Atlas 14 precipitation data.
 - 2) Small site stormwater pollution prevention plans shall be designed to minimize erosion and to contain sediment from the existing site.
 - 3) No building permit, subdivision approval, or permit to allow land distributing activities shall be issued until the city approves this plan.
- B. Large sites include more than 1.0 acre of disturbance and any sites that disturb less than 1.0 acre but are part of a larger development or connected action disturbing a cumulative 1.0 or more acres.
 - 1) Designed and implemented to meet or exceed the requirements of the Minnesota NPDES/SDS Construction Stormwater General Permit MN R100001 (Construction Stormwater Permit).
 - 2) General policy on stormwater runoff rates and water quality for large sites.
 - (a) For new development stormwater runoff rates, volume, total suspended solids, and total phosphorus from the site shall not increase over the predevelopment values, based on the last ten-years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.
 - i. Stormwater peak discharge rates shall not increase for the 24 hour, 2-year, 10-year, and 100-year storm events.

- ii. Volume, total suspended solids, and total phosphorus may not increase on an average annual basis.
 - iii. An instantaneous stormwater volume calculated as one inch of runoff from the new impervious surface shall be retained on-site.
- (b) For redevelopment stormwater runoff rates, volume, total suspended solids, and total phosphorus must be managed from the predevelopment values, based on the last ten-years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.
- i. Stormwater peak discharge rates shall not increase for the 24 hour, 2-year, 10-year, and 100-year storm events.
 - ii. Volume, total suspended solids, and total phosphorus must show a net reduction on an average annual basis.
 - iii. An instantaneous stormwater volume calculated as one inch of runoff from the new impervious surface shall be retained on-site.
 - iv. For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface.
- (c) Infiltration systems must be prohibited when the system would be constructed in areas:
- i. that receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface;
 - ii. where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the Agency's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans;
 - iii. where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour;
 - iv. with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock;
 - v. of predominately Hydrologic Soil Group D (clay) soils;
 - vi. in an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health;
 - vii. in an ERA within a DWSMA classified as moderate vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater;
 - viii. outside of an ERA within a DWSMA classified as high or very high vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater;

ix. within 1,000 feet up-gradient or 100 feet down gradient of active karst features;
or

x. that receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities.

~~(c) Infiltration prohibited. Infiltration shall be prohibited if one or more of the following circumstances are present.~~

~~i. The site is required to obtain a NPDES/SDS industrial stormwater permit and the permit prohibits infiltration;~~

~~ii. Where vehicle fueling and maintenance occur;~~

~~iii. Less than three feet of separation is present from the bottom of the infiltration practice to the elevation of seasonally saturated soils or top of bedrock;~~

~~iv. Where high levels of contaminants in the soil or groundwater will be mobilized by infiltrating stormwater.~~

~~(d) Infiltration restricted. Higher engineering review shall be required when the infiltration device will be constructed in areas:~~

~~i. Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn R. 4720.5100, subp. 13;~~

~~ii. Where soil infiltration rates are more than 8.3 inches per hour;~~

~~iii. Other areas as determined by the city engineer.~~

(d e) Limitations. For projects where site constraints limit the ability to provide the required control practices within the project boundary; the project shall provide for downstream improvements for that portion that cannot be treated within the project boundaries. Such projects may include:

i. Linear projects where reasonable effort has been made to obtain sufficient right-of-way to install required control practices and said efforts have been unsuccessful;

ii. Sites where infiltration is prohibited;

iii. Other locations as determined by the city.

(e f) Sequencing. Projects that cannot fully meet the stormwater requirements of this section must demonstrate the site constraints through a sequencing analysis subject to review and approval of the city engineer. Prior to consideration of off-site mitigation, the applicant must demonstrate on-site treatment to the maximum extent practicable given the site constraints.

(f g) Mitigation. Projects that have made reasonable effort but have been unable to fully meet volume, total suspended solids, and total phosphorus requirements within the project limits may, upon authorization by the city, utilize the following methods to meet that portion not met on-site:

i. Provided treatment that yields the same benefits in an offsite location to the same receiving water that receives runoff from the project site. If this is not feasible then;

- ii. Provide treatment that yields the same benefits in an offsite location within the same Minnesota Department of Natural Resources catchment area as the project site. If this is not feasible then;
- iii. Provide treatment that yields the same benefits in an offsite location within an adjacent Minnesota Department of Natural Resources catchment area up-stream of the project site. If this is not feasible then;
- iv. Provide treatment that yields the same benefits at a site approved by the city.
- v. Offsite mitigation authorized by the city shall be completed within 24-months of the beginning of construction on the permitted site.
- vi. Mitigation projects must involve the creation of new permanent pollution controls or retrofit of existing permanent pollution controls, or the use of properly designed regional permanent pollution controls.
- vii. Maintenance of existing permanent pollution controls that do not have adequate capacity to meet the runoff and water quality criteria of this ordinance shall not be accepted in lieu of new or retrofit permanent stormwater pollution controls.

(g h) Applicants shall provide documentation showing compliance with the rate and quality requirements of this ordinance. Acceptable documentation shall be:

- i. For rate and volume: Calculations shall be by a methodology listed in the Minnesota Pollution Control Agency's publication, "The Minnesota Stormwater Manual" or other method approved by the City. Calculations shall use Atlas 14 precipitation data.
- ii. For total suspended solids and total phosphorus: Calculations shall be done using the Minimal Impact Design Standards (MIDS) Calculator available on the MPCA website, P8 or other method approved by the city.
- iii. Prepared and certified by a professional engineer.

C. The following criteria shall be met for all sites.

- 1) *City inspection.* The applicant shall be responsible for all required erosion and sediment inspections required in the approved stormwater pollution prevention plan. The city may perform inspections to ensure conformance with this section. The applicant and/or builder shall provide access to the site and address any deficiencies noted by the city to maintain proper erosion and sediment control at all sites within the timeframes noted in this ordinance and the construction stormwater permit. In cases where cooperation is withheld, construction stop work orders may be issued by the city, until erosion and sediment control measures are compliant with the construction stormwater permit and this ordinance. Follow up erosion and sediment control/grading inspections must then be scheduled and passed before the construction stop work order is lifted or any other inspections will be done.
- 2) *Inspection and maintenance.* All stormwater pollution control management facilities must be designed to minimize the need of maintenance, to provide easy vehicle and personnel access for maintenance purposes, and be structurally sound. The city or its designated representative shall inspect all stormwater management facilities during construction and during the first year of operation.
- 3) *Private facilities.* Where private facilities are allowed by the city council the applicant must provide as part of the design plan of operation and maintenance. The plan must indicate the responsible party or parties charged with the long-term maintenance, repair, or replacement of the facilities. The plan shall also include information on the intended final ownership of the properties

containing such facilities and the means by which inspection, maintenance, repair, or replacement, when necessary, shall be funded and accomplished and the party that will be responsible for the operation and maintenance. The details shall be included in an agreement that shall be recorded against the property being developed. In addition, the agreement shall provide for:

- (a) Access in perpetuity for inspection of the facilities by the city.
- (b) Access in perpetuity for maintenance of the facilities should the city find that storm water facility maintenance is required and upon written notice the property owners fail to take corrective action with the cost of such maintenance to be paid by the property owner.
- (c) If upon inspection, the city finds that any private stormwater management facilities require maintenance, repair, or replacement, but such deficiencies do not create a critical or imminent threat to adjacent properties, the environment, or other stormwater facilities; the party or parties responsible for the continued operation of the facilities shall be given written notice of the findings.
- (d) If upon inspection, the city finds that any private stormwater management facilities require maintenance, repair, or replacement and such deficiencies create a critical or imminent threat to adjacent properties, the environment, or other stormwater facilities, the city may take immediate corrective action and charge the costs to the properties identified in the agreement as benefitting from the private stormwater facilities. The city council shall, by appropriate resolution, assess the costs including appropriate administrative fees against said properties, and certify the same to the County Assessor of Anoka County, Minnesota.

All other Titles, Chapters and Sections of the City Code shall remain as written and adopted by the City of East Bethel City Council.

Adopted by the City Council of the City of East Bethel on this 24th day of April, 2023.

CITY OF EAST BETHEL

Tim Harrington, Mayor

ATTEST:

Jack Davis, City Administrator

**City of East Bethel
City Council Meeting
Agenda Item Information**



Date: April 24, 2023

Agenda Item Number: 4.0 F

Agenda Item: Ordinance Amendments for Compliance with the Sunrise River Water Management Organization (SRWMO) Watershed Management Plan

Background Material:

The Minnesota Board of Water and Soil Resources (BWSR) coordinates the water and soil resources planning and implementation activities of counties, soil and water conservation districts, watershed districts, watershed management organizations, and any other local units of government.

Watershed management organizations, such as the SRWMO, are required to prepare, adopt, and implement a watershed management plan in accordance with the requirements of MN Statutes Sections [103B.205](#) to [103B.255](#).

After the watershed management organization's (WMO) watershed plan is approved and adopted, pursuant to section [103B.231](#), the local government units, such as East Bethel, having land use planning and regulatory responsibility for territory within the watershed, must prepare a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the WMO plan.

Appendix B of the SRWMO Watershed Plan includes the Regulatory Standards for the watershed. These standards are included as Attachment No. 1. East Bethel is responsible for implementing the official controls to enforce these Regulatory Standards. The two ordinance revisions required to comply with the SRWMO Regulatory Standards include:

1. City Code 66, Subdivisions, Article IX, Wetland Protection, Section 66-255 – Buffer Strips
 - Chapter 66 of the City Code already requires the preservation of buffer strips around wetland boundaries. A copy of Ordinance No. 2023-04, which requires these buffers to be contained within a drainage and utility easement, is included as Attachment No. 2. This revision is consistent with the SRWMO Regulatory Standards (Attachment No. 1).
2. City Code Appendix A, Zoning, Section 35, Grading, Filling and Excavation, Part 7.A.1 and 7.B.2.g.
 - A redline copy of Ordinance No. 2023-06 which revises the two sections of the City Code listed above is included as Attachment No. 3. The revisions require Atlas 14 precipitation data to be used in estimating storm water runoff rates consistent with the SRWMO Regulatory Standards (Attachment No. 1).

Atlas 14 provides precipitation frequency estimates for durations of 5-minutes through 60-days at average recurrence intervals of 1-year through 1,000-year for eleven midwestern states: Colorado, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin. The typical storm recurrence used to evaluate development sites in East Bethel includes the 2-year, 10-year, and 100-year. The information in Atlas 14 supersedes precipitation frequency estimates previously used in the publication “Weather Bureau’s Technical Paper No. 40 (TP-40), *Rainfall Frequency Atlas of the United States for Durations from 30 Minutes to 24 Hours and Return Periods from 1 to 100 Years* (Hershfield, 1961).”

A comparison of the precipitation values for the 2-year, 10-year, and 100-year 24-hour storm events for the TP-40 and Atlas 14 is as follows:

Storm Event	TP-40 (Old Standard) Rainfall (Inches)	Atlas 14 (New Standard) Rainfall (Inches)
2-Year	2.70	2.82
10-Year	4.10	4.18
100-Year	5.90	6.91

Attachment(s):

Attachment 1 – SRWMO Regulatory Standards

Attachment 2 – Ordinance 2023-04 Additions to City Code Chapter 66 – Subdivisions, Article IX, Wetland Protection, Section 66-255 – Buffer Strips

Attachment 3 – Ordinance 2023-06 Redline Copy Revisions to City Code Appendix A, Zoning, Section 35, Grading, Filling and Excavation, Part 7.A.1 and 7.B.2.g

Fiscal Impact: To be determined

Recommendation(s):

Staff is requesting that City Council conduct a public hearing to receive comments on amendments to Ordinance 2023-04 and Ordinance 2023-06 and at the conclusion of the hearing, City Council is requested to approve those amendments to Ordinance 2023-04 and Ordinance 2023-06 Part 7.A.1 and Part 7.B.2.g as exhibited in Attachment 2 and Attachment 3 respectively.

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____



Sunrise River Watershed Management Organization

Regulatory Standards

Administration

The SRWMO does not have a permitting program. These standards will be administered by the member communities of the SRWMO. Each community must adopt standards at least as protective as, and consistent with, the SRWMO standards in their ordinances, and implement them.

Stormwater

Goal: Maintain water quality and promote infiltration in sandy soils.

Standards:

- **Applicability:** These standards apply to:
 - Subdivision or development of three or more lots OR
 - >1 ac disturbance creating new impervious surfaces.
 - Issuance of new building permits for individual lots in the shoreland zone – in this instance the only applicable standard is that impervious surfaces on the lot may not exceed 25%.
- **Volume control:** Retain 1” from impervious surfaces, preferably by infiltration.
- **Pollutant control:** Post-development must equal pre-development for total phosphorus and suspended solids for the 2-, 10- and 100-year 24-hour storm events.
- **Rate control:** Post-development rates must equal pre-development for the 2-, 10- and 100-year 24-hour storm events.
- **What to do if infiltration is difficult or not advised:** Volume retention, with infiltration and minimizing runoff-generating surfaces as the preferred techniques, must be used to the maximum extent practical to achieve the SRWMO standards. Maximum extent practical shall be determined by the local permitting authority (city or township). Infiltration is prohibited in the circumstances described in the MN Stormwater Manual Design Criteria for Infiltration, including runoff from fueling stations, in the emergency response area of a drinking water supply management area and others.
- **Exempt activities:** road mill and overlay, maintenance and paving of existing gravel roads, agricultural production not creating impervious surfaces, and emergency activities necessary for protection of life, property or natural resources.
- **Special considerations in the shoreland zone:** Impervious surfaces must not exceed 25% of lot area.
- **Pre-treatment** is required before water enters an infiltration practice.

- **Must utilize Atlas 14** precip data when estimating stormwater rates, volumes and pollutants.
- **A legally binding and enforceable maintenance plan** clarifying responsible parties is required for all stormwater infiltration or retention practices.

Wetlands

Goals:

- Filter runoff through a vegetated buffer.
- Prevent disturbance within the wetland.

Standards:

- **Applicability:** These standards apply to:
 - Subdivision or development of three or more lots OR
 - >1 ac disturbance creating new impervious surfaces.
- **Buffer width:** A minimum 16.5 ft perennially vegetated buffer is required at the wetland boundary.
- **Protections during construction:** The delineated wetland, but not necessarily the buffer area, must be protected during construction with protected with appropriate perimeter erosion control.
- **Buffer seeding:** Any areas where vegetation is removed in the buffer area during construction must be reseeded with a native seed mix, and the applicant is responsible for maintenance or reseeded for 3 years through a legally enforceable agreement with the city/township. These requirements do not apply if the buffer area vegetation is not disturbed during construction.
- **Buffer vegetation:** Buffer shall be a perennial, unmowed vegetation creating continuous cover. Existing vegetation may be used.
- **Buffer within an easement:** The buffer shall be within a drainage and utility easement with the community's restrictions on structures and other activities in a drainage and utility easement.
- **Stormwater discharge to wetlands:** Discharged stormwater must be treated to SRWMO stormwater standards.
- **Water level bounce:** Allowable water level bounce in wetlands must follow MPCA guidance document - *Stormwater and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Stormwater and Snowmelt Runoff on Wetlands,* Minnesota Pollution Control Agency 1997, or subsequent updates.
- **Variations:** Buffer variations may be granted in any of the following conditions:
 - Small wetlands where the entire wetland area is less than or equal to the area of wetland impact allowed without replacement as *de minimis* under the MN Wetland Conservation Act. It is acceptable to have no buffers in these cases.

- Part of the required buffer is outside of the wetland's watershed. Due to topography near the wetland, runoff flows away from and never enters the wetland through surface flows. Variances should only be for that portion of the buffer that would be outside of the wetland's watershed.
- If drainage is redirected to an area where a buffer is feasible.
- If the site is not generating stormwater or is using storm water minimizing techniques that also provide habitat value such as rain gardens, vegetated swales, and other Best Management Practices (BMP's) replace the functions of buffers.
- If the applicant is protecting additional upland, beyond that required by other ordinances or control measures, to connect existing wildlife habitat.
- Undue hardship, as defined in MN Statutes 462.357, subd. 6, subpart 2.
- Others as determined by the permitting authority.
- Roads and other linear projects, except those created as part of new residential or commercial developments.

Subsurface Sewage Treatment Systems

Short term goal: Have consistent triggers for periodic septic system inspections that result in non-compliant systems getting fixed.

Long term goals: If grant funds can be secured,

- Expand triggers for septic system inspections to include property transfer in all SRWMO communities. East Bethel and Columbus have this, Linwood and Ham Lake do not. The SRWMO will pursue grants for development and update of these ordinances, and setting up a process to implement it.
- Provide septic system inspections of all parcels throughout the shoreland district.
- Install community systems where it is more economical than individual fixes.
- Increase grant funds to homeowners for fixing failing septic systems. Priority area is the shoreland zone.

Standards:

- Building permit applications to add a bedroom or square footage shall follow the MN Rules 7080 requirement for a review of the onsite sewage treatment system's design to determine if additional flow can be accommodated.
- Communities must track septic system pumping at each residence or business.
- Communities must send maintenance reminders for residences where the community has no record of maintenance in the last three years.

CITY OF EAST BETHEL
COUNTY OF ANOKA
STATE OF MINNESOTA

ORDINANCE NO. 2023-04

THE CITY COUNCIL OF THE CITY OF EAST BETHEL DOES HEREBY ORDAIN AS FOLLOWS:

CITY CODE CHAPTER 66 – SUBDIVISIONS

Add the following paragraphs to Article IX, Wetland Protection, Section 66-255 – Buffer Strips:

- (4) Buffer Strip Easement.
 - a. Buffer strips shall be within a drainage and utility easement. The applicant shall be required to prepare the easement deed for the City’s review and approval. The applicant shall record the deed at the County recorder’s office.

All other Titles, Chapters and Sections of the City Code shall remain as written and adopted by the City of East Bethel City Council.

Adopted by the City Council of the City of East Bethel on this 24th day of April, 2023.

CITY OF EAST BETHEL

Tim Harrington, Mayor

ATTEST:

Jack Davis, City Administrator

CITY OF EAST BETHEL
COUNTY OF ANOKA
STATE OF MINNESOTA

ORDINANCE NO. 2023-06

THE CITY COUNCIL OF THE CITY OF EAST BETHEL DOES HEREBY ORDAIN AS FOLLOWS:

Changes in the following sections are denoted with an underline for new text or ~~striketrough~~ for ~~deleted language~~.

CITY CODE APPENDIX A, ZONING

SECTION 35. GRADING, FILLING, AND EXCAVATION

SECTION 35. Stormwater management, paragraph 7, shall hereby be amended to read as follows:

7. Stormwater management.

No land shall be developed and no use shall be allowed that results in water runoff causing flooding, erosion, or increased runoff on adjacent property. Such runoff shall be properly channeled into a watercourse, ditch, storm pond, or other appropriate facility subject to review and approval by the city engineer.

Stormwater pollution prevention plans (SWPPP). Stormwater pollution prevention plans are required for small and large sites, as defined below, to be submitted to the city engineer for review and approval.

- A. Small sites consist of more than 20,000 square feet but less than 1.0 acre of land disturbance, filling, grading or other such activity.
 - 1) Small sites shall be designed to control runoff rate so as to not cause downstream flooding or erosion. Calculations shall use Atlas 14 precipitation data.
 - 2) Small site stormwater pollution prevention plans shall be designed to minimize erosion and to contain sediment from the existing site.
 - 3) No building permit, subdivision approval, or permit to allow land distributing activities shall be issued until the city approves this plan.
- B. Large sites include more than 1.0 acre of disturbance and any sites that disturb less than 1.0 acre but are part of a larger development or connected action disturbing a cumulative 1.0 or more acres.
 - 1) Designed and implemented to meet or exceed the requirements of the Minnesota NPDES/SDS Construction Stormwater General Permit MN R100001 (Construction Stormwater Permit).
 - 2) General policy on stormwater runoff rates and water quality for large sites.
 - (a) For new development stormwater runoff rates, volume, total suspended solids, and total phosphorus from the site shall not increase over the predevelopment values, based on the last ten-years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.
 - i. Stormwater peak discharge rates shall not increase for the 24 hour, 2-year, 10-year, and 100-year storm events.

- ii. Volume, total suspended solids, and total phosphorus may not increase on an average annual basis.
 - iii. An instantaneous stormwater volume calculated as one inch of runoff from the new impervious surface shall be retained on-site.
- (b) For redevelopment stormwater runoff rates, volume, total suspended solids, and total phosphorus must be managed from the predevelopment values, based on the last ten-years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.
- i. Stormwater peak discharge rates shall not increase for the 24 hour, 2-year, 10-year, and 100-year storm events.
 - ii. Volume, total suspended solids, and total phosphorus must show a net reduction on an average annual basis.
 - iii. An instantaneous stormwater volume calculated as one inch of runoff from the new impervious surface shall be retained on-site.
 - iv. For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface.
- (c) Infiltration systems must be prohibited when the system would be constructed in areas:
- i. that receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface;
 - ii. where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the Agency's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans;
 - iii. where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour;
 - iv. with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock;
 - v. of predominately Hydrologic Soil Group D (clay) soils;
 - vi. in an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health;
 - vii. in an ERA within a DWSMA classified as moderate vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater;
 - viii. outside of an ERA within a DWSMA classified as high or very high vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater;

ix. within 1,000 feet up-gradient or 100 feet down gradient of active karst features;
or

x. that receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities.

~~(c) Infiltration prohibited. Infiltration shall be prohibited if one or more of the following circumstances are present.~~

~~i. The site is required to obtain a NPDES/SDS industrial stormwater permit and the permit prohibits infiltration;~~

~~ii. Where vehicle fueling and maintenance occur;~~

~~iii. Less than three feet of separation is present from the bottom of the infiltration practice to the elevation of seasonally saturated soils or top of bedrock;~~

~~iv. Where high levels of contaminants in the soil or groundwater will be mobilized by infiltrating stormwater.~~

~~(d) Infiltration restricted. Higher engineering review shall be required when the infiltration device will be constructed in areas:~~

~~i. Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn R. 4720.5100, subp. 13;~~

~~ii. Where soil infiltration rates are more than 8.3 inches per hour;~~

~~iii. Other areas as determined by the city engineer.~~

(d e) Limitations. For projects where site constraints limit the ability to provide the required control practices within the project boundary; the project shall provide for downstream improvements for that portion that cannot be treated within the project boundaries. Such projects may include:

i. Linear projects where reasonable effort has been made to obtain sufficient right-of-way to install required control practices and said efforts have been unsuccessful;

ii. Sites where infiltration is prohibited;

iii. Other locations as determined by the city.

(e f) Sequencing. Projects that cannot fully meet the stormwater requirements of this section must demonstrate the site constraints through a sequencing analysis subject to review and approval of the city engineer. Prior to consideration of off-site mitigation, the applicant must demonstrate on-site treatment to the maximum extent practicable given the site constraints.

(f g) Mitigation. Projects that have made reasonable effort but have been unable to fully meet volume, total suspended solids, and total phosphorus requirements within the project limits may, upon authorization by the city, utilize the following methods to meet that portion not met on-site:

i. Provided treatment that yields the same benefits in an offsite location to the same receiving water that receives runoff from the project site. If this is not feasible then;

- ii. Provide treatment that yields the same benefits in an offsite location within the same Minnesota Department of Natural Resources catchment area as the project site. If this is not feasible then;
- iii. Provide treatment that yields the same benefits in an offsite location within an adjacent Minnesota Department of Natural Resources catchment area up-stream of the project site. If this is not feasible then;
- iv. Provide treatment that yields the same benefits at a site approved by the city.
- v. Offsite mitigation authorized by the city shall be completed within 24-months of the beginning of construction on the permitted site.
- vi. Mitigation projects must involve the creation of new permanent pollution controls or retrofit of existing permanent pollution controls, or the use of properly designed regional permanent pollution controls.
- vii. Maintenance of existing permanent pollution controls that do not have adequate capacity to meet the runoff and water quality criteria of this ordinance shall not be accepted in lieu of new or retrofit permanent stormwater pollution controls.

(g h) Applicants shall provide documentation showing compliance with the rate and quality requirements of this ordinance. Acceptable documentation shall be:

- i. For rate and volume: Calculations shall be by a methodology listed in the Minnesota Pollution Control Agency's publication, "The Minnesota Stormwater Manual" or other method approved by the City. Calculations shall use Atlas 14 precipitation data.
- ii. For total suspended solids and total phosphorus: Calculations shall be done using the Minimal Impact Design Standards (MIDS) Calculator available on the MPCA website, P8 or other method approved by the city.
- iii. Prepared and certified by a professional engineer.

C. The following criteria shall be met for all sites.

- 1) *City inspection.* The applicant shall be responsible for all required erosion and sediment inspections required in the approved stormwater pollution prevention plan. The city may perform inspections to ensure conformance with this section. The applicant and/or builder shall provide access to the site and address any deficiencies noted by the city to maintain proper erosion and sediment control at all sites within the timeframes noted in this ordinance and the construction stormwater permit. In cases where cooperation is withheld, construction stop work orders may be issued by the city, until erosion and sediment control measures are compliant with the construction stormwater permit and this ordinance. Follow up erosion and sediment control/grading inspections must then be scheduled and passed before the construction stop work order is lifted or any other inspections will be done.
- 2) *Inspection and maintenance.* All stormwater pollution control management facilities must be designed to minimize the need of maintenance, to provide easy vehicle and personnel access for maintenance purposes, and be structurally sound. The city or its designated representative shall inspect all stormwater management facilities during construction and during the first year of operation.
- 3) *Private facilities.* Where private facilities are allowed by the city council the applicant must provide as part of the design plan of operation and maintenance. The plan must indicate the responsible party or parties charged with the long-term maintenance, repair, or replacement of the facilities. The plan shall also include information on the intended final ownership of the properties

containing such facilities and the means by which inspection, maintenance, repair, or replacement, when necessary, shall be funded and accomplished and the party that will be responsible for the operation and maintenance. The details shall be included in an agreement that shall be recorded against the property being developed. In addition, the agreement shall provide for:

- (a) Access in perpetuity for inspection of the facilities by the city.
- (b) Access in perpetuity for maintenance of the facilities should the city find that storm water facility maintenance is required and upon written notice the property owners fail to take corrective action with the cost of such maintenance to be paid by the property owner.
- (c) If upon inspection, the city finds that any private stormwater management facilities require maintenance, repair, or replacement, but such deficiencies do not create a critical or imminent threat to adjacent properties, the environment, or other stormwater facilities; the party or parties responsible for the continued operation of the facilities shall be given written notice of the findings.
- (d) If upon inspection, the city finds that any private stormwater management facilities require maintenance, repair, or replacement and such deficiencies create a critical or imminent threat to adjacent properties, the environment, or other stormwater facilities, the city may take immediate corrective action and charge the costs to the properties identified in the agreement as benefitting from the private stormwater facilities. The city council shall, by appropriate resolution, assess the costs including appropriate administrative fees against said properties, and certify the same to the County Assessor of Anoka County, Minnesota.

All other Titles, Chapters and Sections of the City Code shall remain as written and adopted by the City of East Bethel City Council.

Adopted by the City Council of the City of East Bethel on this 24th day of April, 2023.

CITY OF EAST BETHEL

Tim Harrington, Mayor

ATTEST:

Jack Davis, City Administrator

**City of East Bethel
City Council Meeting
Agenda Item Information**



Date: April 24, 2023

Agenda Item Number: 4.0 G

Agenda Item: Public Hearing for City Ordinance, Chapter 66, Article VII, Section 66 – 195, Public Land Dedication Amendments

Background:

The current park dedication fees were established by an ordinance revision that was approved on August 5, 2015. Article VII, Section 66-195 of the City Code was amended to include reduction of the not to exceed fee for residential park dedication from \$6,000 to \$2,000 per lot exempting one habitable homestead per subdivision (if applicable) and reducing the park dedication for commercial/industrial developments from a not to exceed fee of \$4,500 to \$2,000 per acre.

Within the current ordinance, the City can either elect to require dedication of up to 10% of new residential developments for parkland or receive funds equal to 10% of the market value of the property prior to development, not exceed \$2,000 per lot. For commercial or industrial development this is lowered to 5% with a not to exceed value of \$2,000 per acre.

These lower fees were adopted to compensate for higher operations and amortization water and sewer costs of the City's small customer base stand-alone utility system. Lower park dedication fees were put in place to maintain the competitive balance required to offset the lower SAC and WAC charges of area municipalities.

The need to update these fees to meet the demands for parks improvements and new facilities was discussed at the December 13, 2022 Parks Commission Meeting and the joint City Council Work Meeting and Park Commission meeting on February 6, 2023.

Based on discussions from both of those meetings and discussions at the March 13, 2023 Park Commission Meeting, the Commission unanimously recommended moving to a per unit fee for residential developments. The recommendation included a \$2,000 per unit fee in new single-family developments and a \$1,500 per unit fee for new multi-family developments. They also included a recommendation for a 25% per unit reduction in multifamily developments that include public recreation facilities.

The Park Commission was aware of the pending litigation at the state level regarding commercial/industrial park dedication fees but recommended making changes to our current policy in conjunction with the residential changes to keep the process easy to understand and consistent. They recommended a per acre fee of \$2,000 for new commercial/industrial development. Once this case is settled, the City's Fee Schedule can be amended to reflect any new requirements.

The Park Commission recommended that City Council consider approval of a \$2,000 per lot park dedication fee for single family development(s), \$1,500 per unit park dedication fee for multi-family developments with a 25% fee reduction for those that include recreation facilities available for public use and \$2,000 per acre park dedication fee for commercial/light industrial developments and amend City Fee Schedule to reflect these changes.

The recommended fees would increase park revenue for new development and be comparable with fees charged by neighboring cities. The fees would be included in the City Fee Schedule and would be reviewed annually and adjusted as deemed appropriate to balance demands for park facilities and improvements with the market conditions for development projects.

This item was discussed at the City Council Meeting on March 27, 2023 and was tabled to enable the preparation of a resolution to approve this recommendation. In addition to Resolution 2023-32 to change the City Fee Schedule, revisions to City Ordinance 66-195 are required to remove those references to fees based on a percentage of appraised value. Resolution 2023-32 and proposed amendments to City Ordinance 66 – 195 are exhibited in Attachments 1 -3.

Attachments:

- 1.) City Ordinance, Section 66-195 – Redline Revision
- 2.) City Ordinance, Section 66-195 – Clean Copy (Ord. 2023-07)
- 3.) Resolution 2023-32
- 4.) 2023 Fee schedule

Recommendation(s):

Recommendation 1 - Staff is requesting that Council hold a Public Hearing to discuss revisions to the ordinance as exhibited in Attachment 1 and consider approving those changes to City Ordinance, Chapter 66, Article VII, Section 66 – 195, Public Land Dedication.

Recommendation 2 - Staff is requesting that Council approve Resolution 2023-32, Amendment to the 2023 Fee Schedule – Park Dedication Fees. These changes would align the Fee Schedule with revisions to City Ordinance 66 -195.

Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

Sec. 66-195. Required dedication.

(a) *Dedication of land or cash.*

(1) Pursuant to Minn. Stats. § 462.358, subd. 2b, the city requires all subdividers, as a prerequisite to approval of a final subdivision plat or development of any land previously divided by plat, metes or bounds, or any other means, to convey to the city or dedicate to the public use for park, playground, open space, or trail, a reasonable portion of the land being platted or developed as hereinafter specified. The portions to be dedicated will be approved by the city; or in lieu thereof, the subdivider shall at the option of the city pay to the city, for use in the acquisition or development of public parks, playgrounds, or in debt retirement in connection with land previously acquired for such public purposes, an equivalent amount in cash based upon ~~the undeveloped land value~~ *the City's Fee Schedule for Park Dedication.*

(2) The form of contribution (cash, land, or any combination thereof) shall be decided by city council based upon need and conformance with the comprehensive plan.

(b) *Administrative procedures.* The city council shall establish such administrative procedures as it may deem necessary and required to implement the provisions of this chapter.

(c) *Parks commission recommendation.*

(1) The parks commission shall, in each case, recommend to city council the total area and location of such land that the parks commission feels should be so conveyed or dedicated within the development for the above public purposes. These recommendations shall be based on the recommendations included in the city parks, trails, and open space plan.

(2) The parks commission shall, prior to the time that the planning commission completes its public hearings on the preliminary plat, review the preliminary plat and recommend to the planning commission the total area and location of the land the parks commission determines should be dedicated for park use. The parks commission shall present these recommendations to the planning commission and city council. In those instances where the parks commission concludes that a cash

equivalency payment should be made by the applicant or owner in lieu of dedication of land, the parks commission shall recommend to the planning commission ~~the percentage of the total park dedication~~ requirement to be paid to the city in cash **as prescribed in the City Fee Schedule**. In the event that review at a regular meeting of the parks commission would result in a delay in the review and approval process so that the time limitations of Minn. Stats. § 462.358 may not be met, the requirement of review by the parks commission may be waived by either the applicant or by city council at the time of its review of the application.

(d) *Standards for determination.*

- (1) The parks commission shall develop and recommend to city council for adoption standards and guidelines for determining which portion of each such development should reasonably be required to be conveyed or dedicated. Such standards and guidelines may take into consideration the zoning classification to be assigned to the land to be developed, the particular use proposed for such land, amenities to be provided, and factors of density and site development as proposed by the subdivider. The parks commission shall further recommend changes and amendments from time to time to such standards and guidelines to reflect changes in the usage of land which may occur, changes in zoning classification, and concepts and changes in planning and development concepts that relate to the development and usages to which land may be put.
- (2) The parks commission shall develop and recommend standards for design and construction of public parks, trails, and open space areas in the city.

(e) *Dedicated land requirements.* Any land to be dedicated as a requirement of this chapter shall be reasonably adapted for the above public purposes. Factors used in evaluating the adequacy of proposed dedication areas shall include size, shape, topography, drainage, geology, tree cover, rare species, and other significant wildlife habitats, access, and location.

(f) *Minimum area of dedicated land.* Subdividers shall be required to dedicate to the city for park, trail, playground, open space, and other public purposes as a minimum that percentage of net land area ~~or equivalent market value in cash~~ as set out below:

(1) *Residential land uses.*

Units Per Acre	Percentage of Land Required for Dedication in Lieu of Cash Payment
Up to 6	10 per cent
6 or more	10 percent plus 1 percent for each dwelling unit (DU) over 6 units/acre

(2) *Cash in lieu.* ~~In no event shall the cash in lieu of land payment~~ ***shall be set and presented in the City Fee Schedule.***

- a. Metes and bounds lot splits and subdivisions which create a lot with an existing habitable residence shall have that lot excluded from any requirements for park dedication fees.

(3) *Review of cash in lieu maximum.* City council shall review the maximum cash in lieu of land payment ~~at least every two years~~ ***annually*** to ensure that it remains consistent with park and trail system development costs.

(4) *Commercial and industrial land uses.* ~~Dedication requirement of five percent of land or equivalent market value in cash. In no event shall the cash in lieu of land payment exceed \$2,000.00 per acre of land proposed for development~~ ***shall be set and presented in the City Fee Schedule.***

(5) *Schools, religious institutions, and other nonprofit organizations.* Dedication requirement shall be determined by city council based on discussion with the school district or nonprofit agency. Recommendations will be based on anticipated use of city park facilities by the school or organization, and shall consider agreements for cooperative use of school recreational facilities.

(6) *Determination of fair market value.* ~~To determine the fair market value of the undeveloped land, the developer shall submit an appraisal at the time of preliminary plat application. The city will then obtain a review appraisal as a validation of the developer's appraisal. If city staff and the developer are unable to agree on fair market value, city council will make the determination of fair market value.~~

(7) *Lands designated on official map for parks, trails, and open space plan.* ~~Where a proposed park, playground, trail, or open space area indicated in~~

~~the city parks, trails, and open space plan or comprehensive plan is located in whole or in part within a proposed subdivision, all or part of the proposed site shall be designated as such and should be dedicated to the city based on the area of land dedication required by this chapter.~~

- (8) *Deviation from required dedication.* The dedication requirements based on the development's proportional share of the city park system are presumptively appropriate.
- (9) *Wetlands and ponding areas.* Existing wetlands and drainage ways accepted by the city shall not be considered in the park land ~~and/or cash~~ contribution to the city.
- (g) *Land dedication/payment of fees.*
- (1) *Land dedication.* When land is to be dedicated to satisfy the park dedication requirement, separate lots or outlots shall be indicated on the plat drawings for the area to be dedicated. Such lots or outlot shall be deeded to the city prior to the issuance of any building permits within the plat. The developer shall be responsible for finished grading, ground cover, and construction of trails in all lands to be dedicated to the city. No credit toward the required dedication shall be given for this work, except that credit for the cost of improvements to trails ~~included in the city's adopted trail plan~~ *as approved by the City* may be given.
- (2) *Cash fee.* When a cash fee is to be paid in lieu of land dedication, the payment of such fee shall be required as follows:
- a. For residential and commercial/industrial developments, the fee shall be paid prior to the city's release of the signed final plat Mylars for recording with the county. The amount of any required cash contribution shall be calculated based on the rates established ~~by the city~~ *in the City Fee Schedule* and in effect as of the date of the *approval of the preliminary plat* ~~release of the final plat for filing~~.
 - b. Park dedication is required for all newly created lots or parcels.
 - c. In plats that include outlots for future development, the subdivider may pay to the city the development's proportional share for the entire subdivision, including the outlots; or the development's proportional share excluding such outlots, providing that the park dedication requirement shall be satisfied when such outlots are

replatted in which the amount of any required cash contribution shall be ~~calculated~~ based on the rates established by the city and in effect as of the date of the ~~release~~ *approval* of the ~~final plat for filing~~ preliminary plat for the outlots.

(h) *Park fund.*

- (1) *Purpose.* Cash payments shall be placed by the city in a special fund and used only for the acquisition of land for parks, trails, playgrounds, public open space, development of existing park and playground sites, public open space, and debt retirement in connection with land previously acquired for public purposes.
- (2) *Annual financial report.* Each year the parks commission shall present to city council, in such detail as city council shall require, its estimate of the financial needs of the parks commission for the ensuing fiscal year.
- (3) *Gifts and donations.* The parks commission is authorized to receive gifts, devises, bequests, endowments, or other donations of money and property on behalf of the city. All monies received shall be deposited in the park fund.

(Ord. of 10-17-2007, § 8(8-2); Ord. No. 51, Second Series, 8-5-2015)

**CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA
ORDINANCE NO. 2023-07**

**AN ORDINANCE AMENDING CHAPTER 66, SECTION 66-195
OF THE EAST BETHEL CODE OF ORDINANCES
REGULATING PUBLIC LAND DEDICATION
IN THE CITY OF EAST BETHEL**

The City Council of East Bethel, Minnesota ordains:

Section 1. Chapter 66, Section 66-195 of the East Bethel Code of Ordinances is hereby amended to read as follows:

Sec. 66-195. Required dedication.

(a) Dedication of land or cash.

- (1) Pursuant to Minn. Stats. § 462.358, subd. 2b, the city requires all subdividers, as a prerequisite to approval of a final subdivision plat or development of any land previously divided by plat, metes or bounds, or any other means, to convey to the city or dedicate to the public use for park, playground, open space, or trail, a reasonable portion of the land being platted or developed as hereinafter specified. The portions to be dedicated will be approved by the city; or in lieu thereof, the subdivider shall at the option of the city pay to the city, for use in the acquisition or development of public parks, playgrounds, or in debt retirement in connection with land previously acquired for such public purposes, an equivalent amount in cash based upon the City's Fee Schedule for Park Dedication.
- (2) The form of contribution (cash, land, or any combination thereof) shall be decided by city council based upon need and conformance with the comprehensive plan.

(b) Administrative procedures. The city council shall establish such administrative procedures as it may deem necessary and required to implement the provisions of this chapter.

(c) Parks commission recommendation.

- (1) The parks commission shall, in each case, recommend to city council the total area and location of such land that the parks commission feels should be so conveyed or dedicated within the development for the above public purposes. These recommendations shall be based on the recommendations included in the city parks, trails, and open space plan.
- (2) The parks commission shall, prior to the time that the planning commission completes its public hearings on the preliminary plat, review the preliminary plat and recommend to the planning commission the total area and location of the land the parks commission determines should be dedicated for park use. The parks commission shall present these recommendations to the planning commission and city council. In those instances where the parks commission concludes that a cash equivalency payment should be made by the applicant or owner in lieu of dedication of land, the parks commission shall recommend to the planning commission the total park dedication requirement to be paid to the city in cash as prescribed in the City Fee Schedule. In the event that review at a regular meeting of the parks commission would result in a delay in the review and approval process so that the time limitations of Minn. Stats. § 462.358 may not be met, the requirement of review by the parks commission may be waived by either the applicant or by city council at the time of its review of the application.

(d) Standards for determination.

- (1) The parks commission shall develop and recommend to city council for adoption standards and guidelines for determining which portion of each such development should reasonably be

required to be conveyed or dedicated. Such standards and guidelines may take into consideration the zoning classification to be assigned to the land to be developed, the particular use proposed for such land, amenities to be provided, and factors of density and site development as proposed by the subdivider. The parks commission shall further recommend changes and amendments from time to time to such standards and guidelines to reflect changes in the usage of land which may occur, changes in zoning classification, and concepts and changes in planning and development concepts that relate to the development and usages to which land may be put.

- (2) The parks commission shall develop and recommend standards for design and construction of public parks, trails, and open space areas in the city.
- (e) Dedicated land requirements. Any land to be dedicated as a requirement of this chapter shall be reasonably adapted for the above public purposes. Factors used in evaluating the adequacy of proposed dedication areas shall include size, shape, topography, drainage, geology, tree cover, rare species, and other significant wildlife habitats, access, and location.
- (f) Minimum area of dedicated land. Subdividers shall be required to dedicate to the city for park, trail, playground, open space, and other public purposes as a minimum that percentage of net land area or equivalent market value in cash as set out below:

(1) Residential land uses.

Units Per Acre	Percentage of Land Required for Dedication in Lieu of Cash Payment
Up to 6	10 per cent
6 or more	10 percent plus 1 percent for each dwelling unit (DU) over 6 units/acre

- (2) Cash in lieu. Cash in lieu of land payment shall be set and presented in the City Fee Schedule.
 - a. Metes and bounds lot splits and subdivisions which create a lot with an existing habitable residence shall have that lot excluded from any requirements for park dedication fees.
- (3) Review of cash in lieu maximum. City council shall review the maximum cash in lieu of land payment annually to ensure that it remains consistent with park and trail system development costs.
- (4) Commercial and industrial land uses. Cash in lieu of land payment shall be set and presented in the City Fee Schedule.
- (5) Schools, religious institutions, and other nonprofit organizations. Dedication requirement shall be determined by city council based on discussion with the school district or nonprofit agency. Recommendations will be based on anticipated use of city park facilities by the school or organization, and shall consider agreements for cooperative use of school recreational facilities.
- (6) [Redacted.]
- (7) [Redacted.]
- (8) Deviation from required dedication. The dedication requirements based on the development's proportional share of the city park system are presumptively appropriate.
- (9) Wetlands and ponding areas. Existing wetlands and drainage ways accepted by the city shall not be considered in the park land and/or cash contribution to the city.
- (g) Land dedication/payment of fees.
 - (1) Land dedication. When land is to be dedicated to satisfy the park dedication requirement, separate lots or outlots shall be indicated on the plat drawings for the area to be dedicated.

Such lots or outlot shall be deeded to the city prior to the issuance of any building permits within the plat. The developer shall be responsible for finished grading, ground cover, and construction of trails in all lands to be dedicated to the city. No credit toward the required dedication shall be given for this work, except that credit for the cost of improvements to trails as approved by the City may be given.

- (2) Cash fee. When a cash fee is to be paid in lieu of land dedication, the payment of such fee shall be required as follows:
 - a. For residential and commercial/industrial developments, the fee shall be paid prior to the city's release of the signed final plat Mylars for recording with the county. The amount of any required cash contribution shall be calculated based on the rates established in the City Fee Schedule and in effect as of the date of the approval of the preliminary plat.
 - b. Park dedication is required for all newly created lots or parcels.
 - c. In plats that include outlots for future development, the subdivider may pay to the city the development's proportional share for the entire subdivision, including the outlots; or the development's proportional share excluding such outlots, providing that the park dedication requirement shall be satisfied when such outlots are replatted in which the amount of any required cash contribution shall be based on the rates established by the city and in effect as of the date of the approval of the preliminary plat for the outlots.

(h) Park fund.

- (1) Purpose. Cash payments shall be placed by the city in a special fund and used only for the acquisition of land for parks, trails, playgrounds, public open space, development of existing park and playground sites, public open space, and debt retirement in connection with land previously acquired for public purposes.
- (2) Annual financial report. Each year the parks commission shall present to city council, in such detail as city council shall require, its estimate of the financial needs of the parks commission for the ensuing fiscal year.
- (3) Gifts and donations. The parks commission is authorized to receive gifts, devises, bequests, endowments, or other donations of money and property on behalf of the city. All monies received shall be deposited in the park fund.

Section 2. The ordinance amendments herein become effective from and after its passage and publication.

Passed by the City Council of East Bethel, Minnesota this 24th day of April, 2023.

Tim Harrington, Mayor

Attested:

Jack Davis, City Administrator

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

RESOLUTION NO. 2023-32

**A RESOLUTION MODIFYING FEES TO BE COLLECTED BY THE CITY OF
EAST BETHEL IN 2023**

WHEREAS, The City Council of the City of East Bethel is the governing body of the City of East Bethel; and

WHEREAS, The City Council reviews and revises the fees in which are charged for various items on an annual basis; and

WHEREAS, The City Council amended the City Code of Ordinances, Chapter 66, Article VII, Section 66 – 195, Required Dedication on April 24, 2023.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: Resolution 2022-86 Establishing 2023 Fee Schedule is hereby modified with the amendment as follows:

PLANNING AND ZONING FEES:

Lot Division Fees:

Park Dedication – Commercial	\$2000 per acre
Park Dedication – Residential	\$2000 per single family lot
Park Dedication – Multi-Family Residential	\$1500 per unit w/ credit for developer-provided facilities

Adopted this 24th day of April, 2023 by the City Council of the City of East Bethel.

Tim Harrington, Mayor

ATTEST:

Jack Davis, City Administrator

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

RESOLUTION NO. 2022-86

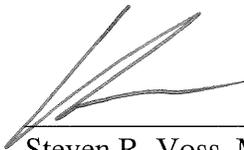
**A RESOLUTION MODIFYING FEES TO BE COLLECTED BY THE CITY OF
EAST BETHEL IN 2023**

WHEREAS, The City Council of the City of East Bethel is the governing body of the City of East Bethel; and

WHEREAS, The City Council reviews and revises the Fees in which are charged for various items on an annual basis; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: this resolution establishes that the Fee Schedule is hereby modified to the attached starting January 1, 2023.

Adopted this 28th day of December, 2022 by the City Council of the City of East Bethel.



Steven R. Voss, Mayor

ATTEST:



Jack Davis, City Administrator



**City of East Bethel
2023 Fee Schedule**

UTILITY OPERATION FEES	
<i>Water and Sewer - Access Charges</i>	
WATER SYSTEM ACCESS CHARGE-WHISPERING ASPEN	\$500
SEWER SYSTEM ACCESS CHARGE-WHISPERING ASPEN	\$3,350
SEWER SYSTEM ACCESS CHARGE- MET COUNCIL	\$3,185
WATER SYSTEM ACCESS CHARGE-PHASE I WATER SYSTEM SERVICE AREA	\$3,600
SEWER SYSTEM ACCESS CHARGE-PHASE I SEWER SYSTEM SERVICE AREA	\$2,000
SEWER TRUNK CHARGE - PHASE 1 SEWER SYSTEM SERVICE AREA (USERS WITH ERU >1 or NON-RESIDENTIAL CONNECTIONS)	\$11,500
SEWER SYSTEM ACCESS CHARGE- MET COUNCIL	\$3,185
<i>Water and Sewer - Connection Inspection Fees</i>	
CONNECTION INSPECTION (NEW OR REPAIR) - SEWER	\$80
CONNECTION INSPECTION (NEW OR REPAIR) - WATER	\$80
<i>Water - Operational Charges</i>	
(1) Water use Charges - Whispering Aspen (Residential)	
BASE CHARGE	\$18.77 PER MONTH
USAGE CHARGES:	
0 - 5,000 GALLONS PER MONTH	\$10.60 PER 1,000 GALLONS
5,000 - 10,000 GALLONS PER MONTH	\$12.72 PER 1,000 GALLONS
OVER 10,000 GALLONS PER MONTH	\$15.26 PER 1,000 GALLONS
(2) Water Use Charges – Phase I Water System Service Area (Residential and Commercial)	
BASE CHARGE	\$17.50 PER ERU PER MONTH
USAGE CHARGES:	
0 - 5,000 GALLONS PER MONTH	\$3.50 PER 1,000 GALLONS
5,000 - 10,000 GALLONS PER MONTH	\$3.80 PER 1,000 GALLONS
OVER 10,000 GALLONS PER MONTH	\$4.10 PER 1,000 GALLONS
(3) Water Use Charges – Bulk Water Use	
USAGE CHARGES:	
0 - xxx GALLONS PER MONTH	\$4.10 PER 1,000 GALLONS
<i>Sewer - Operational Charges</i>	
(1) Sewer Treatment - Residential and Commercial	
BASE CHARGE	\$6.30 PER MONTH PER ERU
USAGE CHARGE	\$6.70 PER 1,000 GALLONS
<i>(Residential based on water use during January. If a residential water usage figure is not available 2,000 gallons will be used.)</i>	

**City of East Bethel
2023 Fee Schedule**

Item 4.0 G, Attachment 4

(2) Sewer Treatment - Mobile Park (Greystone)	
BASE CHARGE	\$1,190 PER MONTH
USAGE CHARGE	\$6.70 PER 1,000 GALLONS
Other Charges	
STREET LIGHTING CHARGE –WHISPERING ASPEN / VIKING PRESERVE	\$2.00 PER MONTH
FINAL METER READING FEE	\$25.00 PER OCCURRENCE
WATER TURN ON/OFF FEE	\$75
PENALTY CHARGES	Bills are due within 25 days from the date of billing. Bills not paid in full by the due date will pay a service charge of 10% of the current charges. Beginning 30 days after the due date, all unpaid balances will accrue interest at the rate of 1.5% per period. All amounts that are more than 30 days past due on the last day of November each year may be certified to the County Auditor as unpaid and delinquent. The certified amount, plus a service charge to pay for the assessment process, shall be extended as a tax lien on the respective property. This amount will be added to the following year's property tax assessment.
TAX CERTIFICATION OF DELINQUENT ACCOUNTS	\$70.00
GENERAL FEES	
ADVERTISING FEES	
<i>NEWSLETTER ADS</i>	
SMALL	\$35.00/issue, or \$125.00/full year (4 issues)
MEDIUM	\$70.00/issue, or \$250.00/full year (4 issues)
LARGE	\$140.00/issue, or \$500.00/full year (4 issues)
<i>WEBSITE AD</i>	\$25.00/month, minimum of 3 months. Media Center page only.
<i>CHANNEL 10 COMMERCIAL AD</i>	\$25.00/month, minimum of 3 months.
<i>ICE ARENA ADS</i>	
ZAMBONI	\$500.00/side, or \$1500/entire machine for 1 year. Production cost varies on logo detail.
DASHERS	\$300.00/year, plus \$100.00 production cost
WALL	\$300.00/year, plus \$100.00 production cost
IN-ICE	\$500.00/year. Production cost varies on logo detail.
DATA INSPECTION FEE	No Cost
NOTARY FEE	\$1
Cost for Copies or Electronic Copies if 100 or fewer pages	.25 per page
Cost for Colored Copies (if requested)	.50 per page
Cost of Copies or Electronic Copies if over 100 pages	Actual cost of production, including copying costs and staff time to retrieve data
CERTIFIED COPY	\$5.00 PER DOCUMENT
FAX CHARGE (SEND OR RECEIVE)	\$1.00 PER PAGE
CITY MAPS-COUNTY PROVIDED (IF CURRENT)	\$2
CITY MAPS - 11 X 17	\$5

**City of East Bethel
2023 Fee Schedule**

Item 4.0 G, Attachment 4

CITY MAPS - 36 X 36		\$10
VIDEOTAPE COPY OF MEETING		\$10
RETURNED CHECK CHARGE		\$30
ELECTION FILING FEE		\$5
GARBAGE HAULER'S LICENSE		\$300
TOBACCO RETAIL LICENSE		\$200
CANNABINOID LICENSE		\$500
BACKGROUND CHECK FOR CANNABINOID LICENSE		\$300
STRAY ANIMAL PICKUP FEE: 8:00 A.M. - 7:00 P.M.		contracted
STRAY ANIMAL PICKUP FEE: 7:00 P.M. - 8:00 A.M.		contracted
ANIMAL BOARDING FEE		contracted
POTENTIALLY DANGEROUS DOG REGISTRATION		\$250
DANGEROUS DOG REGISTRATION		\$500
LIQUOR LICENSES:		
3.2 LIQUOR ON SALE		\$250
3.2 LIQUOR OFF SALE		\$150
LIQUOR ON SALE - FULL YEAR		\$3,500
LIQUOR ON SALE - SEASONAL		\$2,040
LIQUOR OFF SALE***		\$380
SUNDAY LIQUOR SALE		\$200
WINE		\$500
LICENSEE INVESTIGATION FEE		\$300
BREWERY/TAPROOM ON-SALE		\$250
OFF-SALE GROWLER		\$150
MICRODISTILLERY OFF-SALE		\$380
CATERER'S PERMIT FEE		\$20
MASSAGE ESTABLISHMENT LICENSE		
INITIAL FEE		\$200
ANNUAL RENEWAL FEE		\$100
LICENSEE INVESTIGATION FEE		\$300
MASSAGE THERAPIST LICENSE		
INITIAL FEE		\$100
ANNUAL RENEWAL FEE		\$100
LICENSEE INVESTIGATION FEE		\$300
PAWNBROKER/SECONDHAND GOODS DEALER		\$5,000 ANNUAL FEE
DEALER INVESTIGATION FEE		\$3,000
TRANSACTION FEE		\$5 PER TRANSACTION
TRANSIENT MERCHANT LICENSE		\$500 ANNUAL/\$250 60 DAYS
PEDDLER/SOLICITOR LICENSE		\$1,000 ANNUAL/IF CITED FOR OPERATING WITHOUT A LICENSE \$1,000 ADDITIONAL/ \$85 30 day permit
APPLICATION INVESTIGATION FEE	City Council Packet, Page 97	\$50
SEXUALLY ORIENTED BUSINESS LICENSE		\$10,000
LICENSEE INVESTIGATION FEE		\$3,000

**City of East Bethel
2023 Fee Schedule**

VEHICLE DEALER LICENSE	\$350 ANNUAL FEE
RIGHT OF WAY ACCESS FEE	\$300
NUISANCE ABATEMENT	\$150 OR 25% OF ACTUAL COSTS, WHICHEVER IS GREATER + ACTUAL COSTS
TAX CERTIFICATION OF NUISANCE ABATEMENT	\$70

(c) The fee set by the jurisdiction issuing the license shall be reduced by \$100 if the following conditions are met:	
(1) the licensee agrees to have a private vendor train all employees within 60 days of hire and annually thereafter in laws pertaining to the sale of alcohol, the rules for identification checks, and the responsibilities of establishments serving intoxicating liquors;	
(2) the licensee agrees to post a policy requiring identification checks for all persons appearing to be 30 years old or less; and	
(3) a cash award and incentive program is established by the licensee, to award employees who catch underage drinkers, and a penalty program is established to punish employees in the event of a failed compliance check.	
CEMETERY FEES	
CEMETERY PLOTS	\$800
CEMETERY DEED TRANSFER	\$15
SUMMER PLOT INTERMENT	\$600
WINTER PLOT INTERMENT (NOVEMBER 1 THRU MAY 1)	\$800
SUMMER CREMATION PLOT INTERMENT	\$300
WINTER CREMATION PLOT INTERMENT (NOVEMBER 1 THRU MAY 1)	\$400
SUMMER INFANT PLOT INTERMENT	\$450
WINTER INFANT PLOT INTERMENT	\$550
ADDITIONAL INTERMENT FEE, IF AFTER HOURS (AFTER 3:00 MONDAY - FRIDAY, ALL SATURDAYS, SUNDAYS & HOLIDAYS)	\$100
MARKER SETTING FEE	\$50
PLANNING AND ZONING FEES	
ESCROW FEES	
DRIVEWAY ESCROW	\$5,200
LANDSCAPE PLAN ESCROW	\$6,600
SEPTIC ESCROW	125% OF THE COST OF THE HIGHEST OF TWO INSTALLATION BIDS
SIDEWALK ESCROW (WHISPERING ASPEN)	COST BASED ON RECOMMENDATION OF THE CITY ENGINEER
GRADING AND MINING FEES	
GRADING PERMIT (BETWEEN 500 AND 1,000 CUBIC YARDS)	\$50 + CONSULTING FEES + \$500 Escrow Required
MINOR MINING (BETWEEN 1,000 AND 5,000 CUBIC YARDS)	\$500 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
MAJOR MINING (GREATER THAN 5,000 CUBIC YARDS)	\$1,000 + CONSULTING FEES; \$1,500 ESCROW REQUIRED
LAND USE FEES	
CONDITIONAL USE PERMIT	\$500 + CONSULTING FEES; \$500 ESCROW REQUIRED
CONDITIONAL USE PERMIT AMENDMENT	\$300 + CONSULTING FEES; \$500 ESCROW REQUIRED
INTERIM USE PERMIT	\$300 + CONSULTING FEES; \$300 ESCROW REQUIRED
INTERIM USE PERMIT AMENDMENT	\$300 + CONSULTING FEES; \$300 ESCROW REQUIRED
INTERIM USE PERMIT FOR THE KEEPING OF CHICKENS	\$0
ADMINISTRATIVE PERMIT FOR KEEPING CHICKENS	\$0
INTERIM USE PERMIT RENEWAL	\$0
PRIVATE KENNEL LICENSE	\$0

**City of East Bethel
2023 Fee Schedule**

Item 4.0 G, Attachment 4

ADMINISTRATIVE HOME OCCUPATION PERMIT	\$50
VACATION	\$200 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
VARIANCE	\$300 + CONSULTING FEES; \$500 ESCROW REQUIRED
LOT DIVISION FEES	
ADMINISTRATIVE SUBDIVISION	\$300 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
METES AND BOUNDS SPLIT	\$300 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
CONCEPT PLAN REVIEW	\$500 + CONSULTING FEES; \$500 ESCROW REQUIRED
PRELIMINARY PLAT	\$500 + \$25.00/lot + CONSULTING FEES; \$5,000 ESCROW REQUIRED
FINAL PLAT	\$300 + CONSULTING FEES + \$1,000 Escrow + \$50/LOT IF NEW ROAD
PLANNED UNIT DEVELOPMENT	\$700 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
PLANNED UNIT DEVELOPMENT AMENDMENT	\$300 + CONSULTING FEES; \$500 ESCROW REQUIRED
PARK DEDICATION - COMMERCIAL	\$2,000 PER ACRE* (*SEE CITY ORDINANCE FOR FURTHER DETAILS)
PARK DEDICATION - RESIDENTIAL	\$2,000 PER SINGLE FAMILY LOT*
PARK DEDICATION - MULTI-FAMILY RESIDENTIAL	\$1,500 PER UNIT W/ 25% CREDIT FOR DEVELOPER-PROVIDED FACILITIES*
REVIEW FEES	
ENVIRONMENTAL REVIEW	\$350; \$650 ESCROW REQUIRED
FLOODPLAIN REVIEW	\$150 + CONSULTING COSTS
SITE PLAN REVIEW	\$500 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
WETLAND REVIEW	\$150 + CONSULTING COSTS
ZONING FEES	
ZONING MAP AMENDMENT	\$1,000 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
ZONING TEXT AMENDMENT	\$500 + CONSULTING FEES; \$500 ESCROW REQUIRED
MISC. PLANNING FEES	
COMPREHENSIVE PLAN AMENDMENT	\$1,000 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
CONSULTING FEES	ACTUAL COSTS BILLED TO THE CITY; ENGINEERING, LEGAL, ETC.
COUNTY FILING FEE REIMBURSEMENT	\$55
DOCUMENT - COMPREHENSIVE PLAN	\$40
DOCUMENT - ZONING ORDINANCE	\$40
OUTDOOR ENTERTAINMENT PERMIT	150
STREET SIGN	ACTUAL COSTS BILLED TO THE CITY FOR THE SIGN AND A \$25 INSTALLATION FEE
TEMP/SEASONAL OUTDOOR SALES PERMIT / CERTIFICATE OF COMPLIANCE	\$150
TEMPORARY SIGN PERMIT - BEFORE SIGN PLACEMENT	\$40 IF APPROVED BEFORE PLACEMENT / \$80 IF APPROVED AFTER PLACEMENT
TAX INCREMENT FINANCING APPLICATION FEE	\$3,000 + CONSULTING FEES;\$12,000 ESCROW REQUIRED
ZONING VERIFICATION LETTER	\$50

**City of East Bethel
2023 Fee Schedule**

CODE ENFORCEMENT FEES	
ADMINISTRATIVE CITATION - FIRST CITATION	\$50
ADMINISTRATIVE CITATION - SECOND CITATION	\$100
ADMINISTRATIVE CITATION - THIRD CITATION	\$250
ADMINISTRATIVE CITATION	AFTER THE THIRD CITATION, THE CASE WILL BE SUBMITTED TO THE CITY ATTORNEY TO BE RESOLVED THROUGH THE COURT SYSTEM
ADMINISTRATIVE HEARING - HEARING REQUEST FILING FEE	\$100
ADMINISTRATIVE HEARING - HEARING FEE	\$100, HEARING FEE AND COSTS INCURRED THROUGHOUT THE HEARING PROCESS SHALL BE PAID BY THE PARTY WHO DOES NOT PREVAIL, NOT TO EXCEED \$300
BUILDING INSPECTION FEES	
RESIDENTIAL BUILDING FEES	
ACCESSORY BUILDING PERMIT	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
ADDITION PERMIT	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
ALTERATION	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
BASEMENT FINISH PERMIT	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
DECK	\$150
DEMOLITION / BLDG OR PARTIAL	\$50
DRIVEWAY PERMIT	\$50
FENCE OVER 6FT PERMIT or FENCE CERTIFICATE	\$50
FIRE ALARM SYSTEM	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE
FIRE SPRINKLER INSTALLATIONS	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE
FIREPLACE PERMIT	\$75/RESIDENTIAL PROPERTY
FUEL TANK PERMIT – ADDING OR REMOVING	\$50/RESIDENTIAL PROPERTY
GARAGE PERMIT – ATTACHED/DETACHED	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
MANUFACTURED HOME INSTALLATION PERMIT	\$150
MINOR HVAC DUCT WORK	\$15
MECHANICAL HVAC PERMIT (Residential)	\$100
NEW CONSTRUCTION	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
NEW CONSTRUCTION – WHISPERING ASPENS / VIKING PRESERVE	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A WITH SAC, WAC, WATER METER AND CONNECTION, AND STREET IMPROVEMENT CHARGES.
RESIDENTIAL PLUMBING PERMIT	
- Water Heater or Water Softener	\$50
- New and Existing Single Family Residential	\$100
POOL PERMIT – ABOVE GROUND	\$50
POOL PERMIT – BELOW GROUND	\$100
REMODEL PERMIT	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
REPAIR PERMIT	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
RESIDENTIAL ROOFING PERMIT	\$100
SEPTIC - REPAIR	\$100
SEPTIC PERMIT – ALTERNATIVE (TYPE IV) SYSTEM	\$200.00 plus actual cost of plan review / inspections or \$300.00 minimum
SEPTIC PERMIT - NEW CONSTRUCTION/REPLACEMENT	\$300
SEPTIC PUMPING PERMIT	\$5
SEPTIC TANK/HOLDING TANK PERMIT	\$100
RESIDENTIAL SIDING PERMIT	\$100
THREE SEASON OR PORCH	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
WATERPROOFING PERMIT	\$50
WINDOWS/DOORS – NO CHANGE TO OPENING SIZE PERMIT	\$75

**City of East Bethel
2023 Fee Schedule**

WINDOWS/DOORS – CHANGE TO OPENING SIZE PERMIT	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
MISCELLANEOUS BUILDING FEES	
CELL TOWER PERMIT	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
FINE FOR FAILING TO OBTAIN REQUIRED PERMIT	EQUAL TO THE CALCULATED PERMIT FEE AMOUNT
MISC FEE	\$1
MISC PERMITS THAT DO NOT REQUIRE PLAN REVIEW	\$50
MISC PERMITS THAT DO REQUIRE PLAN REVIEW	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
PLAN CHECK	65% OF BUILDING PERMIT FEE
RE-INSPECTION/ADMINISTRATIVE FEE	\$65 PER INSPECTION
SPECIAL INSPECTIONS - HOURLY RATE	\$50
VERIFICATION OF STATE CONTRACTOR LICENSE	\$5
COMMERCIAL BUILDING FEES	
COMMERCIAL CONSTRUCTION PERMIT FEES	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
COMMERCIAL FIREPLACE PERMIT	\$75/FIREPLACE
COMMERCIAL FUEL TANK PERMIT – ADDING OR REMOVING	\$50/TANK
COMMERCIAL MECHANICAL HVAC PERMIT	\$80 OR 1.5% OF VALUATION, WHICHEVER IS GREATER
COMMERCIAL PLUMBING PERMIT	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
COMMERCIAL SEPTIC PERMIT	\$200.00 PLUS ACTUAL COST OF PLAN REVIEW / INSPECTIONS OR \$300.00 MINIMUM
COMMERCIAL SIDING PERMIT	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
COMMERCIAL ROOFING PERMIT	CALCULATED BASED ON VALUATION PER 1997 UBC Table 1-A
RENTAL FEES	
RENTAL INSPECTION FEE	\$50.00 PER UNIT
RENTAL LICENSE FEE	\$25 PER APPLICATION
RENTAL LATE FEE	\$25 PER APPLICATION
RENTAL TRANSFER FEE	\$25 PER APPLICATION
RENTAL REINSTATEMENT FEE	\$75 PER APPLICATION
RENTAL RENEWAL FEE	\$50 PER APPLICATION (INCLUDES INSPECTION)
ELECTRIC Permit Fees	
State Surcharge (applied once to each electrical permit)	\$1.00
SINGLE FAMILY RESIDENTIAL	
Residential panel replacement	\$110
Residential subpanel replacement	\$45
<i>New Service or power supply</i>	
0-300 AMP	\$55
400 AMP	\$71
500 AMP	\$87
600 AMP	\$103
800AMP	\$135
1000 AMP	\$167
1100 AMP	\$183
1200 AMP	\$199
Add \$16 for each additional 100 AMP's	
<i>Circuit and Feeders:</i>	
0 to 100 AMP	\$9
101 to 200 AMP	\$15
201 to 300 AMP	\$21
301 to 400 AMP	\$27
401 to 500 AMP	\$33
501 to 600 AMP	\$39

**City of East Bethel
2023 Fee Schedule**

COMMERCIAL INSPECTIONS:	
INITIAL & 1ST RE-INSPECTION	NO CHARGE
EACH ADDITIONAL RE-INSPECTION	\$90 PER OCCURRENCE
FALSE ALARMS - EACH OCCURRENCE	
AFTER 2 FALSE ALARMS WITHIN A CALENDAR YEAR	\$200
PLAN REVIEWS:	
FIRE ALARM SYSTEMS	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE CODE
FIRE SPRINKLER INSTALLATIONS	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE CODE
FIRE ROADS AND DRIVEWAYS	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE CODE
NEGLIGENT AND OR NONPERMISSIBLE FIRES	\$250 PER OCCURRENCE
TAX CERTIFICATION OF UNPAID FIRE CHARGES	\$70
RECREATIONAL FEES	
ICE ARENA	
ICE ARENA ICE RENTAL - PRIME TIME	\$192/HR
ICE ARENA ICE RENTAL - NON PRIME TIME	NEGOTIABLE
LOCKER ROOM RENTAL	\$7,500
DRY FLOOR EVENTS	NEGOTIABLE
PARKS	
PAVILIONS/SHELTERS - NON RESIDENT	\$50/DAY; \$100 DEPOSIT
PAVILIONS/SHELTERS - RESIDENT	\$100 DEPOSIT
IRRIGATED BALLFIELDS - NON RESIDENT	\$20/DAY; \$100 DEPOSIT
IRRIGATED BALLFIELDS - RESIDENT	\$20/DAY; \$100 DEPOSIT
IRRIGATED BALLFIELDS; TOURNAMENT	\$350/TOURNAMENT; \$200 DEPOSIT
NON IRRIGATED BALLFIELDS - NON RESIDENT	\$10/DAY; \$100 DEPOSIT
NON IRRIGATED BALLFIELDS - RESIDENT	\$100 DEPOSIT
NON IRRIGATED BALLFIELDS - TOURNAMENT	\$50/FIELD; \$100 DEPOSIT
CONCESSION STAND; SAA SEASON, MONDAY-FRIDAY	\$1,000/SEASON
CONCESSION STAND; WEEKEND TOURNAMENTS	\$300/WEEKEND; \$300 DEPOSIT
CONCESSION STAND; ONE DAY FEE NON TOURNAMENT	\$50/DAY
WHISPERING ASPEN COMMUNITY CTR - NON RESIDENT	\$50/DAY; \$100 DEPOSIT
WHISPERING ASPEN COMMUNITY CTR - RESIDENT	\$100 DEPOSIT

EXTRACTED FROM 1997 UNIFORM BUILDING CODE

TABLE NO. 1-A – BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500	\$23.00
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours	\$47.00 per hour*
2. Reinspection fees assessed under provisions of Section 305.8	\$47.00 per hour*
3. Inspections for which no fee is specifically indicated	\$47.00 per hour* (minimum charge – one-half hour)
4. Additional plan review required by changes, additions or revisions to plans	\$47.00 per hour*
5. For use of outside consultants for plan checking and inspections, or both	Actual costs **

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

Important Points

- The BVD is not intended to apply to alterations or repairs to existing buildings. Because the scope of alterations or repairs to an existing building varies so greatly, the Square Foot Construction Costs table does not reflect accurate values for that purpose. However, the Square Foot Construction Costs table can be used to determine the cost of an addition that is basically a stand-alone building which happens to be attached to an existing building. In the case of such additions, the only alterations to the existing building would involve the attachment of the addition to the existing building and the openings between the addition and the existing building.
- For purposes of establishing the Permit Fee Multiplier, the estimated total annual construction value for a given time period (1 year) is the sum of each building's value (Gross Area x Square Foot Construction Cost) for that time period (e.g., 1 year).
- The Square Foot Construction Cost does not include the price of the land on which the building is built. The Square Foot Construction Cost takes into account everything from foundation work to the roof structure and coverings but does not include the price of the land. The cost of the land does not affect the cost of related code enforcement activities and is not included in the Square Foot Construction Cost.

2015 IBC VALUATION SCHEDULE

Square Foot Construction Costs ^{a, b, c}

WOOD FRAME CONST. CATEGORY

Group (2015 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	233.95	225.89	220.42	211.39	198.92	193.15	204.70	181.63	174.97
A-1 Assembly, theaters, without stage	214.40	206.35	200.88	191.84	179.53	173.76	185.16	162.23	155.58
A-2 Assembly, nightclubs	182.86	177.56	173.06	166.05	156.54	152.22	160.22	141.73	136.94
A-2 Assembly, restaurants, bars, banquet halls	181.86	176.56	171.06	165.05	154.54	151.22	159.22	139.73	135.94
A-3 Assembly, churches	216.47	208.41	202.95	193.91	181.79	176.02	187.23	164.50	157.85
A-3 Assembly, general, community halls, libraries, museums	180.57	172.51	166.04	158.00	144.89	140.11	151.32	127.59	121.94
A-4 Assembly, arenas	213.40	205.35	198.88	190.84	177.53	172.76	184.16	160.23	154.58
B Business	186.69	179.79	173.86	165.19	150.70	145.02	158.70	132.31	126.48
E Educational	197.52	190.73	185.77	177.32	165.32	156.97	171.23	144.39	140.26
F-1 Factory and industrial, moderate hazard	111.86	106.71	100.58	96.68	86.77	82.81	92.61	72.75	68.09
F-2 Factory and industrial, low hazard	110.86	105.71	100.58	95.68	86.77	81.81	91.61	72.75	67.09
H-1 High Hazard, explosives	104.68	99.53	94.40	89.50	80.80	75.84	85.43	66.78	N.P.
H234 High Hazard	104.68	99.53	94.40	89.50	80.80	75.84	85.43	66.78	61.12
H-5 HPM	186.69	179.79	173.86	165.19	150.70	145.02	158.70	132.31	126.48
I-1 Institutional, supervised environment	187.63	181.26	176.01	168.60	155.33	151.11	168.69	139.15	134.82
I-2 Institutional, hospitals	314.17	307.27	301.34	292.67	277.18	N.P.	286.18	258.79	N.P.
I-2 Institutional, nursing homes	217.67	210.77	204.84	196.17	182.68	N.P.	189.68	164.29	N.P.
I-3 Institutional, restrained	212.42	205.52	199.59	190.92	177.93	171.25	184.43	159.54	151.71
I-4 Institutional, day care facilities	187.63	181.26	176.01	168.60	155.33	151.11	168.69	139.15	134.82
M Mercantile	136.25	130.95	125.45	119.44	109.43	106.11	113.60	94.63	90.83
R-1 Residential, hotels	189.35	182.99	177.74	170.33	156.80	152.58	170.42	140.62	136.29
R-2 Residential, multiple family	158.84	152.48	147.23	139.81	127.05	122.83	139.91	110.87	106.54
R-3 Residential, one- and two-family ^d	148.17	144.14	140.42	136.90	131.89	128.41	134.60	123.40	116.15
R-4 Residential, care/assisted living facilities	187.63	181.26	176.01	168.60	155.33	151.11	168.69	139.15	134.82
S-1 Storage, moderate hazard	103.68	98.53	92.40	88.50	78.80	74.84	84.43	64.78	60.12
S-2 Storage, low hazard	102.68	97.53	92.40	87.50	78.80	73.84	83.43	64.78	59.12
U Utility, miscellaneous	80.38	75.90	71.16	67.61	60.99	57.00	64.60	48.23	45.92

(GARAGES & ACCESSORY STRUCTURES)

- a. Private Garages use Utility, miscellaneous
- b. For shell only buildings deduct 20 percent
- c. N.P. = not permitted
- d. Unfinished basements (Group R-3) = \$21.00 per sq. ft.

**City of East Bethel
City Council Meeting
Agenda Item Information**



Date: April 24, 2023

Agenda Item Number: Item 6.0 A - J

Requested Action: Consider approving the Consent Agenda as presented

Background Information:

Item A – Approval of Bills

Item B – April 3, 2023 City Council Work Meeting Minutes

Minutes from the April 3, 2023 City Council Work Meeting are attached for your review.

Item C – April 10, 2023 City Council Meeting Minutes

Minutes from the April 10, 2023 City Council Meeting are attached for your review

Item D – Resolution 2023-31 Approving Plans and Specifications and Direction to Solicit Bids for the 2023 Street Surface Improvement Project

The city Engineer has prepared plans and specifications for the 2023 Street Surface Improvement Project. This project includes a bituminous overlay for the Pine Oak Crossing and Northern Oaks/Cooper Lake subdivisions as shown on the title sheet of the attached plan set. These two overlay projects were scheduled in the City's Capital Improvement Plan for 2023. The estimated construction cost of this project is \$340,000. Bids would be opened on May 23, 2023. Bids would be presented to the City Council at the June 12, 2023 City Council meeting. A completion date of October 20, 2023 would be established in the Contract Documents

Item E – Ice Arena Locker Room and Bathroom Flooring

Staff has continued to work with the St Francis Youth Hockey Association and the St Francis High School hockey program to provide needed facility improvements to the East Bethel Ice Arena. A continually updated priority list is used to plan capital improvement projects as funding becomes available. For 2023, the next item scheduled for improvement is the replacement of the rubber flooring in the locker rooms, hallways, bathrooms and public area near the concession stand. The current flooring is comprised of individual squares that are cut to fit and are not secured to the flooring. They have numerous seams that become trip hazards and provide an avenue for water and dirt to accumulate beneath the matting.

The proposed new rubber flooring would be professionally installed and attached to the cement floor. The new flooring would not have the trip hazards from exposed seams and would be much easier for the arena staff to clean without needing to pull up rubber squares to dry out. The appearance of the floor would also be improved with a uniform material used throughout the proposed areas.

Staff has reached out to three flooring companies for quotes. Because of the proprietary nature of some of the products, each quote is for a different product. All of the pricing is based on the East Bethel Public Works staff removing and disposing of the existing mats.

Absolute Commercial Flooring – Basics Interlocking Rubber Tile 8mm	\$29,018
Becker Arena Products – Encore Everlast 8mm	\$30,548
Becker Arena Products – Sportfloor Stamina 10mm	\$38,829
Becker Arena Products – Sportfloor Reaction 10mm	\$84,285
Advanced Commercial Flooring	No Response

Staff has reviewed the pricing and the associated products, along with input from users of the ice arena, and recommend the Sportfloor Stamina 10mm product from Becker Arena Products. This product provides a better sealed surface and thicker mat compared to some of the less expensive options. It is a common product in ice arena applications and it provides a black with blue fleck color option that will enhance the overall appearance of the ice arena. It also has the ability to be patched if areas are damaged or worn out. The life expectancy of the 10mm floor is 50% longer than the 8mm options and comes with a 5 year product warranty and 1 year installation warranty.

Funding for the project is available and would be provided by the Ice Arena Fund. The monies for the fund are generated by ice arena users through ice rentals. No City of East Bethel General Fund dollars would be used for the flooring with the exception of staff time to remove the existing flooring.

Item F – Approve Hire of Seasonal Maintenance Position

The City Council has approved the hiring of two seasonal maintenance employees at the February 13, 2023 meeting. Under the supervision and direction of the Public Works Manager, employees in these positions will perform various types of jobs in the general maintenance of the Parks and Streets Department for a period of up to 63 working days.

City staff recommends the hiring of Aaron Smith and James Green for the summer seasonal positions. Mr. Green is a returning seasonal employee who has worked for the City of East Bethel for the five previous seasons and staff is recommending an hourly wage of \$17.00/hour due to Mr. Green’s experience and proven job performance. Mr. Smith was interviewed on April 6, 2023 and meets all of the qualifications for the summer seasonal position. As a new hire, staff is recommending the starting of wage of \$15.00/hour. These rates are consistent with rates provided by other cities for summer seasonal employment. Both individuals would start employment in early June and work through the end of August. Funding for these positions is provided for in the General Fund Budget for 2023 under the Parks Department and Streets Department Budgets.

Item G – Chloride Application for Klondike Drive

Staff has received two quotes for the application of liquid chloride to Klondike Drive. The chloride helps hold moisture in the road surface to reduce dust and limit wash boarding. Past applications of the chloride have provided 30-45 days of improvement in the road condition without the need for road grading. The timing of the application is usually towards the end of June or early July after the spring/early summer rains have ceased.

The quotes are attached for review and staff recommends the low quote from Central MN Dust Control, LLC in the amount of \$6,468 for the one-time application of magnesium chloride to Klondike Drive.

Item H – Resolution 2023-26, Amending Filing Date on Resolution 2022-56 for previously approved Administrative Subdivision and Combination.

On September 12th, 2022 the East Bethel City Council approved an Administrative Subdivision of 737 Sims Road NE, East Bethel, MN. A condition of the resolution was that the subdivision and combination form was to be filed with Anoka County prior to December 31st, 2022. Due to the discovery of additional property liens, title work has been delayed. The final real estate transaction is scheduled for April 26, 2023. Resolution 2023-26 is an amendment to Resolution 2022-56, extending the filing deadline to allow for the applicant to complete the subdivision filing process with Anoka County.

Item I - Resolution No. 2023-33 Municipal State Aid Street Funds Advance for the University Avenue Reconstruction Project

The city is planning the reconstruction of University Avenue from Sims Road to 221st Avenue. Per the Joint Powers Agreement approved by council on October 10, 2022 the cost of this project will be split between the City of East Bethel and the City of Oak Grove. The city of East Bethel currently receives \$641,250 per year from the State to construct and improve their state aid road system. Of the \$855,000 25% or \$213,750 is designated to maintenance and the other 75% or \$641,250 to construction. The funding gap to complete the University Avenue project from Sims Road to 221st Avenue is estimated to be \$700,000. The funding gap is summarized on the resolution. This funding gap is proposed to be resolved by advancing Municipal State Aid (MSA) funds. MnDOT has a program that allows Cities to advance money from their MSA account to cover project costs. To advance MSA funds the Council must approve attached Resolutions 2023-33 Municipal State Aid Street Funds Advance and authorize the City Engineer to execute the Municipal Request to Reserve Advance Funding which is also attached. The City is not obligated to use the advancement funds. This action only reserves the funds in the event that they are needed. Staff recommends council Approve Resolution 2023-33, Municipal State Aid Street Funds Advance and authorizes the City Engineer to execute the Municipal Request to Reserve Advance Funding and forward the appropriate documents to the MnDOT State Aid office for consideration for the University Avenue Project.

Item J – April 10, 2023 Consent Agenda

From the April 10, 2023 Consent Agenda, Items A and B were pulled by Council Member Lewis. Items D, E, F, G and H were pulled by Council Member Smith. Item I was pulled by Mayor Harrington. Council Member Lewis made a motion to approve the consent agenda as amended but there was discussion prior to a second to the motion. After the discussion the second to the motion was not made and the vote was taken on Consent Agenda items C and J. Although the motion passed unanimously, these item needs to be reopened, a second to the motion made and the Consent Agenda vote of April 10, 2023 retaken.

Fiscal Impact: All items listed above requiring expenditures have approved 2023 Budget funds to cover the expenses.

Recommendation(s): Staff recommends approval of the Consent Agenda as presented.



City of East Bethel

April 24, 2023

Payment Summary

Payments for Council Approval	
Bills to be approved for payment	\$459,486.67
Electronic Payroll Payments	\$41,613.09
Payroll City Council - April 14, 2023	\$2,232.90
Payroll Fire Department - April 14, 2023	\$13,702.83
Payroll City Staff - April 13, 2023	\$49,384.47
Total to be Approved for Payment	\$566,419.96

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Arena Operations	Bldgs/Facilities Repair/Maint	313489861	Trane U.S. Inc.	615	49851	\$1,320.25
Arena Operations	Gas Utilities	824656413	Xcel Energy	615	49851	\$1,899.17
Arena Operations	Professional Services Fees	100104	Gibson's Management Company	615	49851	\$1,175.00
Building	Electrical Inspections	03 2023	Sloth Inspections, Inc.	101		\$1,268.40
City Administration	Legal Notices	942645	ECM Publishers, Inc.	101	41320	\$48.37
City Administration	Legal Notices	942646	ECM Publishers, Inc.	101	41320	\$64.50
City Administration	Legal Notices	942650	ECM Publishers, Inc.	101	41320	\$48.37
City Administration	Professional Services Fees	M28141	TimeSaver Off Site Secretarial	101	41320	\$915.50
City Administration	Telephone	763Z100035 04	CenturyLink	101	41320	\$150.77
Engineering	Architect/Engineering Fees	50438	Hakanson Anderson Assoc. Inc.	101	43110	\$832.96
Fire Department	Conferences/Meetings		Ben Uden	101	42210	\$55.43
Fire Department	Disability Insurance	04 2023	The Hartford	101	42210	\$1,354.75
Fire Department	Gas Utilities	824656413	Xcel Energy	101	42210	\$1,399.21
Fire Department	Motor Vehicles	41723	Great American Marine	701	42210	\$29,095.00
Fire Department	Motor Vehicles Parts	JJ308001	Rosenbauer Minnesota LLC	101	42210	\$227.49
Fire Department	Motor Vehicles Parts	BLN-71239-01	Silver Star Industries	101	42210	\$548.99
Fire Department	Office Equipment Rental	33825004	GreatAmerica Financial Svcs	101	42210	\$125.78
Fire Department	Professional Services Fees	43153	Med Compass, Inc.	101	42210	\$4,855.00
Fire Department	Software Licensing	274	Anoka Cty Fire Prot Council	101	42210	\$9,842.00
Fire Department	Telephone	763Z100035 04	CenturyLink	101	42210	\$116.02
Fire Department	Telephone	763Z100035 04	CenturyLink	101	42210	\$85.29
Fire Department	Telephone	13299700113273	Midcontinent Communications	101	42210	\$30.25
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	9677305857	Grainger	101	41940	\$146.12
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	955152	Ham Lake Hardware	101	41940	\$8.99
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	6030	Menards - Forest Lake	101	41940	\$244.86
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	6116	Menards - Forest Lake	101	41940	\$31.97
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-03-23	Premium Waters, Inc.	101	41940	\$72.82
General Govt Buildings/Plant	Gas Utilities	824656413	Xcel Energy	101	41940	\$710.52
General Govt Buildings/Plant	General Operating Supplies	5153251124	CINTAS	101	41940	\$2.95
Legal	Legal Fees	03 2023	Eckberg, Lammers, P.C.	101	41610	\$9,971.99
Legal	Legal Fees	34149	Eckberg, Lammers, P.C.	101	41610	\$11,559.00
MSA Street Construction	Architect/Engineering Fees	50435	Hakanson Anderson Assoc. Inc.	402	40200	\$805.00
MSA Street Construction	Professional Services Fees	00002785	City of Oak Grove	402	40200	\$27,883.88
Park Maintenance	Bldg/Facility Repair Supplies	9677305857	Grainger	101	43201	\$641.53
Park Maintenance	Cleaning Supplies	92027	Menards Cambridge	101	43201	\$12.97



City of East Bethel

April 24, 2023

Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Park Maintenance	Cleaning Supplies	92168	Menards Cambridge	101	43201	\$12.95
Park Maintenance	Clothing & Personal Equipment	4152150991	Cintas Corporation	101	43201	\$31.46
Park Maintenance	Clothing & Personal Equipment	4152827198	Cintas Corporation	101	43201	\$33.15
Park Maintenance	Equipment Parts	106837217	Fleet Pride	101	43201	\$58.99
Park Maintenance	Equipment Parts	106923258	Fleet Pride	101	43201	\$49.94
Park Maintenance	Equipment Parts	106923387	Fleet Pride	101	43201	\$5.00
Park Maintenance	Equipment Parts	107035375	Fleet Pride	101	43201	\$20.14
Park Maintenance	Equipment Parts	107173726	Fleet Pride	101	43201	\$5.00
Park Maintenance	Equipment Parts	02-986306	Lano Equipment, Inc.	101	43201	\$224.95
Park Maintenance	Motor Vehicles Parts	P99410	MN Equipment	101	43201	\$387.82
Park Maintenance	Other Equipment Rentals	MP220220	LRS	101	43201	\$75.00
Park Maintenance	Safety Supplies	5153251124	CINTAS	101	43201	\$88.93
Park Maintenance	Small Tools and Minor Equip	49161	Menards Blaine	101	43201	\$439.00
Payroll	Insurance Premiums	CNS0001226852	Delta Dental	101		\$684.47
Payroll	Insurance Premiums	CNS0001226852	Delta Dental	101		\$51.04
Payroll	Insurance Premiums	265866907063	Medica	101		\$8,934.68
Payroll	Insurance Premiums	436200052023	NCPERS Group Life Ins	101		\$80.00
Payroll	Union Dues	04 2023	MN Public Employees Assn	101		\$351.00
Planning and Zoning	Architect/Engineering Fees	50432	Hakanson Anderson Assoc. Inc.	101		\$150.00
Planning and Zoning	Architect/Engineering Fees	50433	Hakanson Anderson Assoc. Inc.	101		\$320.00
Planning and Zoning	Legal Notices	942647	ECM Publishers, Inc.	101	41910	\$64.50
Planning and Zoning	Legal Notices	942648	ECM Publishers, Inc.	101	41910	\$59.12
Planning and Zoning	Legal Notices	942649	ECM Publishers, Inc.	101	41910	\$64.50
Police	Professional Services Fees	S230405D	Anoka County Treasury Dept	101	42110	\$317,009.50
Recycling Operations	Gas Utilities	824656413	Xcel Energy	226	43235	\$193.60
Recycling Operations	Other Equipment Rentals	MP220221	LRS	226	43235	\$75.00
Recycling Operations	Professional Services Fees	04 2023	Freimuth Enterprises LLC	226	43235	\$59.00
Street Capital Projects	Architect/Engineering Fees	50436	Hakanson Anderson Assoc. Inc.	406	40600	\$3,841.63
Street Capital Projects	Architect/Engineering Fees	50437	Hakanson Anderson Assoc. Inc.	406	40600	\$1,035.00
Street Maintenance	Architect/Engineering Fees	50434	Hakanson Anderson Assoc. Inc.	403	43220	\$1,736.00
Street Maintenance	Bldgs/Facilities Repair/Maint	4152150991	Cintas Corporation	101	43220	\$8.58
Street Maintenance	Bldgs/Facilities Repair/Maint	4152827198	Cintas Corporation	101	43220	\$9.04
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-03-23	Premium Waters, Inc.	101	43220	\$72.82
Street Maintenance	Cleaning Supplies	9664145233	Grainger	101	43220	\$372.16
Street Maintenance	Cleaning Supplies	6187	Menards - Forest Lake	101	43220	\$19.58
Street Maintenance	Clothing & Personal Equipment	LLC18108	Chet's Shoes	101	43220	\$178.50
Street Maintenance	Clothing & Personal Equipment	LLC18108	Chet's Shoes	101	43220	\$153.00
Street Maintenance	Clothing & Personal Equipment	4152150991	Cintas Corporation	101	43220	\$31.46
Street Maintenance	Clothing & Personal Equipment	4152827198	Cintas Corporation	101	43220	\$33.16
Street Maintenance	Clothing & Personal Equipment	2023	Nate Ayshford	101	43220	\$69.99
Street Maintenance	Equipment Parts	4041220175	Capital One Trade Credit	101	43220	\$64.97
Street Maintenance	Equipment Parts	1-111312	Country Side Services	101	43220	\$24.77
Street Maintenance	Equipment Parts	107035696	Fleet Pride	101	43220	\$20.12
Street Maintenance	Equipment Parts	23026	Sweeper Services LLC	101	43220	\$735.05
Street Maintenance	Gas Utilities	824656413	Xcel Energy	101	43220	\$931.74
Street Maintenance	Motor Vehicle Services (Lic d)	010001361024	Blaine Brothers Inc.	101	43220	\$3,289.85



City of East Bethel

April 24, 2023

Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Street Maintenance	Motor Vehicles Parts	003P33855	Boyer Trucks St Michael	101	43220	\$186.78
Street Maintenance	Motor Vehicles Parts	003P34045	Boyer Trucks St Michael	101	43220	\$197.20
Street Maintenance	Motor Vehicles Parts	003P35159	Boyer Trucks St Michael	101	43220	\$136.38
Street Maintenance	Motor Vehicles Parts	003P35786	Boyer Trucks St Michael	101	43220	\$14.40
Street Maintenance	Motor Vehicles Parts	003P35787	Boyer Trucks St Michael	101	43220	\$15.11
Street Maintenance	Motor Vehicles Parts	003P36288	Boyer Trucks St Michael	101	43220	\$52.50
Street Maintenance	Motor Vehicles Parts	106879489	Fleet Pride	101	43220	\$5.02
Street Maintenance	Motor Vehicles Parts	5136 FX	Hose Pros, Inc.	101	43220	\$225.62
Street Maintenance	Motor Vehicles Parts	C241401895	I State Truck Inc.	101	43220	\$44.38
Street Maintenance	Motor Vehicles Parts	1539-177368	O'Reilly Auto Stores Inc.	101	43220	\$10.50
Street Maintenance	Safety Supplies	1539-181339	O'Reilly Auto Stores Inc.	101	43220	\$51.98
Street Maintenance	Shop Supplies	173360	Metro Products, Inc.	101	43220	\$189.36
Street Maintenance	Street Maint Materials	106879389	Fleet Pride	101	43220	\$19.82
Street Maintenance	Tires	270055091	Custom Cap and Tire	101	43220	\$6,686.00
Street Maintenance	Welding Supplies	9136802424	Airgas USA, LLC	101	43220	\$306.45
TIF 1-3	Professional Services Fees	93783	Ehlers	437	43700	\$210.00
TIF 1-5	Professional Services Fees	93782	Ehlers	439	43900	\$525.00
Water Utility Operations	Chemicals and Chem Products	6447782	Hawkins, Inc	601	49401	\$90.00
Water Utility Operations	Gas Utilities	5937869-5 4	CenterPoint Energy	601	49401	\$188.75
Water Utility Operations	Gas Utilities	9541753-1 4	CenterPoint Energy	601	49401	\$164.17
Water Utility Operations	Refund Overpayment		Lammers, Keith	601		\$38.73
Water Utility Operations	Telephone	763Z100035 04	CenturyLink	601	49401	\$70.95
Water Utility Operations	Telephone	763Z100035 04	CenturyLink	601	49401	\$196.49
Water Utility Operations	Telephone	763Z100035 04	CenturyLink	601	49401	\$153.82
						\$459,486.67
Electronic Payroll Payments						
Payroll	PERA					\$10,166.31
Payroll	Federal Withholding					\$6,197.62
Payroll	Medicare Withholding					\$2,756.14
Payroll	FICA Tax Withholding					\$10,858.56
Payroll	State Withholding					\$3,821.96
Payroll	MSRS/H.S.A./HCSP					\$7,812.50
						\$41,613.09

DRAFT MINUTES: NOT YET APPROVED

EAST BETHEL CITY COUNCIL WORK MEETING

April 3, 2023

The East Bethel City Council met on April 3, 2023, at 7:00 p.m. for the regular City Council Work meeting at City Hall.

MEMBERS PRESENT: Tim Harrington Brian Mundle Kevin Lewis
 Tim Miller Jim Smith

ALSO PRESENT: Jack Davis, City Administrator

1.0 – Call to Order

The April 3, 2023, City Council meeting was called to order by Mayor Harrington at 7:00 p.m.

2.0 – Adopt Agenda

Mundle stated I'll make a motion to adopt tonight's agenda. Lewis stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

3.0 – ISD 15 Presentation

Davis presented the staff report indicating ISD 15 School Board Chairperson Mike Starr and Superintendent Karsten Anderson will present a report of the School District, discuss matters of common interests and answer school board-related questions that Council may have.

Mr. Karsten Anderson, ISD 15 Superintendent, noted he did not have a formal presentation, but rather highlights of what was happening and he would like to hear the Council's questions and comments for the School District.

Mr. Anderson outlined the District's goals including working on enhancing the student behavior throughout the system, increasing the math and reading scores, and focusing on career readiness. He indicated recently they had approved several new hires directly related to the goals they are focused on including administrative support to deal with behavior issues along with instructional coaches to train teachers on increasing the math and reading scores.

Mr. Anderson stated they are having a difficult time finding people to work so they are reaching out not only locally but also across the State to find talent.

Mr. Anderson noted another good thing was their fund balance has been growing. He stated they had a good fund balance and they expected to approve a 12 percent fund balance at an upcoming meeting. He stated they were also looking at what the State Legislature will provide to the schools. He believed education will get a decent education this upcoming year. He noted there were also some mandates in the possible Legislation that would cost them some funds. He believed it was important that the State let local institutions make decisions, so they has been lobbying to ensure those decisions are made locally as much as possible.

Mr. Anderson suggested the Council visit the St. Francis schools as they had all been remodeled and he believed the funds were well spent and thanked the residents for approving the recent referendum.

Mr. Anderson stated three issues he had was they had some water issues at Cedar Creek Elementary School which was next door to East Bethel Elementary, with one of the wells testing positive for bacteria. He noted one big thing was they passed the test, with the exception of the bacteria, and found that it was not E.coli and that was the most important result. He noted both schools water was still being tested to see what kind of bacteria they had and they had an aggressive remediation work going on so some changes will be seen to address the water discoloration. He noted in the meantime bottled water was being used, all except for handwashing in which their expert said was safe for use. He indicated they would like to access the City's water system realizing this was a longer-range plan and would cost money but he would like the City to consider this as they move forward with future planning.

Mundle responded he believed the City would be very open to that. Mr. Anderson acknowledged this was a big decision for everyone and would need to be looked at carefully, but he believed it would be a big benefit for both parties.

Mr. Anderson stated he had received a lot of information from the City about some of the plans for the City in terms of potential growth and the School District was very interested in monitoring what was being planned. He indicated he was a resident of East Bethel and so the Council represented him as well and he liked some of the amenities of the City so he would be watching both professionally as well as personally as far as what might be happening in the City.

Mr. Anderson stated as residents are being built in the City, they wanted those children to come to their School District. He was confident as far as what the District could provide.

Mr. Anderson indicated he lived about a mile or so from the Cambia building and he had also toured the building not long ago so he knows what that building has to offer. He was glad the City was trying to work out some plans for that building and it sounded like the services being proposed was what was needed. He noted he had an upcoming tour and he hoped the new owners were able to continue to provide services for the residents of that building. He stated they did have some concerns about staffing if this was a full-fledged schooling opportunity where special educational services would need to be provided, teachers, etc. and how that would be provided. He noted they had a lot of work to do there.

Mr. Anderson did not believe financially this would be a negative as they would bill back the Districts where the kids were coming from. However, they did have significant concerns about finding enough staffing.

Mundle asked if the water bacteria at Cedar Creek was coming from the well itself. Mr. Anderson responded that was one of the things they were still testing. He noted they had initially taken over the counter tests but then they brought in a consultant to do more testing and that person was testing it at multiple places to determine exactly where the source was. He noted it could be part of the piping system also. He felt confident a broad array of test had been taken.

Mundle asked if the East Bethel Elementary School's test was okay. Mr. Anderson responded it was. He noted each of those schools had separate wells, but as a precaution they decided to test both wells.

Mundle asked which aquifer those wells were in. He asked if residents were tapping from the same aquifer as the school does. Mr. Anderson responded he did not know the answer to that.

Mr. Mike Starr, ISD 15 School Board Chairperson, ?? (he was too far away from the microphone to hear).

Lewis wished him well in his new position. Mundle stated Mr. Anderson should feel free to come back to Council with any visions, questions, etc.

Mr. Anderson thanked Davis for all of his assistance and customer service. Davis thanked the School Board for reaching out to the City and indicated he was glad Mr. Anderson was on board.

Miller asked Mr. Anderson to notify the City right away on the results of the water tests. Mr. Anderson responded he would.

4.0 – Ordinance Amendments

a) Sec. 74-95 – Identification and Upgrading of Substandard Sewage Treatment Facility

b) Zoning, Sec. 28 – Architectural Standards

c) Zoning Sec. 14 – Detached Accessory Structures

d) Zoning, Sec. 24 – Exterior Storage, Light Industrial and B-3 Districts

e) Zoning, Sec. 24 – Exterior Storage, B-2 District

Davis presented the staff report indicating Councilperson Jim Smith requested an amendment of Chapter 74, Article IV, Section 74-95 – Identification and Upgrading of Substandard Sewage Treatment Facility. The existing ordinance section and proposed change are exhibited in Attachment 1 to Council's packet.

Smith stated the reason he brought this up was because he was reading the older Ordinance and the way he read it was if a resident wants to do something they had to pull a permit and a lot of people who worked on their own homes they either did not know or even if they did know, they were not interested in pulling a permit. He indicated to get a certified inspection it could be \$600 at least and if they have to upgrade, depending on what it is, would be anywhere from \$15,000 or more. To him, he believed this would scare off a lot of people from pulling a permit for any work. In his opinion, he wrote this up so it would be easier and people would not have to have a septic inspection to put in a door, window, or siding on their home. To make it easier and have people not be afraid to pull a permit, he felt this was necessary. Davis believed this really only applied to an addition or alteration to existing plumbing, but it did make it clearer and spelled it out better.

Smith noted for the larger thing he could understand why it was necessary, but not for the little things.

Lewis believed this was a good change and it could clarify it. He noted the trigger would become of owner of the property rather than a City employee who would make a determination about a substandard or insufficient sewer system. Davis noted that was not something the City did.

Smith noted the purpose of adding Item D was if the County had some kind of a grant. Davis responded the County did have some programs but the big problem with that was did have some grant funds available.

Harrington noted the watershed also had grant funds available.

Mundle asked on D, could they change the City Administrator to the City staff. Smith noted the City Administrator was the one in charge and the building official would be making the decision.

Mundle asked who would be looking up grants. Smith stated it could be changed so the City staff did that work. He indicated he had no problem with that. Davis responded that change would be made.

Davis noted this needed to go to a Council meeting for approval along with a public hearing needs to be held.

Davis stated Councilperson Miller requested amendments to:

- a) Zoning, Section 28 – Architectural Standards
- b) Zoning, Section 14 – Detached Accessory Structures
- c) Zoning, Section 24 – Exterior Storage, Light Industrial and B-3 Districts
- d) Zoning, Section 24 – Exterior Storage, B-2 District

Davis indicated the proposed redline changes are exhibited in Attachment 2 to Council's packet.

Davis noted amendments to these ordinance sections will require a Public Hearing have to be approved at a regular Council meeting.

Miller stated the purpose of the architectural standards was to ensure the exterior of the structures were well designed and crafted by standards of architectural designs. He noted he did not suggest a lot of changes as what was there was a good starting point but it actually was too much and he believed it deterred businesses in a sense.

Smith and Lewis believed these were good changes.

Mundle asked on number 2-2 on page 6 where pole type building materials was stricken, was that to make it possible for pole buildings to be the primary structure. Miller replied that was correct.

Mundle asked if the pole building would meet architectural standards. Miller noted not everyone would have the money to build with brick, but if they looked at Highway 65 there were some pole buildings that had been redone and this made it easier on opening up a business or getting an existing one. He noted there were not a lot of changes being made.

Smith stated it looked good to him.

Mundle inquired on page 9, 4(a)(3) exterior storage cannot exceed 12 feet in height. Miller stated he took that out of there as there were already businesses have storage in excess of 12 feet and it was not as if they were getting rid of something the City was enforcing but this made it easier along with the setbacks for the rear of the building, etc. to allow people to have storage for their business on their facility. He noted right now it was very limited.

Mundle asked if they wanted a height restriction. Miller responded he did not know.

Mundle stated he was thinking about the perspective of a neighboring business if there was not height restriction and someone put storage 20 feet right along the fence line and it blocked the neighboring businesses views, etc. where they had some sort of a complaint that the 20-foot height they didn't like it for some reason. He saw this as an issue.

Miller did not believe 12 feet was high enough for these businesses and to extend it to the roof line of the building he was open to. He stated he saw Mundle's point, but he has situations where a business was not by other businesses that they would like to utilize that.

Miller did not know if there was a way to incorporate the best of both worlds to see if they could make it a maximum of something, but the main goal was to open up the back yard to allow the businesses to bring in more inventory to use.

Lewis advocated going with it and see if it became a problem instead of anticipating a problem in advance and try to prevent it. He stated would this be an issue. He indicated from a practical standpoint the lift on a forklift outdoors to get things off there was a practical limit as to how high they generally went. He stated practically speaking the reach for a fork life was 15 feet in most cases or less.

Davis stated one other consideration was expanding the square footage of the existing storage which would give them more space too so they would not need more height. He could only think of one location in the City where there was storage higher than 12 feet. He did not think this was a common problem and it could be addressed down the road if this came up.

Lewis stated he would just go with it and just see what happens. He indicated the whole point of these things was to make it easier for existing businesses to use their property that they paid for and paid taxes for as much as they could so they didn't need an extra site for storage, etc. and to make it more enticing for businesses to come to the City because they didn't have a rule about everything they can possibly think of. He stated he was a libertarian so stuff like this grated his gears real good because it was like people who had no money invested had all of the control over how they used their facility. He indicated he would not be loving it if he had a million dollars in a facility and he wanted to store stuff that happened to be 13 feet high. He stated this was ridiculous.

Smith agreed that too many rules was not good. Lewis stated it discouraged people from investing in the City. Smith stated they did not want to do that.

Miller stated right now they were limited with what they could use behind there and that was going to...

Lewis interrupted and stated he was just talking to a guy the other day who wanted to acquire land and it was because of what the restrictions are as to what he could do with it that was holding him back from doing it. He indicated this a common thing whether they were already here or wanted to come. He noted they had enough obstacles running a business these days supplied by the Federal and State governments and they didn't need to be doing it on the local level too. He complimented Miller on this heavy lifting kind of work. He indicated Ordinances were not war and peace and were not captivating in anyway and to plow through them and look as to how to make changes to make it more doable for people who have businesses here or to be attracted here was the heavy lifting part of the work and so he complimented him. Miller thanked Lewis. Lewis noted he was glad it wasn't him and that he didn't have to do it.

Miller noted implementing these changes, he believed businesses would benefit from it. Lewis agreed. Miller stated this was what they wanted to do.

Lewis stated the number one think that sells business people on locating at a place was having a city that wanted to work with businesses. He stated from having done corporate planning is that plans are written to be changed. He stated nobody with any sense who was in that work said that they couldn't do it because the plan said something. He noted the plan didn't govern and it was just a guideline, but when circumstances changed because they can't anticipate every circumstance, realty trumps the plan every time and that is just the way the real world works.

Davis asked if they wanted to keep the 12-foot in there or modify it. Lewis stated he thought it was deleted. Smith and Miller agreed to take it out.

Smith thanked Miller also.

Davis stated the question remains, as he was informed by the City Attorney, that traditionally these Ordinance changes regarding zoning were referred back to the Planning Commission for their recommendations. However, the State Statute reads it can go to the Planning Commission or the governing body. He stated if this went to the Planning Commission it would go to them on the 25th and then come back to the Council on May 8. If it went to the Council it would go on April 24 and the public hearing at that time also.

Mundle asked if it went to the Planning Commission would they hold the public hearing themselves. Davis responded that was correct and then Council would not hold the public hearing.

Lewis stated he wanted to work with the Planning Commission to as a good faith gesture he wanted to do exactly what was called for. He stated he meant that and this was sincere and not a joke.

Davis stated staff would send this to the Planning Commission on April 25 to have the public hearing and this would come back to the Council in May.

5.0 – Community Development Director Update

Davis presented the staff report indicating the job advertisement for the Community Development Director's position was first advertised on December 2, 2022 but received only 5 applicants. At the direction of Council on December 28, 2022, staff was authorized to re-advertise the position.

Davis noted the second ad ran from January 17, 2023 until February 21, 2023. The re-advertisement resulted in 2 additional applications. Both ad postings were run in the *Anoka Union Herald*, the League of Minnesota's Cities (LMC) Job Opportunities Website, the City of East Bethel Website, City media outlets, East Bethel Jobs.Com and InDeed.

Davis stated from the last 4 years' experience with the tight job market and expecting the continued pattern of a low response from an additional advertisement, the top three applicants were invited for interviews. Invitations were sent on February 27, 2023 and the interviews were scheduled for March 2, 2023. Two of the invited candidates withdrew their applications 3 days before the scheduled interview and as a result only one applicant was interviewed by the Personnel Committee.

Davis indicated at the March 13, 2023 City Council Meeting, Council tabled a recommendation to approve a hire for the Community Development Director's position. Council requested that staff expand their advertising to widen the search for a candidate.

Davis stated staff has explored three government related job recruiting services and found their costs range from 20 - 30% of the first year's salary of the position as their fee. A quote was received from the firm of SGR in the amount of up to \$27,400. We have not inquired as to a reduced scope of work at a lesser cost for their services.

Davis indicated the two other government job related staffing services we've requested quotes from are GovHR and Baker-Tilly. GovHR has responded and has requested a meeting to discuss their services but they have expressed concerns that our salary for this position is below rate and may affect recruitment in the current candidate market. We have not received a response from Baker-Tilly at time this report was written.

Davis stated staff is also working with Greg Gilles, Anoka County Regional Economic Development Director, and Mr. Gilles will be providing us with additional advertising contacts for this position.

Davis noted while we have had very little response in the past from job ads placed in the *Star Tribune*, we could use them again. Generally these ads run approximately \$250- \$300 for a Sunday publication.

Davis stated in summary, the LMC site is the primary source for those looking for City employment and is usually the first-place job seekers in the profession look for positions. Beyond the sources we have used, we could advertise in the *Star Tribune* and utilize the contacts Mr. Gilles will provide to expand the coverage for the candidate search.

Davis indicated the timetable for the re-advertisement and recommendation to City Council is by no later than the May 22, 2023 Council Meeting.

Lewis proposed an “elegant solution”. He stated he is mentioning this for the third time – there is no provision in the City Code for a Community Development Director. He indicated it was very clear that in the Community Development Department, there are two managers – one being the City Planner who is the head of the City planning division and the other is the Building Official who is the head of the inspection and Ordinance enforcement division. He indicated Ham Lake, while it is geographically smaller than East Bethel, actually had 38 percent more people and they don’t have a Community Development Director. He acknowledged they were a charter city, but that didn’t matter in this case. He stated seven weeks ago he spoke with Julie Borer, who is the Building and Zoning clerk at Ham Lake who coordinates working with outside people who are interested in land, buying businesses, developing residences, etc. He asked her how she did this and she said, “Well, I coordinate it with the city administrator and with the city engineer who does the bulk of the work, and with the city attorney to a lesser extent.” He asked how well that worked and she said, “It works great.” He stated he knew Ms. Borer's salary and had also received an enormous spreadsheet from the Minnesota League of Cities with everybody’s salaries and Ms. Borer makes approximately what Aaron Berg makes now as City Planner plus.

Lewis stated he was not advocating that they return Aaron to his, what his salary was when he was first made City Planner. He indicated Aaron impressed him as a professional. Aaron is prepared, he has subject matter knowledge, speaks well, and very responsive to people but he did not see that they needed anything more than the City Planner.

Lewis stated the elegant solution is it makes all of the other stuff go away and they don’t need to go looking for anybody and they just have Aaron be the City Planner. He stated all it was is a title and an explanation or excuse for paying people a lot more money.

Lewis stated he wasn’t going to get into the genesis of where this came from. He stated he has heard various stories and he really didn’t care about them, but the fact is that they can get everything that they needed done with Aaron as the City Planner and a Building official. He stated they have a City Engineer who knew the City well and knows projects. He noted that was what they had in Ham Lake too; the same person has been their City Engineer for 25 years and he knows well what he is doing. He stated the City Attorney was certainly workable.

Lewis stated that was the elegant solution. He was proposing they don’t need to do this at all; they have the solution at hand – maybe not called by the name you want, but that is what the City Code calls for and that is what he thinks in the solution to this whole thing – just have Aaron be the City Planner at the enhanced salary that was agreed on in December of an extra \$1,000 per month, which puts him \$1,000 to \$1,500 which was comparable. He stated the job is the same. Aaron works with the City Engineer, City Administrator, Building Inspector, and City Attorney – the same thing. That is his honest opinion and he has thought about this a considerable time as well as spent time talking to Julie. He stated he has spoken with the former mayor of Ham Lake also and it works great for them and that is his proposal.

Mundle asked what did the job of the Community Development Director do versus the City Planner. Davis responded the Community Development Director was in charge of the overall building department, City Planning Code Enforcement, Zoning, and the overall planning activities of the City itself – the higher-level stuff such as dealing with Met Council and was also active in the economic developments as well as working with the EDA and working on business retention and recruitment plan, etc. He stated they did have some more responsibilities and if Council wants they can develop a job description for this.

Lewis stated he came from private industry and there were many times he took on additional work and he didn't get a pay raise or a title change. He just had more work that's all and it was just part of the deal. He stated he could understand maybe Davis wanted to farm off some of his work to this Community Development Director, but the fact is he thinks that is a critical part of being a City Administrator is the community development. He indicated Davis was certainly plugged in and talked to a lot of people. He thinks what he said is completely workable, rational, and reasonable. But again, he stated this was his opinion.

Mundle stated it was his understanding that the reason why the City got a Community Development Director was with the sewer and water development they needed to start an economic engine and have a person dedicated just to working on that.

Lewis asked what the EDA is for. Mundle noted the EDA is not staff. Lewis stated it did not matter if it was staff or not. Mundle indicated the EDA had one meeting a month.

Lewis stated this was the sole function of the EDA. Mundle stated the Community Development Director was the person who prepared everything for the EDA to talk about.

Smith stated he agreed with Lewis. He indicated they had plenty of people inside the City that can take over and fill in to help get this stuff done. He stated they didn't need to hire one person at \$100,000+ a year for one thing – everybody can work together and he believed they had enough employees here now. He stated that was his opinion.

Lewis stated maybe it was because he was fresh off of opening his once again property tax increase and he was wondering that it seemed like a lot of money got sucked out of the people in this community so he was mindful that he wanted people to be paid well who worked for the City. He indicated they had great staff, but unless it was essential he did not see the point and he did not see this from a business standpoint he would not do this and it was not where he would put the money. He noted the City had a hard time recruiting people for the Fire Department and they start out making less than they would make flipping burgers at McDonalds. He stated that was one place where he would like to see money put. He stated this was personal as his neighbor is on the Fire Department with four kids. He indicated that is where he would put the money.

Lewis stated this isn't at the top and a lot of the top people suck up the oxygen in the room, but they are not necessarily...and they have to make sure that the people doing the day-to-day grunt work are also taken care of and in the Fire Department has a disparity that he had noticed over time as he got educated about it. He stated someone said that they don't do it for the money and he agreed with that to an extent, but the fact is when you are giving up time away from your family and all, it better be worth it and as Rod said very clearly, these people see things nobody should have to see. He stated it takes a special person for somebody who is committed to helping – the same as law enforcement – protecting others, helping others in need. It takes a real unique kind of person, but it is also fine if they make some more money. He stated this is coming up with the charitable stuff – not just seeing it for law enforcement, but also for the Fire Department. He thinks they need to be better taken care of financially and not in terms of gear or building, but it is the people and putting more money in their pockets he thinks would help and it wouldn't hurt any.

Mundle asked how much of a workload this would put on the existing employees. Davis responded he has never been one to complain about a workload and this did put some different things on there, but sometimes they have had to shift some responsibilities around, maybe reestablish some priorities. He indicated this definitely could be done but there would likely be a few changes made in

the amount of things that they can do or the timeliness in getting certain things done but those priorities would need to be established in relation to what they had to get done at the City.

Lewis stated they are also in a period with thanks to the Federal Reserve raising interest rates a full 500 basis points, which is the most they have ever been raised in that time period since, he thinks the Great Depression – he has noticed that commercial and residential construction has softened.

Mundle stated residential construction has not softened. Lewis responded yes, it had.

Mundle stated he was in residential construction. Lewis raised his voice and said he didn't care – he was talking about nationwide and not just in his backyard. He stated anybody knows this. Not in Florida, not next to Phoenix – no, but in other places in the Country. He did not think they would be besieged with inquiries, even though he would love it if they were, but he did not think they would be. As in business you find out and you can always try to find more people. He stated he was not suggesting they get rid of Aaron – not at all. He thinks he is a great employee, but he doesn't think they have to go over it more with the Community Developer thing.

Miller stated what Lewis was saying made total sense with the City right now and it got rid of a lot of different areas that they didn't have to deal with in terms of going through advertising for a lot of things.

Lewis indicated now it will free up Jack to go out and get new business. He stated if they don't have to do something it frees up time.

Miller stated there can always be adjustments made for what responsibilities and open the door for City workers to excel in different areas also. He liked Aaron also and thought he was a great guy.

Lewis stated in 12, 16, 18 months, whatever the time period, if they decide they definitely need this as things are changing – great you change with the need. You don't anticipate the need and play preventative defense against any future possibilities as this was not the way you manager a business, but he did not know if this is the way government manages itself or not. He stated this was his first time in government since he worked as an ocean lifeguard when he was 17.

Davis asked if they would like staff to come up with a position that fits the City Planner position and bring this back to Council. Lewis asked if they didn't already have one. Davis responded they did, but it needed to be changed to add the additional responsibilities. He stated it just needs to be tweaked, presented to Council, and go from there. He stated he wanted to get this done and he did not think they needed to hire a recruiter as they had staff for this position. He recommended they find a way to get this done and get going.

Lewis stated the EDA was going to bring in tons of new stuff and Aaron will be besieged and crushed under the workload and then they will make the change.

6.0 – Charitable Gambling Proceeds Distribution

Davis presented the staff report indicating MN State Statutes, Chapter 349 provides regulations for the lawful (charitable) gambling industry through the Minnesota Gambling Control Board to ensure the integrity of operations and provide for the lawful use of net profits. Charitable gambling is conducted only by registered nonprofit organizations.

Davis stated lawful gambling benefits cities by providing entertainment for citizens and raising revenues to support worthy purposes. However, lawful gambling proceeds may only be used for allowable expenses or lawful purposes. State law provides cities the authority to regulate lawful gambling. The most common regulation methods that cities are authorized to use are:

- **Require organizations to contribute 10% of the net profit from lawful gambling to a fund administered by the city.**

Davis noted by ordinance, a city can require organizations to contribute up to 10% per year of their net profits derived from lawful gambling to a fund administered by the City, frequently called a "Charitable Contribution". The City must file an annual report with the Gambling Control Board (GCB), and also must acknowledge financial contributions of organizations conducting lawful gambling to the community and to the recipients of the funds. The City may only disburse the funds for charitable contributions (see Attachment 1 for a list of lawful expenditures). Therefore, although a city may not require direct payments from a gambling organization to any city department, a city can establish a fund and disburse the proceeds of that fund to a city department for lawful purposes. No direct contributions or payments of gambling money may be made to a law enforcement or prosecutorial agency; and/or,

Impose a gambling tax (3% of gross revenue) or charge an investigation fee.

Davis stated this tax revenue may only be used to cover the cost of regulating lawful gambling and may not be used for any other purpose. The City must file an annual report with the GCB showing the amount of revenue raised by the tax and the use of the tax proceeds.

Davis noted the neighboring municipalities use either the Charitable Contribution format or do not require a tax.

Davis stated East Bethel approved a local gambling tax on licensed organizations of 3% per year of the gross receipts from gambling on February 15, 2006. City staff conducted regular gambling inspections to fulfill management and regulation requirements of the Ordinance. Gambling tax proceeds received in 2021 were \$72,000 as opposed to \$40,500 in 2020. \$40,000 was included in both the 2021 and 2022 city budgets as the projected income from this source.

Davis indicated the 2021 gambling revenues were more than the estimated cost of regulating lawful gambling. As the amount of revenue became much greater than the regulation expense and contracted law enforcement site inspections of the exterior premises were no longer allowed as an eligible cost, the City ordinance was amended to eliminate the gambling tax and the City adopted the charitable contribution method of collection revenues from lawful gambling on April 11, 2022.

Davis noted there are currently 5 business locations that are approved and licensed in the City to conduct charitable gambling operations. These are:

- Route 65 Pub and Grub
- EJ's Bottle Shop
- Hidden Haven
- Moonshine Whiskey
- Smokey's

Davis stated repealing the gambling tax and changing the ordinance to a charitable contribution also provided the City additional flexibility in the use of these funds as exhibited in Attachment 1 to Council's packet.

Davis indicated all proceeds the City receives from charitable gambling have been earmarked for use as funds to pay for the City's law enforcement contract with the Anoka County Sheriff's Office. Gambling tax revenues for 2022 were \$37,800 and estimated revenues for 2023 are projected at \$31,000, based on collections through February 28, 2023.

Davis stated as these monies can be used for purposes aside from paying for law enforcement expenses, Council may be requested by organizations and groups to allocate some of the charitable gambling revenues for other lawful expenditures (See Attachment 1). Unless the Council has a desire

to use some of these funds to support other eligible non-city activities, staff recommends that the proceeds from charitable gambling remain dedicated for payment for law enforcement services.

Davis noted this information is provided as there may be requests presented to Council for these funds for uses other than support for payment assistance to our law enforcement services contract.

Davis stated the difference between the revenue collected by the City between the two methods is undetermined at this time. The City will have to obtain the forms filed by the licensee to the GCB for calculation of their net profits to obtain this information.

Davis noted from the information staff received when this matter was discussed in 2015, it is estimated that changing the formula for collecting these funds would reduce this revenue by at least 50%. Assuming the same level of gambling activity for 2022, it is projected that revenues for this budget category could be reduced from \$70,000 to \$35,000. This lower expectation would approximate our budgeted figure of \$40,000 for this revenue category for 2022.

Davis requested City Council direct staff to advertise a public hearing for the April 25, 2022 Council Meeting to consider changing our Ordinance regulating lawful gambling to require charitable donations in lieu of the current gambling tax and to amend those sections that are no longer in line with State Statutes.

Smith asked why this changed from gross to net proceeds. Davis explained the rules and regulations were changed internally and they made this net instead of gross.

Mundle asked if new funds also had to be audited. Davis responded that was part of the City audit. He noted they submit a report to them every year.

Smith asked about the gas station gambling proceeds. Davis responded there are five businesses in the City eligible to do charitable gambling and those are listed but no gas stations are there.

Mundle asked if charitable gambling was mostly pull tabs. Davis responded that was basically what it is.

Mundle asked if these are basically run by different organizations. Davis responded that each one of these things has to have a gambling manager of the premise so it is set up and controlled quite strictly by the Gambling Control Board.

Smith asked if that included the electronic games at the bars. Davis responded it did.

Mundle stated if an organization came in and requested a donation were they able to make a donation, or what is the alternative. Davis responded if it was an eligible expense that fit into a category they can make a donation. He noted a portion of the funds was used to pay the annual Sheriff's contract.

Mundle stated if they had one of the local sports teams come in and ask for a donation was that acceptable. Davis responded that was probably an eligible expense, but the only thing with that is would they get every sports team coming in and asking for donations.

Harrington noted there were a lot of schools that would be eligible for donations also and how many hands did they have. Davis responded that was the thing they needed to decide – if they were going to entertain this and if they did they needed to develop a policy and an application to ensure they have some control over it. He believed this might set a precedent that opens the doors for things that make the requests exceed the amount of funds they actually have.

Lewis stated he kept hearing that the Parks account was pretty much depleted or there was not much money to do things with. He asked if part of the money could go toward something for the residents to enjoy the common/open spaces. Davis responded he would need to check on this as he did not think it was an eligible expense.

Lewis asked why it wouldn't be an eligible expense. Davis replied it was not listed as one of the eligible expenses. He noted the reason is they say public safety is one and that is why they can put money towards the Sheriff's department. Lewis believed that was a good thing to give it to, but he wondered if some of it could go into the parks. Davis stated he will research this and will get back to Council at the next meeting.

Smith stated basically the money they are getting was not required to be given to anybody else. Davis responded that was correct, they did not have to.

Smith stated if they are using it for the Sheriff's Department or if they can use it for parks, they are better off doing that then start to give it away to somebody else. Davis stated the businesses who conduct the charitable gambling were required to give so much to charitable organizations or community projects so a lot of those give to the local sports teams and he believed one of the businesses was looking for some of the local sports teams to contact them.

Miller stated they have been working behind the scenes trying to figure out how to utilize these places that have the profits and they have to basically donate a certain percentage. He stated they have had a few talks already, and this is jumping the gun a little bit as he wanted to talk to the Parks Commission to get their input, but they were trying to secure a way that they can get some of this money from these organizations for the trails and the City – which would be investing in the trails and themselves by bringing the trails to these various places. He stated they have contacted a couple of places about the natural covering on them and they have some very good ins with some woodchip companies who would basically almost give them the stuff for these trails and they would have to utilize it how they see fit.

Miller stated they were jumping the gun a little bit with what they are talking about tonight, but hopefully they can put together a plan that they can get 10 or 20 percent from some of these businesses and they would be investing in the residents and it would take the parks and commission money and have a steady flow into it. He stated they could also build up funds waiting awhile on this stuff and utilize grants as there is some stuff out there that they can get matching funds for these trails. He indicated there is a few things that they are working on behind the scene that could play out to be a very beneficial move for the City and to get them more involved in the businesses, have them invest in themselves, they can have their name on the trails as sponsors, and people playing the pull tabs in these places would know exactly where the money was going. That it was going for the City to start develop these trails and start connecting the places they have here and not put a tax burden on the residents. He stated this is a little insight as to what has been going on. Lewis thanked him for mentioning that and he didn't know that.

Miller stated they are working on this and hopefully it will come out and they can all benefit from it.

Davis noted this was an FYI. He indicated he was surprised they have not been asked for donations already, but he did speak with someone and they might be approaching the Council to ask for one and wanted to know what the Council's position was. He informed them that they Council did not have a position, but if they wanted to approach the Council for one they could and that was the reason he was bringing this up tonight.

7.0 – John Anderson Park Trail Update

Davis presented the staff report indicating Corina Peterson, spoke at the March 27, 2023 City Council Public Forum regarding a City trail project adjacent to her property. Her concerns were the proximity of trail to her home and the pedestrian use it would generate and its potential effects on her privacy.

Davis noted this trail project was recommended by Parks Commission and approved by City Council in 2022 but was postponed until this year to allow completion of previously scheduled projects. This trail project would provide a connection to Bonde Park and eventually a link to the Bethel Haunted Forest Bike Trail Park.

Davis stated staff will arrange to meet with Ms. Peterson to discuss her issues and seek options to address this situation and come back to Council with an update.

Davis noted there was segment within the park ready for paving and they are going to take bids on that, but that was inside the park itself so it would make a loop trail in the park and those would be presented to Council sometime in May. He noted the connector was up in the air and staff would work on that and try and address Ms. Peterson's concerns.

Smith asked if this was just staked right now. Davis responded that was correct and nothing had been done and nothing would be done until they had spoken with Ms. Peterson and got back to Council.

Smith asked if they had a separate price on that trail. Davis responded they can get one, but what they would do it is put this out for bids and come up with an estimate but right now he would rather concentrate on the one that is internal in the park and get that done first. He noted the other one can be done in the future at some point as the easement is still there.

Smith stated personally he did not think this one was necessary as it went to the cul-de-sac almost.

Lewis asked what drove the trail business, was it the Comprehensive Plan. Davis responded this was in the 2008 Parks Plan that was prepared 15 years ago.

Lewis asked if this was prepared by Met Council or by someone independent. Davis responded this was prepared by a consultant the City hired and this did not have anything to do with the Met Council. He indicated this was part of a way to develop some of the trails plans and proposals for the City. He noted this was one where it could connect a park to a park and they were trying to make sure if they did something it would not be a trail to nowhere. He stated this would be easy to do in terms of distance but that is all it took into account.

Smith stated basically it goes to 235th Avenue and then they had to take that all of the way to Jackson and then go all of the way to Bondi Park and to him he would say this is worthless and put it on hold at least for now.

Mundle stated at the very least it would connect the neighborhood and that was the point of having small trails was to connect the neighborhood and give people places to walk to without spending a whole lot on trails.

Smith stated if he was in the cul-de-sac, he would just drive over to John Anderson Park and he didn't need a trail to go there as there were not that many houses there.

Mundle stated not everybody wants to drive.

Lewis asked if it was just him or was there something incongruous about asphalt paths being a nature walk. He understood this was for bicycles and people with limited mobility. Davis stated those were the reasons for asphalt – bicycle traffic and handicapped access.

Davis stated staff will meet with Ms. Peterson and will report back to Council.

Lewis asked if Miller had any interest in being in that meeting also. Miller responded he was just thinking about it and he believed Ms. Peterson had valid concerns as a single mom and a trail going through her property on a cul-de-sac it might be a great thing for some people but for one particular resident it was a nightmare and the fact they are taking a step back and talking to her is what they need to do as a City; they need to find out what they can do to make this right for her and the residents. He stated he would like to be at the meeting. Davis stated he would see when Ms. Peterson was available and he would let him know.

Harrington stated as an FYI, either this month or next month there would be some big bills coming for maintenance as three trucks had blown out this weekend. He noted they were down to three trucks right now and he hoped they don't get any snow. Lewis said thanks for the heads up.

Lewis asked if there was any progress on the verbatim transcription topic. Davis stated he did receive some quotes and if Council wanted they can make this a discussion at the next Council meeting. He indicated Timesavers said they can do this and gave an estimate of the cost. He stated Timesavers can do one so they can see what it looked like. He noted one of the things on this is that every um, er, and, grunt, etc. is going to be recorded, but Timesavers did have the voice recognition software specialty stuff that they can do the verbatim transcripts. He noted on the back of the sheet he handed out is a comparison as to what they paid for minutes for the first quarter of this year and an estimate of what it would be if it were more of the verbatim type. He recommended they get one verbatim minute set so they can look at it and see what it is.

Smith stated the majority of the Minutes they have done had not been accurate – any of them – so does that cost them extra to fix it or did staff fix it. Davis responded one thing in talking to Timesavers is that it's not that they are not accurate, but they are not a complete transcript so there are some things that are not in there and they are trying to summarize them as best they can and if there are any changes then that is the staff's job to do that. He noted if there are substantial changes the Council wants the edits can be made before they are approved.

Lewis stated the Planning Commission did not meet as they were scheduled to last week. He asked on the Front Street septic situation where that was at. Davis responded it would be on the next Planning Commission meeting.

8.0 – Adjourn

Mundie stated I'll make a motion to adjourn. Miller stated I'll second. To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

Meeting adjourned at 8:23 p.m.

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.

DRAFT MINUTES: NOT YET APPROVED

EAST BETHEL CITY COUNCIL MEETING

April 10, 2023

The East Bethel City Council met on April 10, 2023, at 7:00 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Tim Harrington Brian Mundle Kevin Lewis
 Tim Miller Jim Smith

ALSO PRESENT: Jack Davis, City Administrator
 Eric Larson, City Attorney
 Fire Inspector, Ben Uden

1.0 Call to Order

The April 10, 2023, City Council meeting was called to order by Mayor Harrington at 7:00 p.m.

2.0 Pledge of Allegiance

The Pledge of Allegiance was recited.

3.0 Adopt Agenda

Mundle stated I'll make a motion to adopt tonight's agenda. Lewis stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

4.0 Presentations and Public Hearings

4.0 A City Assessor Presentation

Davis stated the City Assessor, Ken Tolzmann, will present the 2023 Assessment Report to City Council at the April 10, 2023 meeting. This report provides general information about the appeals and assessment process, as well as specific information regarding the 2023 assessment. This report does not involve any matters relating to the city budget or tax levy but Mr. Tolzmann will be able to answer questions regarding any matters relating to property valuation.

Davis indicated Minnesota Statutes establish specific requirements for the assessment of property. The law requires that all real property be valued at market value, which is defined as the usual or most likely selling price as of January 2, 2023.

Davis noted the estimated market values for this 2023 assessment are based upon qualified sales of East Bethel properties as well as countywide sales that took place from October 1, 2021 through September 30, 2022. This sales information is a component used to determine individual property values.

Davis stated property owners who have questions or concerns regarding the market value set for their property are asked to contact Mr. Tolzmann before the April 24, 2023 LBAE Meeting . This allows Mr. Tolzmann the opportunity to answer any questions they might have and potentially resolve any valuation issues prior to that meeting. Property owners whose issues are not resolved by the April 24th Meeting, may appeal their valuation to the Local Board of Appeal and Equalization (the City Council) on April 24, 2023 at 5:30 PM at City Hall.

Mr. Tolzmann stated he believed the Council had his report in their packet. He noted there was a lot of information in his packet with specific information, but tonight he wanted to go through and summarize what happened and how they come up with the values.

Mr. Tolzmann thanked the City for the opportunity to come before them and the residents to give the City a better idea of how market values for property taxes are determined. He noted real estate taxes are the means of spreading out the cost of government services and schools. He stated given that nobody wants to pay more than their fair share of the costs, the State, through the Department of Revenue has set up a system for the schools and municipalities to fairly spread out the costs. He indicated to do this the State has made the market value of the property everyone owns as a proportion of the overall market value of the City to represent the individual fair share of the cost or service of the services.

Mr. Tolzmann indicated to ensure the market values statewide are as true and accurate as possible, the Department of Revenue collects all real estate sales information statewide and then through the network of County and local assessors, determine which of the sales are good, qualified arm's length sales and it is those sales which are the basis for the new assessment.

Mr. Tolzmann stated for the 2023 assessment, to be paid in 2024, sales made between October 1, 2022 and September 30, 2023 are used. He noted the Department of Revenue will then analyze all of these sales and through an involved statistical review come up with a time adjusted sales price as of January 2, 2023. Once the final sales price has been established, he indicated all County assessors will separate out the land value from the improvement value for each sale. He noted the purpose for this is to review similar house styles and land types.

Mr. Tolzmann pointed out that with all municipalities countywide, the land is broken into different zones and in East Bethel are 9 plus acre size. He noted they have a zone for home sales in Coon Lake Beach as well as lakeshore sales and commercial industrial.

Mr. Tolzmann stated for this assessment the County did a countywide lakeshore and commercial industrial review. He noted they saw the county lakeshore and commercial rates increase from last year. In indicated in East Bethel and lakeshore base rate went from \$2,800 to \$3,500.

Mr. Tolzmann indicated after reviewing the sale of different tyles home homes in the County the building rates for these style homes were adjusted and applied to all parcels countywide. He stated once these new building rates are complete, which are about the same as last year as building rates did not change much, the thing left to do is to determine the land value for each parcel. He stated the land value of each sale, including the new building value, is adjusted as an overall percentage along side all other sales in the respective zone with the goal of reaching a median sale price of 94.5 percent.

Mr. Tolzmann stated this is the process countywide and statewide. He stated all values in the City are valued as a median ratio of 94.5 percent. He indicated the statistical measurements are an assessors report card. He asked the Council if they had any questions.

Lewis stated selfishly he will talk about his place which was up 38 percent in 2 years. He stated the issue had not been resolved. He asked if someone else would be looking at it. He indicated he was on the ALBA so it kind of an awkward situation for him. He asked what did he do in terms of appealing. Mr. Tolzmann stated in the situation of a Councilmember, what he would do is put his name on the list. Lewis responded he did.

Mr. Tolzmann stated at the time they have their final meeting on April 24, the Council or Local Board would make no change at that point and send it onto the County. He indicated that was what the State recommends for an elected official in terms of handling their own personal value.

Mundle noted the County would handle the appeal. Mr. Tolzmann responded he was correct.

Lewis stated on a non-selfish question, did Mr. Tolzmann think that 1.5 hours allotted for the 24th was enough time. Mr. Tolzmann responded that if there was something that needs to be looked at or cannot be resolved on that night he was happy to go out and take a look.

Lewis asked if he had received many calls. Mr. Tolzmann responded he had not had a lot of calls and it has been really quiet. Lewis responded he was surprised.

Mr. Tolzmann stated when he looked at the sales they had last year, a lot of those sales came through when the interest rates were still low. Lewis stated he was always dealing with leads and lags in his business.

Mr. Tolzmann stated now the interest rates have gone back up so what he was looking at for this coming year was that values may come down a little bit with respect to lakeshore sales. He noted the rate increases put on this year were fairly accurate. He indicated if they need to adjust the lakeshore rates for the coming adjustment, they will do that. He stated they do this for each zone also.

Lewis thanked Mr. Tolzmann. He stated he requested him being at tonight's meeting and he thought it was a good educational opportunity for the residents. He noted this was 80 percent of what supported the City budget. He stated their property taxes were a big chunk for most people, including himself and he can always use a refresher also. He indicated he should know how the process was run and it was important.

Mr. Tolzmann stated he did not think most people realized how involved the process is and there is some real brain power at the State. Lewis stated he had not realized this.

Mundle stated for any residents who planned on attending the Board of Equalization meeting on April 24, to contact Mr. Tolzmann via phone first and talk to him about it as they might be able to resolved it before coming to the meeting. Mr. Tolzmann highly recommended this and indicated his phone numbers are: 651.605.5125 – Office and 612.865.2149 – Mobile.

Informational; no action required.

4.0 B Fire Code Variance – 1835 Viking Blvd

Uden stated that RL Automotive is an auto body repair shop that has been in operation since 2004 and paint spray finishing is a common part of their business. An annual fire inspection on 12/9/2021 noted that the building's paint booth did not have a fire suppression system. On 12/28/2021 the business was sent a letter outlining the fire code violation. The letter informed the business that the deadline for compliance would be 12/31/2022 for the suppression system to be installed. On 1/18/2023 the follow up inspection was performed and it was noted that the suppression system had not been installed. The business owner stated the letter was never delivered and the business was granted an additional 90-day extension to review the situation and come up with a resolution.

Uden noted the Minnesota State Fire Code 2020 section 2404.4 States, "*Spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system complying with Chapter 9. Protection shall extend to exhaust plenums, exhaust ducts and both sides of dry filters where such filters are used.*"

Uden indicated Minnesota State Fire Code Sections 102 & 105 as outlined in attachment 4 in this packet provide the guidance on why requirements for this system are not “grandfathered in” based on operational provisions.

Uden stated the MN State Fire Code 2000 edition was the adopted code in effect in 2004 and was identical to the current code language regarding this issue and can be found in attachment 4 in this packet

Uden noted the property owner has filed an application for (Attachment 2 to Council’s packet) and is seeking approval of a variance to eliminate the requirement of a fire suppression system installation as required by MN State Fire Code. The variance request application is required per Minnesota State Statute 299F.011, Subd 5.

Uden stated Minnesota State Statute 299F.011, Subd 5 states *“No appeal to the state fire marshal for a variance from orders issued by a local fire official from the State Fire Code shall be accepted until the applicant has first made application to the local governing body and the local unit has acted on the application.”*

Uden indicated the East Bethel City Council is the local governing body in this matter and would hear the initial appeal for a variance. At the hearing for the variance, the Council may move to approve, deny, modify, or defer the variance request to the Minnesota State Fire Marshal’s Office.

Uden stated consideration of a variance requires the requesting party to show that all of the following conditions are met:

- A. There is substantial compliance with the provisions of the Fire Code
- B. The safety of the public and building occupants will not be jeopardized.
- C. Undue hardship will result to the requesting party unless the variance is granted.

Uden indicated the owner of the property has addressed the conditions of the variance request as part of the variance application exhibited in Attachment 2 to Council’s packet.

Uden stated City Council is presented with a request from RL Automotive for a fire code variance request to eliminate the requirement of a paint booth fire suppression system based on the conditions described in the Variance Application (Attachment 2 to Council’s packet) at 1835 Viking Blvd NE.

Uden stated staff recommends that Council consider modifying the variance request by granting the business owner a time extension for the fire suppression issue to be addressed or refer the matter to the State Fire Marshal’s Office to rule on the request for the variance. Alternatively, as the local governing body in this matter, City Council may elect to approve, modify, or deny the variance based on the information contained in the variance application, should they feel this situation does not meet the thresholds for compliance or require action by the State Fire Marshal’s Office.

Smith stated I’ll make a motion to approve the variance for 1835 Viking Boulevard NE. Lewis stated I’ll second. Harrington asked any discussion?

Harrington noted as far as liability, this building was about 24 feet from another business and if something catastrophic happened, would the City be liable for the building next door. Larson responded he cannot tell the Council how a Court would rule, but this body does have discretion with respect to a variance application and as long as that discretion is utilized based upon a record in support of the variance, the Courts have been holding in favor of municipalities and governmental entities. He indicated it came down to the efficiency of that particular record. He stated obviously

this question “hits the nail on the head” and this only becomes an issue if something catastrophic were to happen with either substantial property damage or a severe personal injury.

Mr. Larson stated in his career where he has both brought personal injury actions as well as defended them, that in such an event the Plaintiff’s counsel would look at as many defendants as possible and could possibly look at the City of East Bethel.

Mr. Larson indicated whether this record is sufficient would be up to a Court to determine. He hoped a Court would dismiss it on Summary Judgment, but there is sufficient record here that he would feel comfortable himself defending the City, and if they wanted to look at additional means of trying to abutress that record, they could look at that as well.

Mundle inquired about precedence. He noted the City approved a similar request sometime last year and now they have this one in front of them, as well as there being 4 or 5 other businesses that at such time when they come around to being inspected would have a similar issue. He asked if approving two of them set any sort of precedence that they would have to approve the rest of them. Mr. Larson responded he responded no, the Courts are clear that these are specific to the applicant and it is possible to win and equal protection but they would need to have essentially all of the factual matters in perfect alignment such as close in time, as well as that they are very substantially identical with respect to facts, and even different locations would essentially take care of that particular similarity. He indicated he has dealt with this many times and each applicant needs to stand on their own facts and circumstances and the applicants cannot look at others.

Mr. Larson noted on a policy matter that was separate and it was up to the City as to how they want to deal with these variances and how it is looked at by the businesses.

Davis stated the motion should be for approval of Resolution 2023-23, which is before the Council.

Harrington asked Smith if he wanted to amend his motion. Smith responded he did.

Smith stated I’ll make a motion to amend for approval of Resolution 2023-23. Lewis stated I’ll second. Harrington asked any discussion? To the amended motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That amended motion passes. **Amended motion passes unanimously.**

To the original motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That original motion passes. **Original motion passes unanimously.**

4.0 C Public Hearing – MS4 Ordinance Amendments

Davis stated as the City of East Bethel has a population greater than 10,000, we are federally required to obtain a Municipal Separate Storm Sewer System (MS4) permit for managing non-point source storm water. Non-point source storm water is generally the overland flow of storm water that does not originate from a single discharge, otherwise known as point-source storm water.

Davis indicated the City of East Bethel has developed a Storm Water Pollution Prevention Plan as required by the National Pollutant Discharge Elimination Program, which authorizes City’s to discharge storm water to the public water system. The goal of the Storm Water Pollution Prevention Program is to reduce the discharge of pollutants into receiving waters to the maximum extent practicable. The NPDES permit is issued through Minnesota Pollution Control Agency and must be renewed every five years.

Davis noted to comply with five-year renewals requirements of the permit, city ordinance changes are required. The three ordinances that require amendment include Salt Storage, Animal Waste, and Infiltration. These requirements are attached as Ordinances 2023-03, -04 and -05 to Council’s packet.

Davis stated staff is requesting that City Council conduct a public hearing to receive comments on amendments to Ordinance 2023-03, 2023-04 and 2023-05 and at the conclusion of the hearing and City Council discussion of this item, approve those amendments to Ordinances 2023-03, -04 and -05 as exhibited in Attachments 1, 2, and 3 to Council's packet.

Harrington opened the public hearing at 7:26 p.m.

There were no comments

Harrington closed the public hearing at 7:26 p.m.

Harrington stated I'll make a motion to approve Ordinance 2023-03, Ordinance 2023-04, and Ordinance 2023-05. Mundle stated I'll second. Harrington asked any discussion?

Lewis stated these were out of the blue and there was no background - no forewarning that this was coming. He indicated he read through them and it seemed vague. He noted for example, on the animal waste one, what constituted a sanitary manner of handling animal feces. He noted it was not defined. He indicated he was not "hip" on that one. Davis responded he was not totally sure either but these are ways to address the requirements in a straightforward, simple manner.

Lewis asked where does the impedance come from. He asked if it was the permitting process. Davis responded they are at the end of the five-year period on the permit and they have to have the Ordinance changes to update the City's Ordinances with the current requirements.

Lewis noted this was a Federal requirement for all cities of 10,000 or more people. Davis responded that was correct.

Lewis asked on the 2023-04, the level of detail was amazing to him for such matters. He wanted to know on the sale storage one, which is 05, it does not define what best management practices are. Lewis stated it was vague terms. Davis responded best management practices are identified by the permit itself.

Lewis stated he had no idea what they are. Davis responded they can table this if he wants to and he can get those for him.

Lewis stated it just seems like they are being asked to approve something about which they have virtually no knowledge...at least he doesn't and maybe everyone else is all read up on it, but he isn't and he does not know a thing about it until he read this. He indicated he didn't know if the others felt differently, but would they think they should be more informed before they approve this. Smith stated he agreed.

Lewis stated that was the thing and he mentioned it a couple of meetings ago and at the last regular meeting was that their job was to basically do good due diligence. And good due diligence requires good information and a brain to digest it and use it, so he did not feel they had anything close to enough information or knowledge about the subject to confidently approve it.

Miller noted they just had a work meeting and why wasn't this brought up at the work meeting. Davis responded the Ordinance changes they thought were simple, straight-forward, and they are required. Lewis stated they were benign.

Davis stated if they want to discuss this it can be scheduled for a work meeting. Lewis stated he wasn't trying to be difficult, but he just felt so ignorant about the subject he at least feels it is incumbent upon him and maybe them to become more educated about it. He stated if it seems silly to everybody else, that's fine and he'll stand down, but otherwise he just wanted to table it and get more information. Smith agreed.

Mundle asked if they had a timeline for approval of these. Davis responded they could wait until the 24th if needed.

Lewis responded they might as well get the Sunrise River one at the same time because it repeatedly refers to the Atlas 14 precipitation data. He asked if anyone knew what the Atlas 14 was. He stated he had no idea what that was. Davis responded this was a chart published by the National Weather Service that lists frequency rates for significant storm events (1-1,000 flood stages). He indicated this is what the engineers refer to get the rainfall rates.

Harrington asked what the Council want to do. Lewis stated he wanted to table this.

Lewis stated I'll make a motion to table Ordinance 2023-04 and Ordinance 2023-05. Smith stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **Lewis, Miller and Smith.** Harrington asked any opposed? Mundle and Harrington opposed. That motion passes.
Motion passes 3-2

4.0 D Public Hearing – SRWMO Plan Amendments

Davis stated City Code Appendix – A, Zoning, Section 35, Grading, Filling and Excavation needs to be amended to comply and be consistent with the SRWMO Watershed Management Plan.

Davis indicated The Bureau of Water and Soil Resources has approved the Plan and per Statute 103B.235 subd. 4, the City is required to amend its official controls to be consistent with this document. The SRWMO does not have a permitting program but has developed minimum standards that each member must adopt. These standards are adopted through ordinance and, at the least, be as protective as and consistent with the SRWMO Regulatory Standards (Attachment 2 to Council's packet), Municipalities implement these requirements through their permitting processes.

Davis stated Ordinance amendments (Attachment 1 to Council's packet) incorporating the use of Atlas 14 in drainage calculations and clarification of the use of buffers in drainage and utility easements will satisfy the updates to make our ordinances consistent with the plan requirements.

Davis indicated staff is requesting that City Council conduct a public hearing to receive comments on amendments to Ordinance 2023-06 and at the conclusion of the hearing and City Council discussion of this item, approve those amendments to Ordinances 2023-06 as exhibited in Attachment 1 to Council's packet.

Harrington opened the public hearing at 7:33 p.m.

There were no comments made.

Harrington closed the public hearing at 7:33 p.m.

Lewis stated I'll make a motion to table this as well for the same reason as the last bunch. Smith stated I'll second. Harrington asked any discussion?

Lewis asked where did this new text come from. Davis responded this was something they have been working on with the Sunrise WMO for the last six months. He indicated at the next meeting he will have the City Engineer at the meeting.

Lewis stated they need to have a method for getting them up to speed because again maybe it is just him and he is ignorant and everyone else is all "hip", but he is not and he wanted to get up speed and he believed the engineer can get them there.

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

5.0 Public Forum

There were no comments made.

6.0 Consent Agenda

~~Item A: Approve Bills~~

~~Item B: Minutes: Tabled Minutes, March 13, 2023 Council Meeting~~

Item C: Approve Meeting Minutes, March 27, 2023 City Council Work Meeting

~~Item D: Successful Completion of Fire Chief Probationary Period~~

~~Item E: Resolution 2023-22, Accepting Bids for 183rd Ave Reconstruction Project~~

~~Item F: Resolution 2023-20, Declaring 1997 Felling Trailer as Surplus Property~~

~~Item G: Purchase of Equipment—Tandem Axle Trailer~~

~~Item H: Ice Arena Locker Room and Bathroom Flooring Bids~~

~~Item I: Firefighter Resignation~~

Item J: 2023 JPA Street Maintenance Bids

Lewis requested to pull Items A and B.

Smith requested the pull Items D, E, F, G, and H.

Harrington requested to pull Item I.

Lewis stated I'll make a motion to approve the Consent Agenda as amended. Harrington asked any discussion?

To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.** However, as there was no second, this item will be reintroduced at the April 24, 2023 meeting.

6.0 A Approval of Bills

Lewis asked about the permit inspection surcharge in the amount of \$2,400 plus. Davis responded that for each permit they are required to have a surcharge that is paid to the Minnesota Department of Labor and Industry. He indicated for the flat fees they pay \$1.00 and those based on valuations, the fee is based on a certain valuation. He believed the reason that one was so high was because of the Holiday Speedway project that is going on, which was a substantial project based on valuations.

Lewis asked if they pay the State based on the moneys they collect for inspections. Davis responded that is correct.

Lewis asked what the City Admin SESU Welcome Center was. Davis responded that was the fee for the continuing education conference/training that Carrie Frost goes to for City Clerk certification status.

Lewis asked about the charge for sewer operations Met Council Environmental Services loan payment of \$63,188 plus and professional services fee of \$52.65 plus. Davis responded that the professional service fee is the monthly flow charge to accept and treat the sewer at the sewer treatment plant.

Lewis asked if this was based on volume received and treated. Davis responded that was correct.

Davis stated the \$63,000 was 12 times that. He noted they had gone over this briefly when they discussed the Reserve Capacity Loan back in January. He stated that was the fee paid each year which is equal to the flow charge which is applied to the payment for the waste treatment plant, the rapid infiltration basins, and the force main that connects those.

Lewis asked if that was for the short fall. Davis responded that was what they were required to pay each year under the contract. He stated this was the loan payment they are paying Met Council for the wastewater treatment plant, the rapid infiltration basins, and the force mains. He noted in addition to that they get their City SAC fees also.

Lewis asked if this was the loan that continued to grow until they reached 2 million. Davis responded part of it was and once they reach 2 million, this goes away.

Lewis stated I'll make a motion to approve Item A of the Consent Agenda. Smith stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

6.0 B Minutes: Tabled Minutes, March 13, 2023 Council Meeting

Lewis stated they had talked about the Timesavers thing and they came up with the cost of full detailed minutes as opposed to verbatim transcription. He indicated maybe this will work as they don't want to spend any more money than they had to, but they also wants the Minutes to be as accurate as possible. He asked if for a while if they can try when Timesaver is done with their work and ready to submit it to Davis, they submit it to all of the Council at the same time, so all eyes see the same product coming from them and then they can have a "hair pulling contest" about what's right and what isn't.

Davis stated they can get it submitted as soon as it's received by staff.

Lewis stated he wanted to do this instead of jumping into a full transcription at 60 or 50 percent of the cost. He indicated he was game to try it and give it a shot.

Lewis stated I'll make a motion to approve Item B of the Consent Agenda. Miller stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

6.0 D Successful Completion of Fire Chief Probationary Period

Smith asked what was a successful completion of the Fire Chief's probationary – what is involved and who made the decision it was successfully done. Davis responded that was based on a performance review he did on his job.

Smith asked if he did everything he was supposed to do. Davis responded he had.

Smith asked if anyone had heard from any of the other firefighters what they think. Davis stated they have never done a reverse 180 review. To date, all of the reviews have been done at this level.

Smith asked if the decision was made by him. Davis responded that was correct and that was his recommendation based on the performance review.

Smith stated I'll make a motion to approve Item D of the Consent Agenda. Lewis stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

6.0 E Resolution 2023-22, Accepting Bids for 183rd Ave Reconstruction Project

Smith asked with the bids for this who looked through them. He asked if the City Engineer looked through all of them. Davis responded yes.

Smith noted the lowest bid to the highest bid was \$132,274 difference. He asked why would there be such a big spread. Davis responded a lot of it depended on how hungry the contractors were. He

noted sometimes somebody will just put in a bid hoping they will get it with a higher number. He indicated sometimes there can be huge spreads on bids.

Smith asked when the City Engineer goes through the specs if they are all using the same materials. Davis responded that was correct. He indicated there was a spec book prepared.

Smith stated I'll make a motion to approve Item E of the Consent Agenda. Miller stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

6.0 F Resolution 2023-20, Declaring 1997 Felling Trailer as Surplus Property

Smith stated he looked at the trailer and met with Nate and Tim and he inspected the trailer with them and it was at the end of its life so they are exactly right on with it. He wanted everyone to know he went there and took care of it. Lewis thanked him.

Smith stated I'll make a motion to approve Item F of the Consent Agenda. Miller stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

6.0G Purchase of Equipment – Tandem Axle Trailer

Smith stated met with Nate and Tim and everything is fine and the trailer they are going to purchase is the least expensive but it is a good trailer as well. Lewis thanked Smith for the extra effort.

Smith stated I'll make a motion to approve Item G of the Consent Agenda. Lewis stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

6.0 H Ice Arena Locker Room and Bathroom Flooring Bids

Smith stated when he got here tonight, Davis gave him some estimates and stuff on this floor in the Ice Arena. He indicated he has not had a long time to look at it and he didn't know if the other Councilmembers had a chance either, but they are not "under the gun" for this and he would like to have more time. Davis responded that is fine. He would like a decision at the next meeting though as he would like to get started so they are not faced with a deadline.

Smith stated I'll make a motion to table Item H of the Consent Agenda. Lewis stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

6.0 I Firefighter Resignation

Harrington thanked Kim Swanson for her five years of service on the Fire Department. He indicated she was a tremendous asset to the Fire Department and she will be missed. He wished her the best.

Harrington stated I'll make a motion to approve Item I of the Consent Agenda. Mundle stated I'll second. Harrington asked any discussion?

Mundle stated he echoes the Mayor's comments. Smith agreed and stated anyone who dedicates their time to the Fire Department is fantastic.

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

7.0 New Business. Commission, Association, and Task Force Reports

No Reports given.

8.0 Department Reports

None.

9.0 – Other Items

9.0 A Staff Report

Davis stated he sent out an email last week that they had received a notification from the Coon Rapids Animal Humane Society that they had a K9 Flu infection in their kennels and they are going to be closed down a minimum of 4 to 8 weeks. He noted they took the impounded dogs and trying to find another location was a challenge. He stated the City of Anoka does not take any extra animals. He indicated he had received an email yesterday from Christine Dahlman who had a good source to check which is Northwoods Humane Society in Wyoming but when he called them they are not open on Mondays. He stated he had called the Isanti County Animal Control Officer and they are willing to talk to staff about taking the dogs on a temporary basis, but they won't come down to the City to pick them up but would consider meeting someone in Isanti or Cambridge to do an exchange. He noted their charge is \$100 for the pickup, 62.5 cents a mile, and \$30/day for the kennel fee which is reasonable. He stated they will be getting a temporary contract from them unless they hear something else from Northwoods. He indicated this is what staff found for a temporary solution for now and he believed it would work out until Coon Rapids can get their facility back up.

Smith asked if it was okay for the Sheriff to cross the line to bring the dogs there. Davis responded it was.

Smith asked if there was any liability to the City for the Sheriff doing this. Davis responded there wasn't and it was the same as if they were serving a subpoena out of the County.

Davis stated staff received a notice today about opioid settlements and Cities are eligible for certain funds. He noted the Council discussed last year that East Bethel wasn't interested as they had no way of implementing it, but whatever they got must have gone to junk mail because they received something from the National Board of Minnesota Cities today noting they had not signed the agreement. He indicated he did not know how much money they would get, but if they got any their money would go to the County to benefit their program. He asked if they wanted to participate in that. He stated he would get the Council some information on this.

Mundle requested Davis get something together for the next meeting. Davis stated they would need to call a special meeting on Monday before the EDA meeting if necessary. He stated he would get something to the Council on this for their direction.

9.0 B Council Reports

Smith stated he had a couple of different concerns. On Cambia Hills the way he understood it City staff and some Councilmembers met with them. He stated it was his opinion that all of the Council should know when these meetings are taking place. He indicated he had not heard a word about it and did not know anything about it. He believed all of them should be informed before these even happen if they are going to do that. He asked how did the Council feel about it.

Lewis asked if that was the Finance Committee. Harrington responded it was Lewis, Davis, and himself.

Smith stated it was when they met with him beforehand. Davis stated they had requested a meeting with them and they had met with them the first week in January.

Smith stated with something like this, they should let the whole Council know what is going on as they wanted to be transparent with everything and it's important. He stated if they are going to be there they should know about it beforehand. Lewis agreed.

Smith stated they all need to keep in touch with what's happening and they don't need surprises and that concerns him on this. He stated if they are all on the same page with that – with any businesses or whatever they are doing – they all need to know what's happening. He asked if that was understood.

Miller stated he was very happy about a few things that have transpired lately with parks and trails committee. He stated he had asked for some visions and some outlooks to see what they wanted to do; what they saw the City, and what direction they needed to go. He stated the Committee Chairman sent him an excellent report about goals and focuses and he was very excited about getting together with that Committee. He indicated they have a meeting tomorrow night and they might start going over some of these things. He stated they had a starting point on the parks and trails and that was important in East Bethel. He thanked the people who responded to him and the Chairman who took the time to go in depth and above and beyond. He believed these will be excellent topics to talk about.

Lewis stated he was happy to hear that.

Mundle stated any residents with potholes on City streets to let the City know, and any potholes on County streets to let the County know. He stated they had an upcoming Town Hall meeting on April 26 at 6:00 p.m. at the Senior Center.

Harrington stated he had no report.

9.0 C Other

None.

9.0 D Closed Session

9.0 D.1 Closed Session: Attorney Client Privilege, Cally Nelson, MS Sec. 13D.05 and 595.02, Subd 1(b)

Larson stated thank you Mr. Mayor. For the benefit of the public, we'd note that at this time the Council's about to go into Closed Session to review litigation commenced by Tammy Gimpl v. City of East Bethel. The purpose is to confer with the attorney that has been retained to represent the interest of the City of East Bethel. He stated because the closed meeting involved Attorney Client Privilege, it will not be tape recorded. He noted the meeting was pursuant the MS Sec. 13D.05 and 595.02, Subd 1(b).

Larson indicated since the meeting was not recorded, for the record he wanted to note that for the closed session the attendance will be Mayor Tim Harrington, Councilmembers Kevin Lewis, Tim Miller, Bryan Mundle, and Jim Smith. Staff that will be present will be City Administrator Jack Davis, City Attorney Eric Larson, and the attorney that has been retained to represent the City is attorney Cally Kjellberg-Nelson.

With that being said, Mr. Mayor, I recommend that a motion be made to go into Closed Session for the purposes I've indicated.

Mundle stated I'll make a motion to go into Closed Session at 7:56 p.m. for the purposes that City Attorney's indicated. Lewis stated I'll second. Harrington asked any discussion? All in favor say aye? **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

(Council moved into Closed Session.)

(Council reconvenes Open Session.)

Larson stated thank you Mr. Mayor. He noted the time was approximately 8:23 p.m. and the closed session has been concluded and they are now back in the regular session.

10.0 Adjourn

Mundle stated I'll make a motion to adjourn. Miller stated I'll second. To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

Meeting adjourned at 8:25 PM.

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.

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

RESOLUTION NO. 2023-31

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND
ORDERING ADVERTISEMENT FOR BIDS**

WHEREAS, the City Engineer has prepared plans and specifications for the 2023 Street Surface Improvement Project and has presented such plans and specifications to the council for approval;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
EAST BETHEL MINNESOTA:**

1. Such plans and specifications, dated April 12, 2023 a copy of which is attached hereto and made a part hereof, are hereby approved.

2. The city clerk shall prepare and cause to be inserted in the official paper and in the Finance and Commerce, an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall specify the work to be done, shall state that bids will be opened and read at 10:00 a.m. on Tuesday May 23, 2023, in the council chambers of the city hall. No bids will be considered unless submitted electronically in accordance with the ad for bid. The bid must be accompanied by a bid bond payable to the clerk for five percent of the amount of such bid.

Adopted this 24th day of April, 2023 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Tim Harrington, Mayor

ATTEST:

Jack Davis, City Administrator

Central Minnesota Dust Control, LLC
 22418 Elbow Drive
 Richmond, MN 56368

Estimate

Date 4/10/2023
 Estimate # 856

Name / Address
 City of East Bethel
 2241 221st Ave NE
 East Bethel, MN 55011

Description	Qty	Rate
<p>20232 Quote for the application of 33% DustGard PLUS Liquid Magnesium Chloride, equivalent to a 38.5% Calcium Chloride solution</p> <p>All Pricing includes product, product application and any applicable taxes</p> <p>Price per Gallon</p> <p>Footage Price Examples using \$1.17 gallon .30 application rate (1/3 gallon applied per square yard)</p> <p>1 lineal foot by 18 feet wide = \$0.70 1 mile (5280 feet) by 18 feet wide = \$3696.00 1.75 miles (9240 feet) by 18 feet wide = \$6468.00</p> <p>Thank you Nate for considering Central MN Dust Control for your project. Contact us with any questions you may have.</p> <p>Please notify me if we need to get you on the schedule. 320-597-2150 Kurt or Robyn</p>	1	1.17
	Subtotal	\$1.17
	Sales Tax (0.0%)	\$0.00
	Total	\$1.17

Central Minnesota Dust Control, LLC
 Lakefun@meltel.net

320-597-2150



PO Box 5512 • Denver, CO 80217
 For Inquiries:
 West Region • 509-936-7102
 Rocky Mtn Region • 800-577-5346
 Midwest Region • 800-881-5848
 ESI East • 877-664-3401

Quotation

Quotation Date: 4/4/23	Date Printed: 4/4/23	Expiration Date: 10/31/23
Quotation Number: S4464	Revision No: 1	Customer Number: 15119
Your Reference: Accounts		Our Reference: Rodney Havard

Delivery Address:
 City of East Bethel
 2241 221st Ave NE
 East Bethel MN 55011

Document Address:
 City of East Bethel
 2241 221st Ave NE
 East Bethel MN 55011

Product Application
 Length in Feet:
 Width in Feet:
 Rate in Gallons:

Wanted Delivery Date:
 Payment Terms:
 30 Days Net
 Label Note:
 Dust Control Quote

Water Application
 EnviroTech: N
 Rate:
 Gallons Required:

Del	Description	Qty	Unit	Price/Unit	Disc. %	Net Amount	Gross Amount
1	Calcium Chloride 38% - Applied	4,750 5,000	gal	1.57	0.00%	7,457.50	7,457.50

Net Total: 7,457.50

Gross Total ~~7,457.50~~

\$7,850.00

Disclaimer: No warranty is conveyed concerning this product, be it expressed or implied. This includes but is not limited to a warranty of merchantability or fitness for a particular purpose. Product performance may vary depending on road conditions, traffic counts, weather and other related factors.

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

RESOLUTION NO. 2023-26

APPROVING THE ADMINISTRATIVE SUBDIVISION FOR PIN 07-33-23-43-0010, 737 SIMS ROAD NE, EAST BETHEL, MN LEGALLY DESCRIBED AS:

The southwest quarter of the southeast quarter of Section 7, Township 33, Range 23, Anoka County, Minnesota, except the west 960.00 feet thereof

WHEREAS, the property owner requested approval of an administrative subdivision to subdivide the northern 7.38 acres and then combine the property with PIN 07-33-23-43-0009, as shown in EXHIBIT A and legally described in EXHIBIT B ; and

WHEREAS, the property is zoned RR, Rural Residential in which lots are required to be a minimum of 2.5 acres in size with an overall density of 2.0 acres; and

WHEREAS, the 9.91 acre parcel is proposed to be subdivided to create two (2) lots of 7.38 acres and 2.53 acres; and

WHEREAS, the 7.38 acre parcel must be combined with PIN 07-33-23-43-0009; and

WHEREAS, City staff reviewed the request and recommends the City Council approve the proposal.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby agrees with the recommendation of City staff and approves the administrative subdivision as shown on Exhibit A and legally described on Exhibit B with the following conditions:

1. Administrative Subdivision and lot combination must be filed with Anoka County no later than July 1st, 2023.

Adopted this 24th day of April, 2023 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Tim Harrington, Mayor

ATTEST:

Jack Davis, City Administrator

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

RESOLUTION NO. 2022-56

APPROVING THE ADMINSTRATIVE SUBIDIVISION FOR PIN 07-33-23-43-0010, 737 SIMS ROAD NE, EAST BETHEL, MN LEGALLY DESCRIBED AS:

The southwest quarter of the southeast quarter of Section 7, Township 33, Range 23, Anoka County, Minnesota, except the west 960.00 feet thereof

WHEREAS, the property owner requested approval of an administrative subdivision to subdivide the northern 7.38 acres and then combine the property with PIN 07-33-23-43-0009, as shown in EXHIBIT A and legally described in EXHIBIT B ; and

WHEREAS, the property is zoned RR, Rural Residential in which lots are required to be a minimum of 2.5 acres in size with an overall density of 2.0 acres; and

WHEREAS, the 9.91 acre parcel is proposed to be subdivided to create two (2) lots of 7.38 acres and 2.53 acres; and

WHEREAS, the 7.38 acre parcel must be combined with PIN 07-33-23-43-0009; and

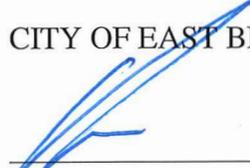
WHEREAS, City staff reviewed the request and recommends the City Council approve the proposal.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby agrees with the recommendation of City staff and approves the administrative subdivision as shown on Exhibit A and legally described on Exhibit B with the following conditions:

1. Administrative Subdivision and lot combination must be filed with Anoka County no later than December 31, 2022.

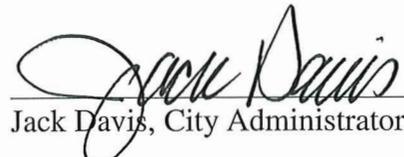
Adopted this 12th day of September, 2022 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL



Steven R. Voss, Mayor

ATTEST:



Jack Davis, City Administrator



PROPERTY ADDRESS:
725 Sims Road NE,
East Bethel, MN 55011

PROPERTY LINE RE-ALIGNMENT SURVEY

PROPERTY ADDRESS:
725 Sims Road NE,
East Bethel, MN 55011

EXISTING LEGAL DESCRIPTIONS:

For: Robert Karasch and Brian Dehaven

Owner: Robert Karasch, Parcel A-1 (07-33-23-43-0009):

The East 300.00 feet of the West 960.00 feet of the Southwest Quarter of the Southeast Quarter of Section 7, Township 33, Range 23, Anoka County, Minnesota.

Owner: Brian Dehaven, Parcel B-1 (07-33-23-43-0010):

The Southwest Quarter of the Southeast Quarter of Section 7, Township 33, Range 23, Anoka County, Minnesota, Except the West 960.00 feet thereof.

PROPOSED LEGAL DESCRIPTIONS:

Parcel B-2 (To be transferred to Robert Karasch):

That part of the Southwest Quarter of the Southeast Quarter of Section 7, Township 33, Range 23, Anoka County, Minnesota, lying east of the West 960.00 feet thereof and north of the South 379.50 feet of said Southwest Quarter of the Southeast Quarter.

Parcel A (Combined A-1 and B-2):

The East 300.00 feet of the West 960.00 feet of the Southwest Quarter of the Southeast Quarter of Section 7, Township 33, Range 23, Anoka County, Minnesota.

AND

That part of the Southwest Quarter of the Southeast Quarter of Section 7, Township 33, Range 23, Anoka County, Minnesota, lying east of the West 960.00 feet thereof and north of the South 379.50 feet of said Southwest Quarter of the Southeast Quarter.

Parcel B: (to be retained by Brian Dehaven):

That part of the South 379.50 feet of the Southwest Quarter of the Southeast Quarter of Section 7, Township 33, Range 23, Anoka County, Minnesota, lying east of the West 960.00 feet thereof.

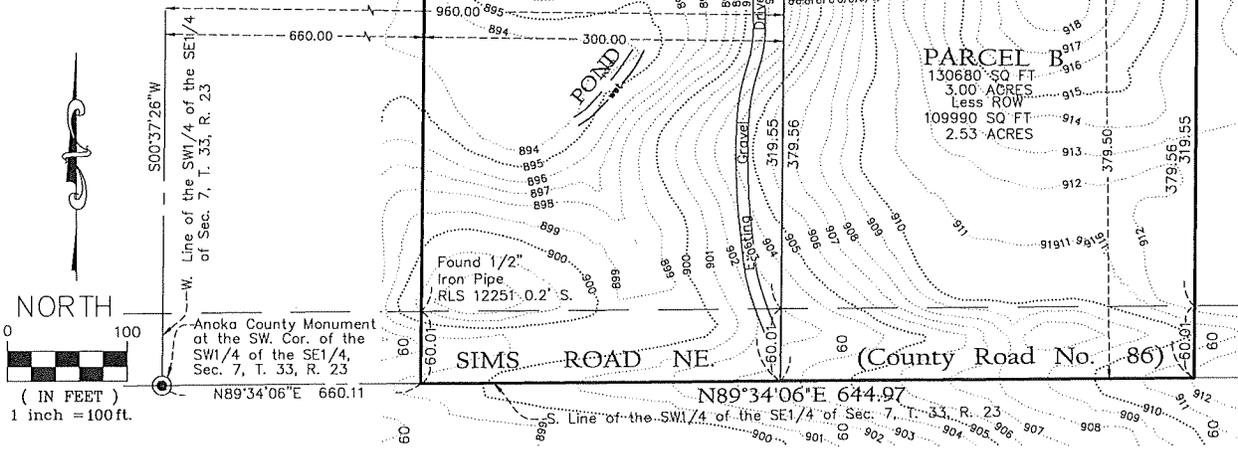
Surveyor: Lyle C. Reynolds, LS
Acre Land Surveying, Inc.
26450 Rum River Dr. NW.
Isanti, MN 55040
Phone: 763-439-2702

Fee Owner: Robert Karasch
725 Sims Road NE,
East Bethel, MN 55011
Phone: 612-865-6947
Parcel #: 07-33-23-43-0009

Fee Owners: Brian Dehaven
737 Sims Road NE,
East Bethel, MN 55011
Parcel #: 07-33-23-43-0010

NOTES

- No current field work has been done while preparing this Sketch and Description.
- Bearings shown are based on Anoka County Datum.
- Existing Zoning in SFR(Single Family Residential).
- Contours shown hereon are from the MNTopo DNR Web site and are based on direct transfer of 2 foot Lidar contours from the site which are based on NAVD1988 Vertical Datum.



I hereby certify that this survey, plan 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.

Lyle C. Reynolds
Lyle C. REYNOLDS

Date: 8/10/2022 Misc. Revisions
8/03/2022

JOB #22845MS

ACRE LAND SURVEYING, Inc.
26450 Rum River Drive NW.
Isanti, MN 55040
763-439-2702
lrc@acrelandsurveying.com



EXHIBIT B

EXISTING AND PROPOSED DESCRIPTIONS FOR Robert Karasch:

EXISTING LEGAL DESCRIPTIONS:

Owner: Robert Karasch, Parcel A-1 (07-33-23-43-0009):

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AND

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Parcel B: (to be retained by Brian Dehaven):

That part of the South 379.50 feet of the Southwest Quarter of the Southeast Quarter of Section 7, Township 33, Range 23, Anoka County, Minnesota, lying east of the West 960.00 feet thereof.

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

MUNICIPAL REQUEST TO RESERVE ADVANCE FUNDING

The Municipality of East Bethel requests that the amount of \$700,000.00 be reserved from the Municipal State Aid Street Construction Fund for the State Aid Project listed below.

Project: University Avenue Reconstruction Project

MUNICIPAL APPROVAL

A Municipal Council Resolution authorizing this advance funding is attached.

City Engineer

Date

STATE AID APPROVAL

Construction funds in the amount of \$700,000.00 has been approved and reserved from the Municipal State Aid Street Construction Fund.

State Aid Finance

Date

2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

CITY OF EAST BETHEL, MINNESOTA

GOVERNING SPECIFICATIONS

THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" AND THE "SUPPLEMENTAL SPECIFICATIONS" DATED SEPTEMBER 2022 SHALL GOVERN.

ALL FEDERAL, STATE AND LOCAL LAWS, REGULATIONS, AND ORDINANCES SHALL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

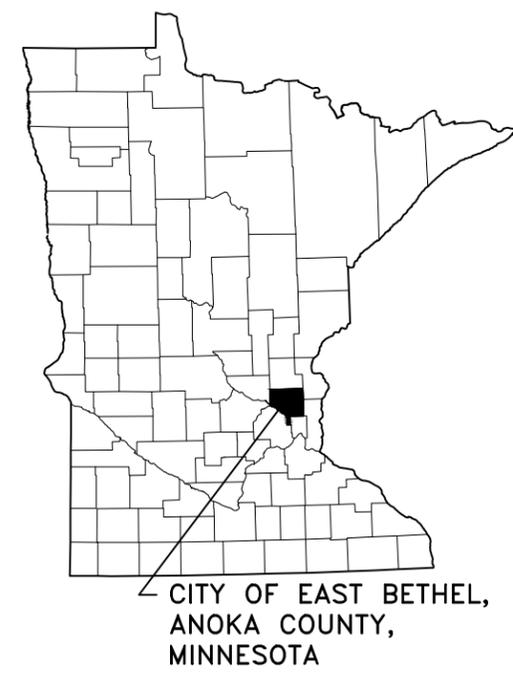
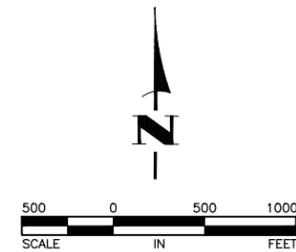
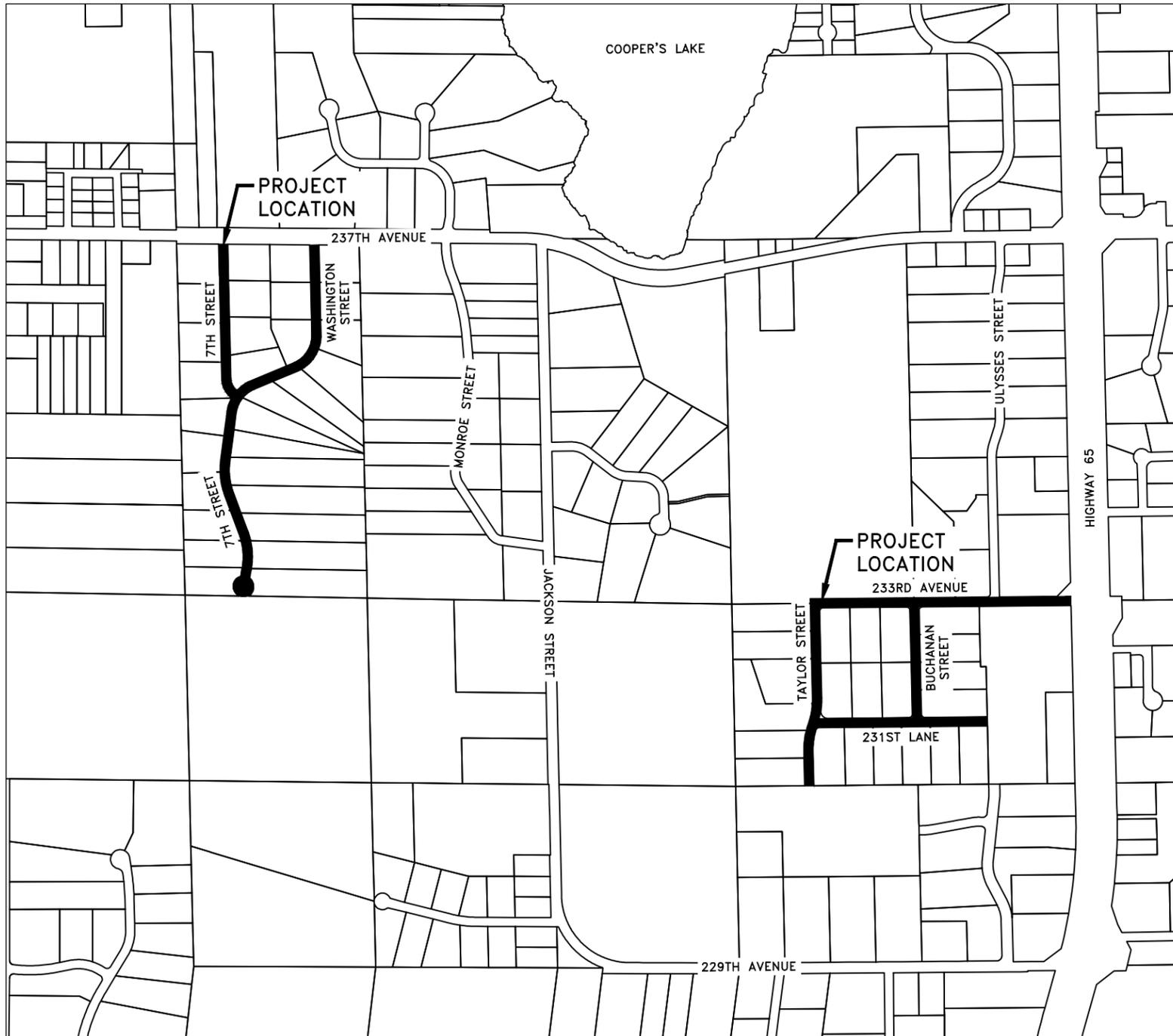
ALL TRAFFIC CONTROL DEVICES AND SIGNING SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE LATEST FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

ALL REQUIREMENTS OF THE PROJECT MANUAL FOR THE 2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT.

SHEET INDEX

THIS PLAN CONTAINS 20 SHEETS

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	ESTIMATED QUANTITIES, SCHEDULES, AND CONSTRUCTION NOTES
3	TYPICAL SECTIONS AND DETAILS
4	DETAILS
5-6	TRAFFIC CONTROL PLAN
7-20	CONSTRUCTION PLANS



THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-2, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Craig J. Jochum
 CRAIG J. JOCHUM, P.E.
 HAKANSON ANDERSON
 DESIGN ENGINEER

23461 LIC. NO. DATE 4/12/23

DATE	REVISION

Apr 19, 2023 - 1:43pm K:\MUNICIPAL\EB361\ENGINEERING\PLAN_DWG\EB361_TITLE.dwg



GENERAL CONSTRUCTION NOTES:

1. SALVAGING AND INSTALLING MAILBOXES OR SIGNS IF REQUIRED FOR CONSTRUCTION SHALL BE INCIDENTAL.
2. CONTRACTOR SHALL TAPER/RAMP THE MILL AT ALL MATCH POINTS. ON THE DAY THE PAVEMENT WILL BE CONSTRUCTED AT EACH MATCH POINT THE CONTRACTOR SHALL PROVIDE A STRAIGHT PERPENDICULAR MILL AND REMOVE THE TAPER/RAMP. TAPERING/RAMPING AND PROVIDING A PERPENDICULAR MILL AT ALL MATCH POINTS SHALL BE INCIDENTAL.
3. ALL DISTURBED AREAS AT REMOVAL LOCATIONS AND DRIVEWAYS SHALL BE SEEDED, FERTILIZED AND MULCHED WITH HYDRAULIC BONDED FIBER MATRIX AT THE RATES SHOWN ON THE BASIS OF ESTIMATED QUANTITIES. CONTRACTOR SHALL SALVAGE AND REPLACE ALL EXISTING TOPSOIL. REMOVAL AND DISPOSAL OF EXISTING MATERIALS AND SOIL SHALL BE INCIDENTAL. ALL LABOR, MATERIAL AND EQUIPMENT REQUIRED TO ESTABLISHING TURF SHALL BE INCLUDED IN THE ITEMS PROVIDED ON THE BID FORM. SALVAGING TOPSOIL SHALL BE INCIDENTAL.
4. BITUMINOUS AND CONCRETE ITEMS DISTURBED BY CONSTRUCTION SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF IN ACCORDANCE WITH MN/DOT SPEC. 2104.
5. PERFORMANCE GRADE (PG) ASPHALT BINDER PG 58S-28, SPEC. 3151, SHALL BE USED FOR ALL BITUMINOUS MIXES IN THIS PROJECT. SPECIFIC PG GRADES SHALL BE STATED IN THE SPECIAL PROVISIONS AND AT THE END OF THE MIX DESIGNATION NUMBER SHOWN ON THE TYPICAL SECTION.
6. THE BITUMINOUS MIXTURES SHALL MEET THE REQUIREMENTS OF SPECIFICATIONS 2360 AND 3139.
7. CONTRACTOR SHALL SWEEP STREETS PRIOR TO PLACING THE WEARING COURSE. THIS WORK SHALL BE INCIDENTAL.
8. CONTRACTOR SHALL TAPER THE BITUMINOUS OVERLAYS TO MATCH THE EXISTING BITUMINOUS FLUMES UNLESS SHOWN ON THE PLANS FOR REMOVAL. THIS WORK SHALL BE INCIDENTAL. REMOVAL OF FLUMES SHALL BE PAID PER ITEM 2104 REMOVE BITUMINOUS PAVEMENT.
9. ANY DEWATERING REQUIRED TO COMPLETE THE WORK SHALL BE INCIDENTAL.
10. THE CONTRACTOR SHALL BE RESPONSIBLE TO CALL IN LOCATES AND COORDINATE WITH THE SMALL UTILITIES (GAS, PHONE, ELECTRIC, ETC.) AS REQUIRED TO COMPLETE THE WORK.

BASIS OF ESTIMATED QUANTITIES	
AGGREGATE BASE CLASS 5	100 lbs/yd ² /in
NON WEARING BITUMINOUS COURSE MIXTURE	110 lbs/yd ² /in
WEARING COURSE BITUMINOUS MIXTURE	110 lbs/yd ² /in
BITUMINOUS MATERIAL FOR TACK COAT - NEW ASPHALT	0.06 gal/yd ²
BITUMINOUS MATERIAL FOR TACK COAT - OLD ASPHALT	0.07 gal/yd ²
BITUMINOUS MATERIAL FOR TACK COAT - MILLED ASPHALT	0.08 gal/yd ²
HYDRAULIC FIBER BONDED MATRIX	3500 lbs/acre
SEED MIX 25-121	122 lbs/acre
TYPE 1, COMMERCIAL FERTILIZER	300 lbs/acre

STANDARD PLATES	
THESE STANDARD PLATES AS APPROVED BY THE FHWA SHALL APPLY	
PLATE NO.	DESCRIPTION
3000M	REINFORCED CONCRETE PIPE (6 SHEETS)
3006H	GASKET JOINT FOR R.C. PIPE (2 SHEETS)
3007F	SHEAR REINFORCEMENT FOR PRECAST DRAINAGE STRUCTURES
3100G	CONCRETE APRON FOR REINFORCED CONCRETE PIPE
3133D	RIPRAP AT RCP OUTLETS
3145G	CONCRETE PIPE OR PRECAST CULVERT TIES
4011E	PRECAST CONCRETE BASE
4020J	MANHOLE OR CATCH BASIN (FOR USE WITH OR WITHOUT TRAFFIC LOADS) (2 SHEETS)
4026A	CONCRETE ENCASED CONCRETE ADJUSTING RINGS
4108F	ADJUSTING RINGS FOR CATCH BASINS AND MANHOLES
4149C	GRATE CASTING FOR CATCH BASIN - CASTING NO. 810
4180D	CURB BOX CASTING FOR CATCH BASIN - CASTING NO. 823A AND 833A
4180J	MANHOLE OR CATCH BASIN STEP
7100H	CONCRETE CURB AND GUTTER (DESIGN B AND DESIGN V)
7111J	INSTALLATION OF CATCH BASIN CASTINGS (CONCRETE CURB AND GUTTER)
8000K	TEMPORARY CHANNELIZERS (3 SHEETS)

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DATE	REVISION

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Craig J. Jochum
CRAIG J. JOCHUM, P.E.
 Date 4/12/23 Lic. No. 23461

DESIGNED BY: CJJ
 DRAWN BY: SGJ
 CHECKED BY: TAE

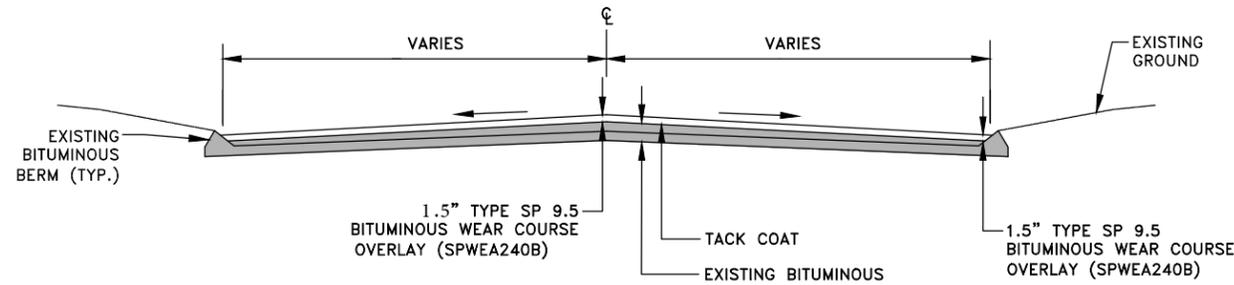


Hakanson Anderson
 Civil Engineers and Land Surveyors
 3601 Thurston Ave., Anoka, Minnesota 55303
 763-427-5860 FAX 763-427-0520
 www.hakansonanderson.com

2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

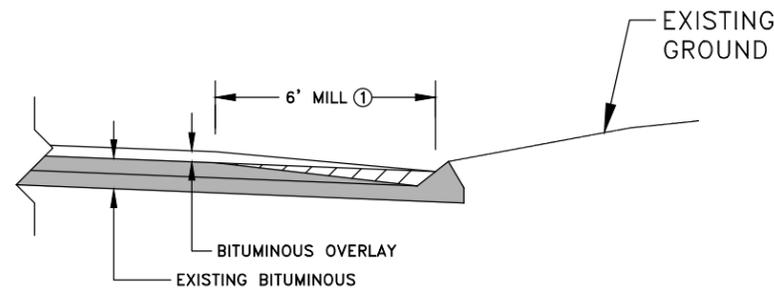
ESTIMATED QUANTITIES, SCHEDULES, AND CONSTRUCTION NOTES
 CITY OF EAST BETHEL, MINNESOTA

SHEET 2 OF 20 SHEETS



TYPICAL URBAN OVERLAY SECTION
 233RD AVENUE, TAYLOR STREET, 231ST LANE, BUCHANAN STREET, 7TH STREET, WASHINGTON STREET

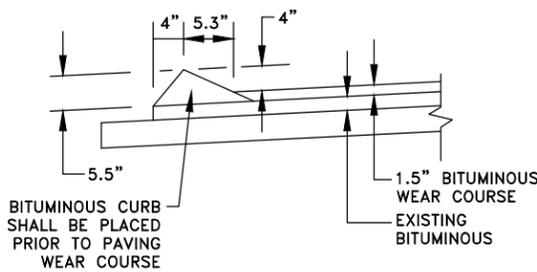
1
3



BITUMINOUS FEATHER MILL ②

N.T.S.

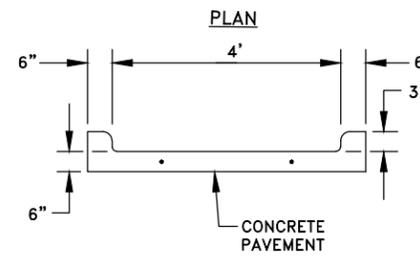
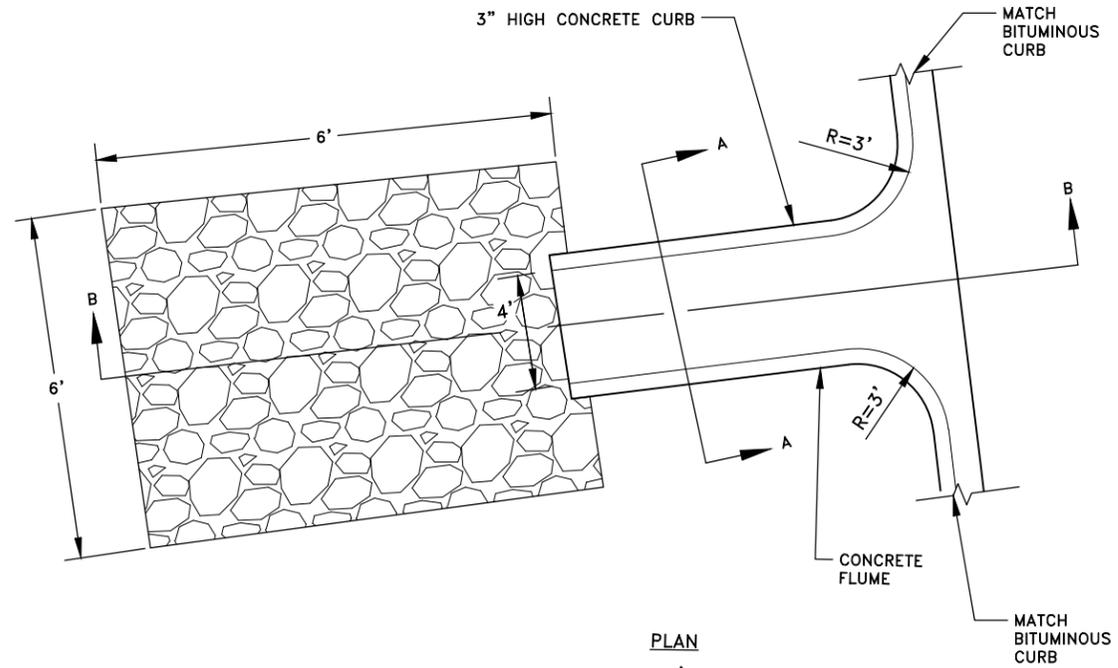
2
3



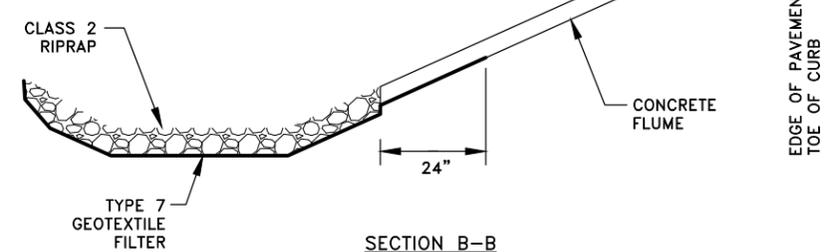
MODIFIED BITUMINOUS CURB ②

N.T.S.

4
3



SECTION A-A



SECTION B-B

CONCRETE FLUME DETAIL

NO SCALE

3
3

REFERENCE NOTES:

- ① BITUMINOUS FEATHER MILL SHALL BE USED IN AREAS WHERE THE EXISTING BITUMINOUS CURB DOES NOT HAVE ADEQUATE HEIGHT. THESE AREAS WILL BE MARKED BY THE ENGINEER. THE FEATHER MILL SHALL BE PAID PER ITEM 2232-MILL BITUMINOUS SURFACE.
- ② BITUMINOUS CURB SHALL BE PAID PER ITEM 2535-BITUMINOUS CURB (MODIFIED).

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Craig J. Jochum
CRAIG J. JOCHUM, P.E.
 Date 4/12/23 Lic. No. 23461

DESIGNED BY: CJJ
 DRAWN BY: SGJ
 CHECKED BY: TAE

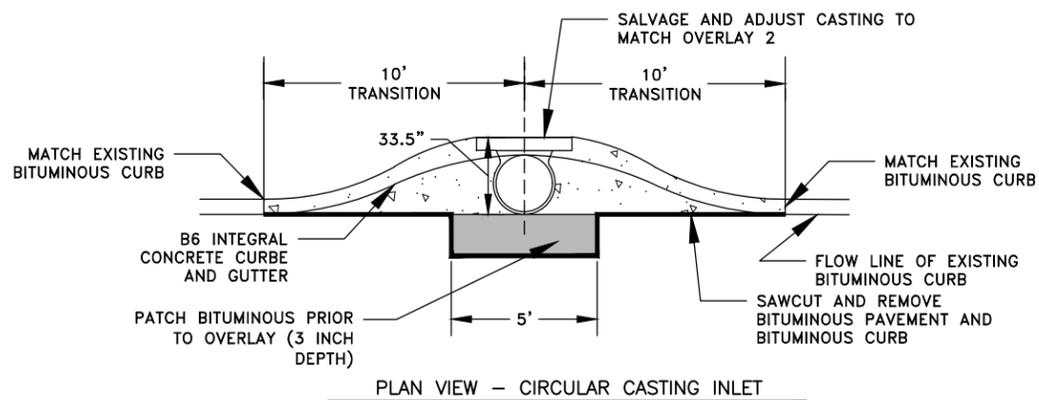


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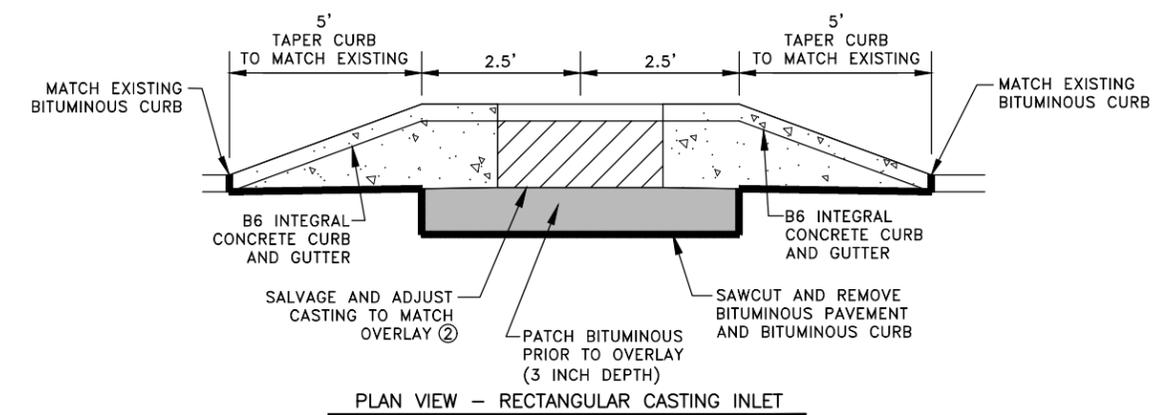
2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

TYPICAL SECTIONS AND DETAILS
 CITY OF EAST BETHEL, MINNESOTA

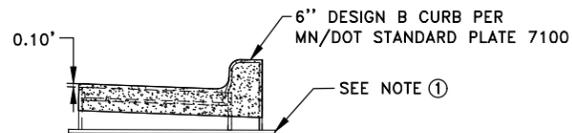
SHEET 3 OF 20 SHEETS



PLAN VIEW - CIRCULAR CASTING INLET

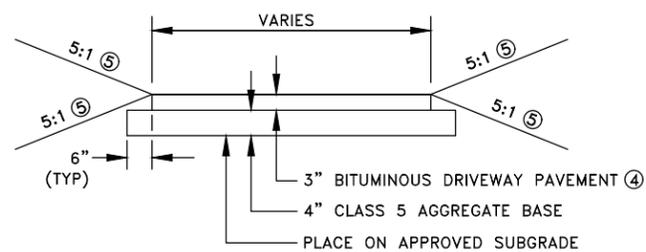


PLAN VIEW - RECTANGULAR CASTING INLET

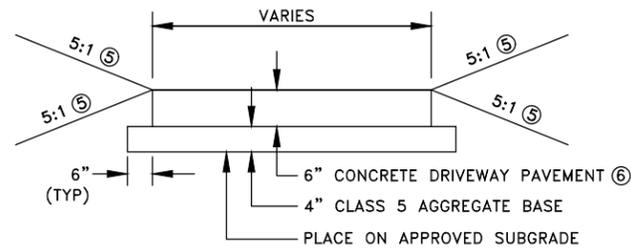


CURB PROFILE (DESIGN B CURB)

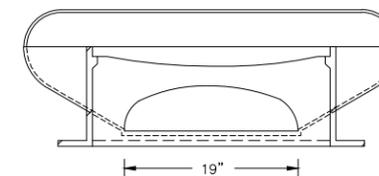
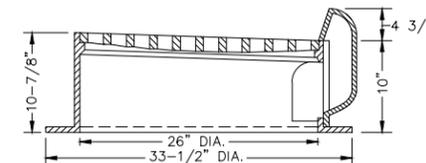
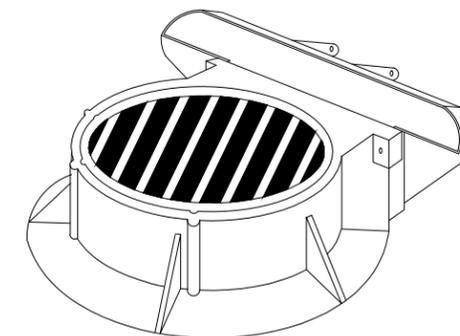
1 ADJUST FRAME & RING CASTING 3
NO SCALE



2 BITUMINOUS DRIVEWAY SECTION
NO SCALE



3 CONCRETE DRIVEWAY SECTION
NO SCALE



INLET ASSEMBLY
NEENAH FOUNDRY NO. R-3250-1 OR APPROVED EQUAL.
SEE CITY STANDARD PLATE 703 FOR CURB & GUTTER CONSTRUCTION AT CATCH BASIN.
ESS BROTHERS CASTING 801M MODIFIED IS AN APPROVED EQUAL.

INLET CASTING

NO SCALE

APPROVED 3-02-05		CITY OF EAST BETHEL	STANDARD PLATE No. 705
REVISED			

REFERENCE NOTES:

- 1 GROUT PERIMETER OF CATCH BASIN AND ADJUSTING RINGS PER MN/DOT STANDARD PLATE 4026.
- 2 CONTRACTOR SHALL SALVAGE EXISTING CASTING AND REMOVE ALL EXISTING RINGS AND RAISE CASTING USING NEW CONCRETE ADJUSTING RINGS TO MATCH NEW OVERLAY. AFTER ADJUSTING THE CASTING, RE-GROUT THE NEW RINGS AND ALL DOGHOUSES.
- 3 PAY ITEM 2506-ADJUST FRAME AND RING CASTING SHALL INCLUDE ALL LABOR, EQUIPMENT, AND MATERIALS TO SAWCUT AND REMOVE BITUMINOUS, SALVAGE CASTING, ADJUST AND INSTALL CASTING, GROUT RINGS AND DOGHOUSES, AND PATCH BITUMINOUS. IF THE EXISTING CASTING IS BROKEN, THE CONTRACTOR SHALL PROVIDE A NEW CASTING OF THE SAME TYPE. THE CASTING SHALL BE PAID PER ITEM 2506-CASTING ASSEMBLY.
- 4 BITUMINOUS DRIVEWAY PAVEMENT SHALL BE PAID PER ITEM 2360-TYPE SP 9.5 WEARING COURSE MIXTURE (2,C) 3.0" THICK.
- 5 BACK SLOPES AT WETLANDS SHALL BE 1:4 AT STA 5+50 TO 6+00 AND STA 21+50 TO 23+50. SEE CROSS SECTIONS.
- 6 CONCRETE DRIVEWAY PAVEMENT SHALL BE PAID PER ITEM 2531-6" CONCRETE DRIVEWAY PAVEMENT.

Apr 19, 2023 - 1:44pm
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CRAIG J. JOCHUM, P.E.
Date 4/12/23 Lic. No. 23461

DESIGNED BY:
CJJ
DRAWN BY:
SGJ
CHECKED BY:
TAE

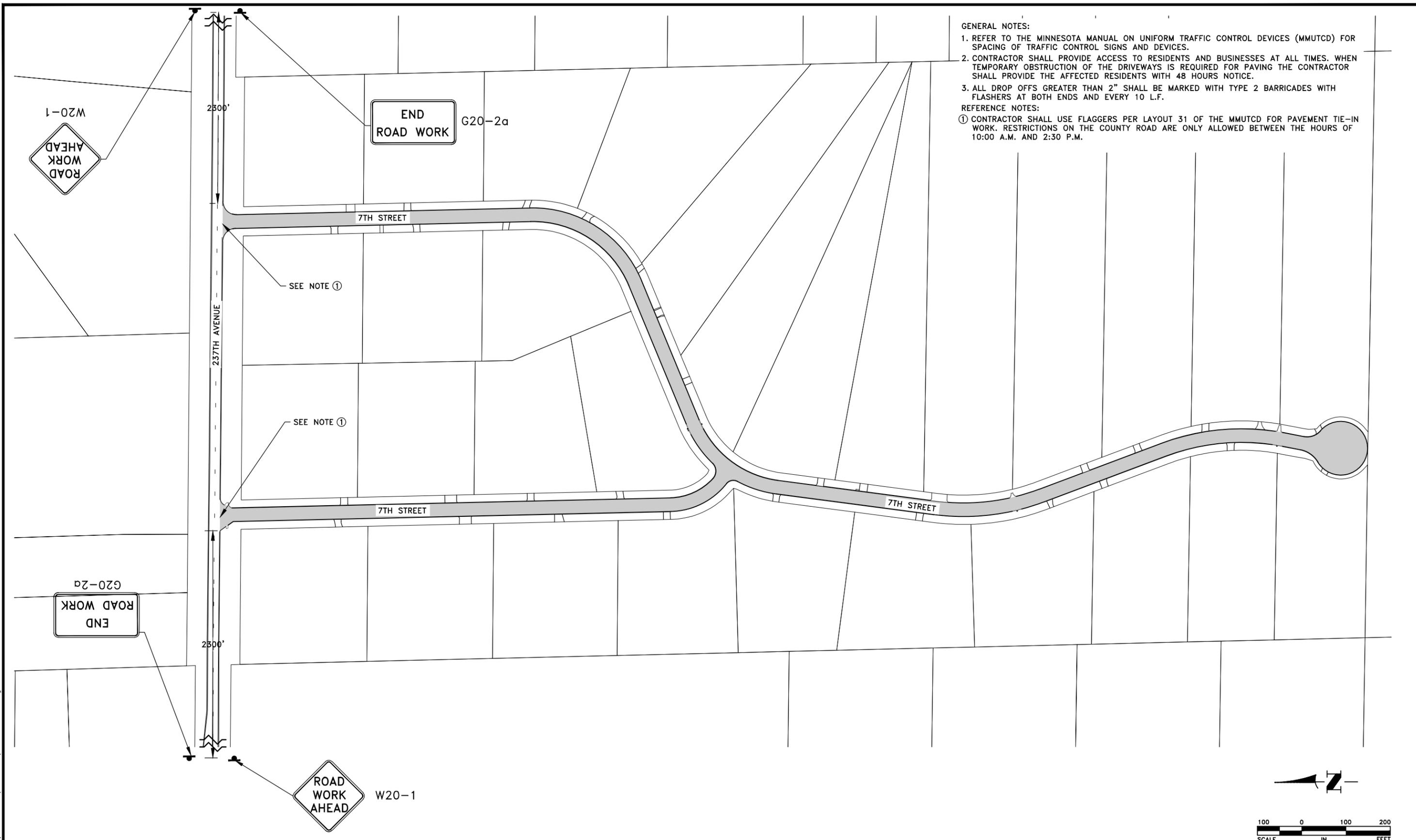
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2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

DETAILS
CITY OF EAST BETHEL, MINNESOTA

SHEET 4 OF 20 SHEETS

- GENERAL NOTES:
1. REFER TO THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD) FOR SPACING OF TRAFFIC CONTROL SIGNS AND DEVICES.
 2. CONTRACTOR SHALL PROVIDE ACCESS TO RESIDENTS AND BUSINESSES AT ALL TIMES. WHEN TEMPORARY OBSTRUCTION OF THE DRIVEWAYS IS REQUIRED FOR PAVING THE CONTRACTOR SHALL PROVIDE THE AFFECTED RESIDENTS WITH 48 HOURS NOTICE.
 3. ALL DROP OFFS GREATER THAN 2" SHALL BE MARKED WITH TYPE 2 BARRICADES WITH FLASHERS AT BOTH ENDS AND EVERY 10 L.F.
- REFERENCE NOTES:
- ① CONTRACTOR SHALL USE FLAGGERS PER LAYOUT 31 OF THE MMUTCD FOR PAVEMENT TIE-IN WORK. RESTRICTIONS ON THE COUNTY ROAD ARE ONLY ALLOWED BETWEEN THE HOURS OF 10:00 A.M. AND 2:30 P.M.



Apr 19, 2023 - 1:44pm
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CRAIG J. JOCHUM, P.E.
 Date 4/12/23 Lic. No. 23461

DESIGNED BY: CJJ
 DRAWN BY: SGJ
 CHECKED BY: TAE



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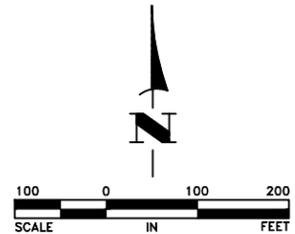
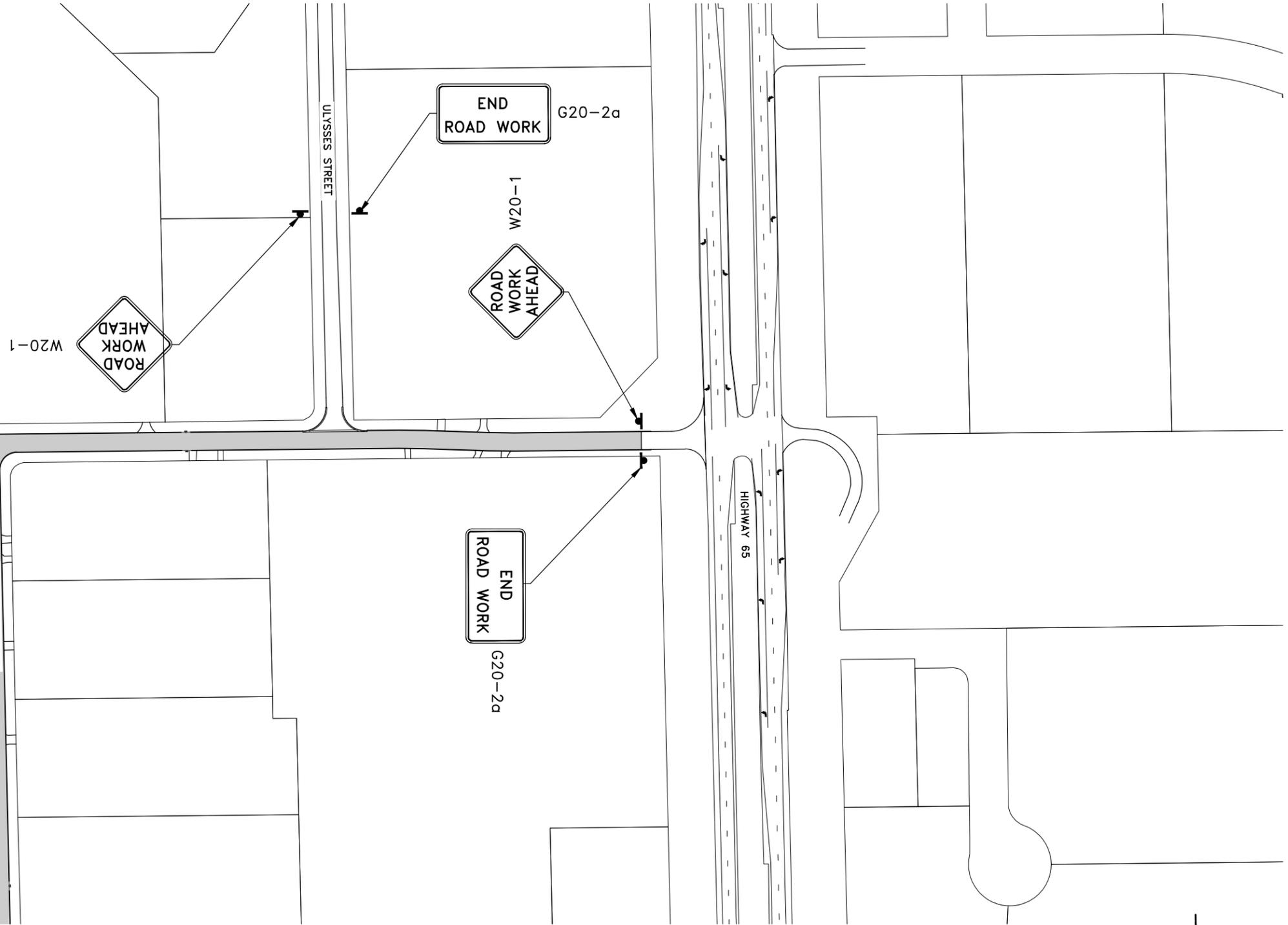
2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

TRAFFIC CONTROL PLAN
 WEST HALF
 CITY OF EAST BETHEL, MINNESOTA

SHEET 5 OF 20 SHEETS

GENERAL NOTES:

1. REFER TO THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD) FOR SPACING OF TRAFFIC CONTROL SIGNS AND DEVICES.
2. CONTRACTOR SHALL PROVIDE ACCESS TO RESIDENTS AND BUSINESSES AT ALL TIMES. WHEN TEMPORARY OBSTRUCTION OF THE DRIVEWAYS IS REQUIRED FOR PAVING THE CONTRACTOR SHALL PROVIDE THE AFFECTED RESIDENTS WITH 48 HOURS NOTICE.
3. ALL DROP OFFS GREATER THAN 2" SHALL BE MARKED WITH TYPE 2 BARRICADES WITH FLASHERS AT BOTH ENDS AND EVERY 10 L.F.



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Craig J. Jochum
CRAIG J. JOCHUM, P.E.
 Date 4/12/23 Lic. No. 23461

DESIGNED BY: CJJ
 DRAWN BY: SGJ
 CHECKED BY: TAE



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2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

TRAFFIC CONTROL PLAN
 EAST HALF
 CITY OF EAST BETHEL, MINNESOTA

SHEET 6 OF 20 SHEETS

1131 233RD AVENUE
CITY OF EAST BETHEL

LEGEND

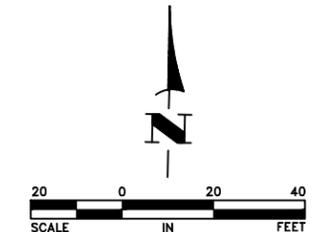
-  PROPOSED BITUMINOUS OVERLAY SEE ①/③
-  EXISTING BITUMINOUS PAVEMENT
-  EXISTING CONCRETE PAVEMENT
-  EXISTING CONCRETE PAVEMENT

ADJUST FRAME AND RING
CASTING SEE ①/④

ADJUST FRAME AND RING
CASTING SEE ①/④

25253 TAYLOR STREET
DAVID & KERRY WETTERLIND

1130 233RD AVENUE
JEFFREY & THERESA MARTIN



1131 233RD AVENUE
CITY OF EAST BETHEL

1215 233RD AVENUE
MARILYN TIMM

SEE ABOVE

SEE SHEET 8

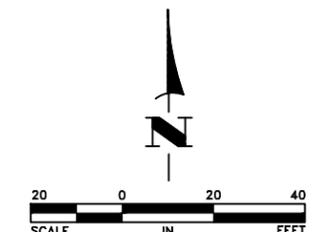
233RD AVENUE

BUCHANAN STREET
SEE SHEET 14

1130 233RD AVENUE
JEFFREY & THERESA MARTIN

23250 BUCHANAN STREET
SCOTT & CHERYL OLMSTED

23251 BUCHANAN STREET
JASON ERICKSON



K:\MUNICIPAL\EB361\ENGINEERING\PLAN DWG\EB361_CONSTRUCTION.dwg Apr 19, 2023 - 1:44pm

DATE	REVISION

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CRAIG J. JOCHUM, P.E.
Date 4/12/23 Lic. No. 23461

DESIGNED BY:
CJJ
DRAWN BY:
SGJ
CHECKED BY:
TAE



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Civil Engineers and Land Surveyors
3601 Thurston Ave., Anoka, Minnesota 55303
763-427-5860 FAX 763-427-0520
www.hakansonanderson.com

2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

CONSTRUCTION PLANS
233RD AVENUE
CITY OF EAST BETHEL, MINNESOTA

SHEET 7 OF 20 SHEETS

1215 233RD AVENUE
MARILYN TIMM

23344 ULYSSES STREET
MICHAEL ZAWISTOWSKI

LEGEND

-  PROPOSED BITUMINOUS OVERLAY SEE ①/③
-  EXISTING BITUMINOUS PAVEMENT
-  EXISTING CONCRETE PAVEMENT
-  EXISTING CONCRETE PAVEMENT

ADJUST FRAME AND RING
CASTING SEE ①/④

MILL 6' WIDE ALONG
VALLEY GUTTER EDGE
FOR TIE IN

ULYSSES STREET

SEE SHEET 7

SEE BELOW

10+00

10+00

11+00

12+00

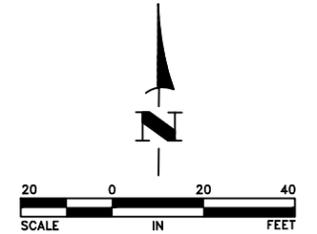
13+00

233RD AVENUE

ADJUST FRAME AND RING
CASTING SEE ①/④

23251 BUCHANAN STREET
JASON ERICKSON

1310 233RD AVENUE
COREY KESSEL



1315 233RD AVENUE
BENJAMIN PETERSON

ULYSSES STREET

SEE ABOVE

SEE SHEET 9

14+00

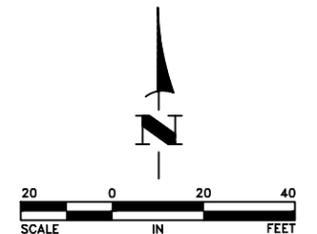
15+00

16+00

233RD AVENUE

17+00

18+00



1310 233RD AVENUE
COREY KESSEL

Apr 19, 2023 - 1:44pm
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2023 EAST BETHEL STREET SURFACE
IMPROVEMENT PROJECT

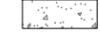
CONSTRUCTION PLANS
233RD LANE
CITY OF EAST BETHEL, MINNESOTA

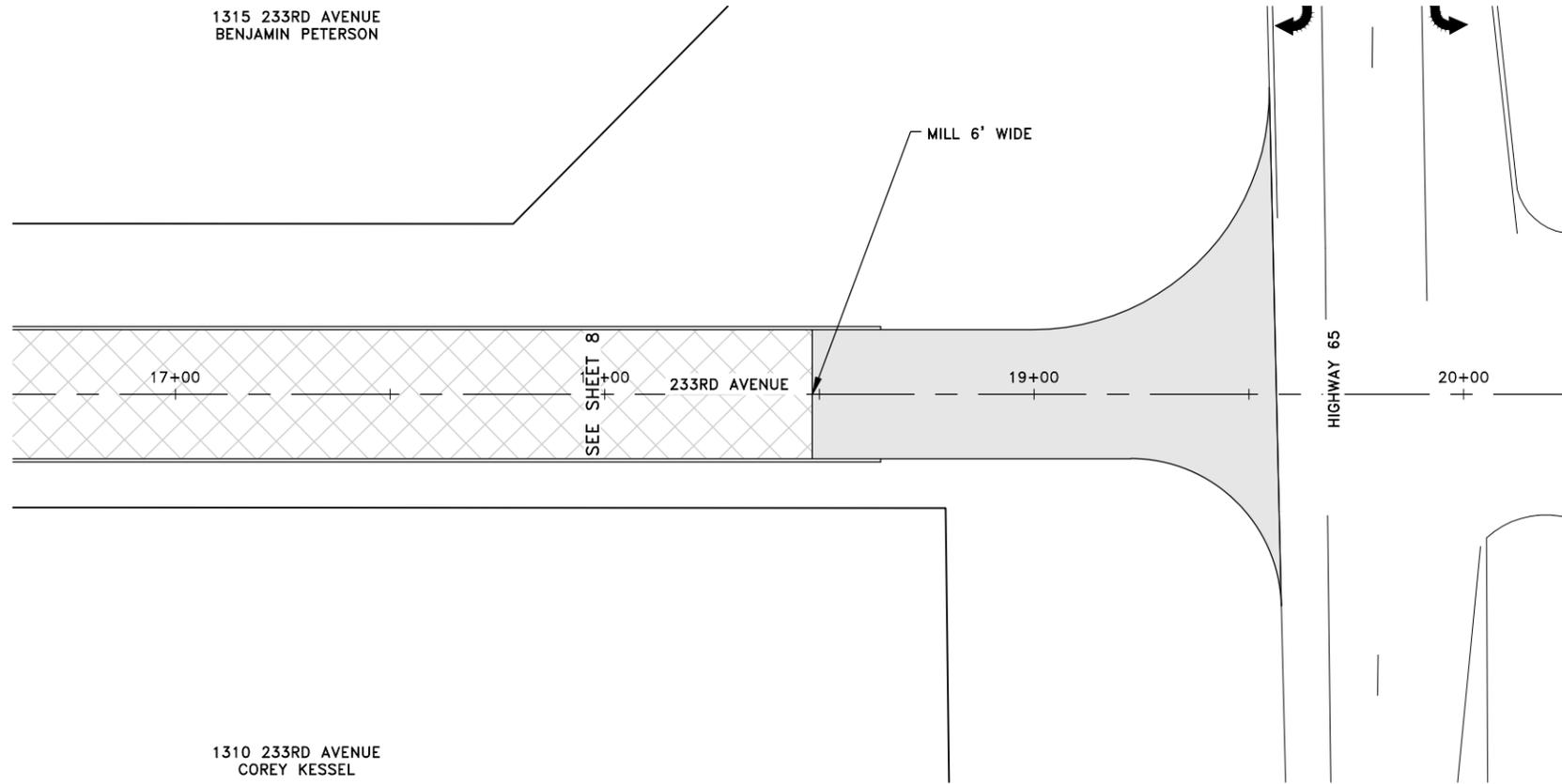
SHEET
8
OF
20
SHEETS

1315 233RD AVENUE
BENJAMIN PETERSON

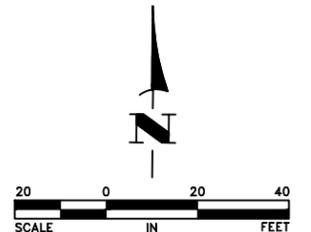
MILL 6' WIDE

LEGEND

-  PROPOSED BITUMINOUS OVERLAY SEE ①/③
-  EXISTING BITUMINOUS PAVEMENT
-  EXISTING CONCRETE PAVEMENT
-  EXISTING CONCRETE PAVEMENT



1310 233RD AVENUE
COREY KESSEL



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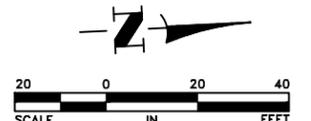
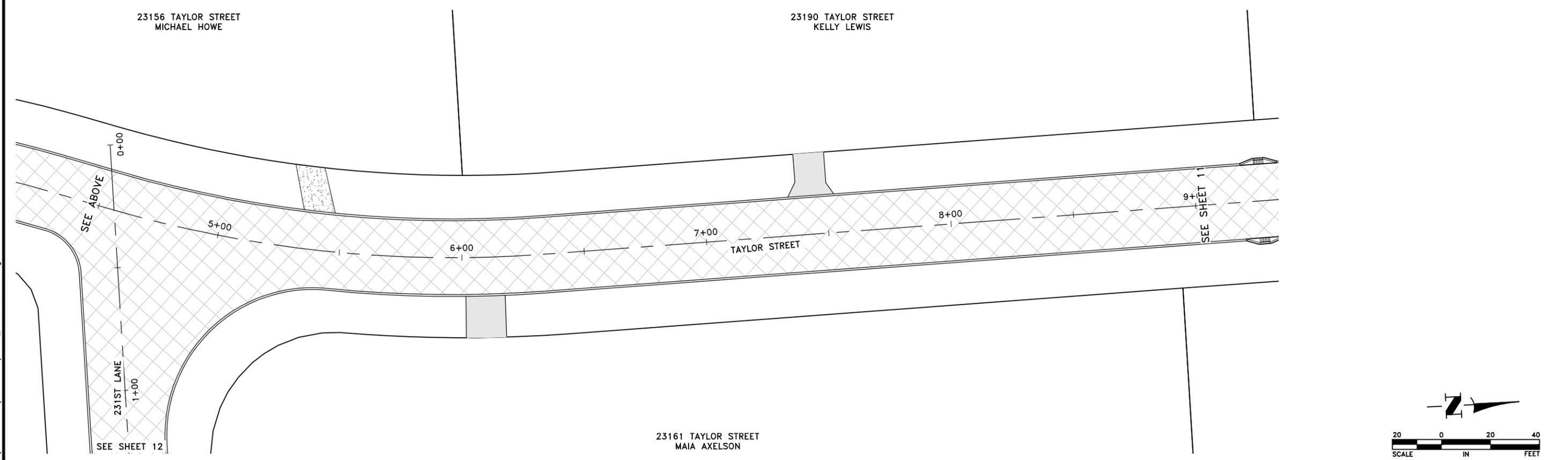
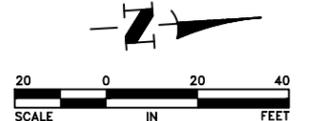
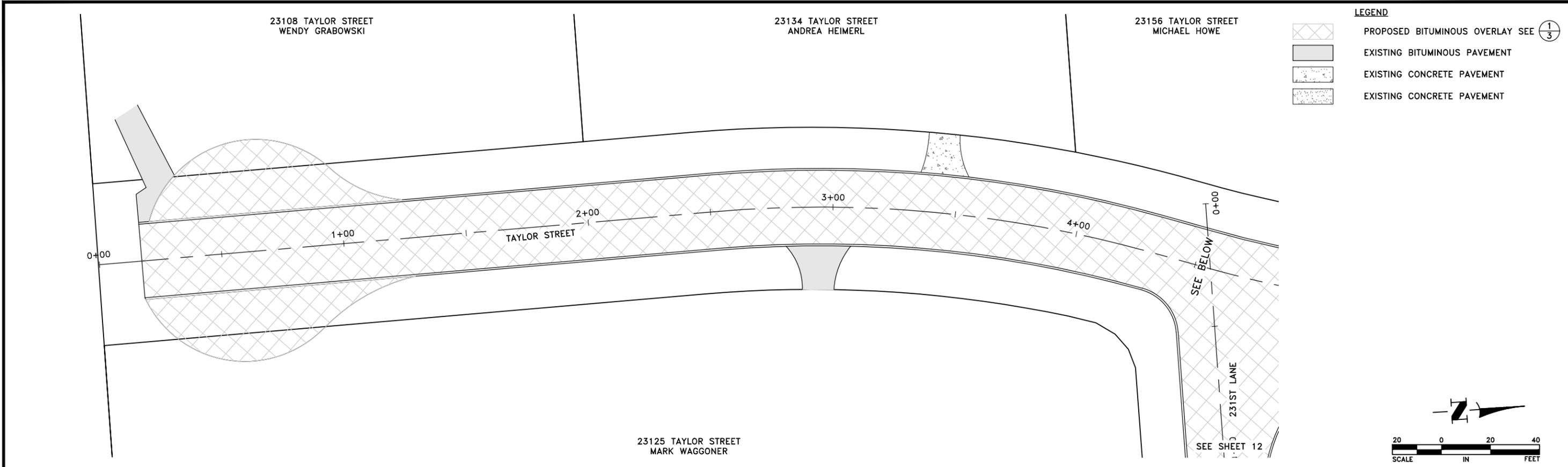
2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

CONSTRUCTION PLANS
 233RD LANE
 CITY OF EAST BETHEL, MINNESOTA

SHEET 9 OF 20 SHEETS

LEGEND

-  PROPOSED BITUMINOUS OVERLAY SEE ①/③
-  EXISTING BITUMINOUS PAVEMENT
-  EXISTING CONCRETE PAVEMENT
-  EXISTING CONCRETE PAVEMENT



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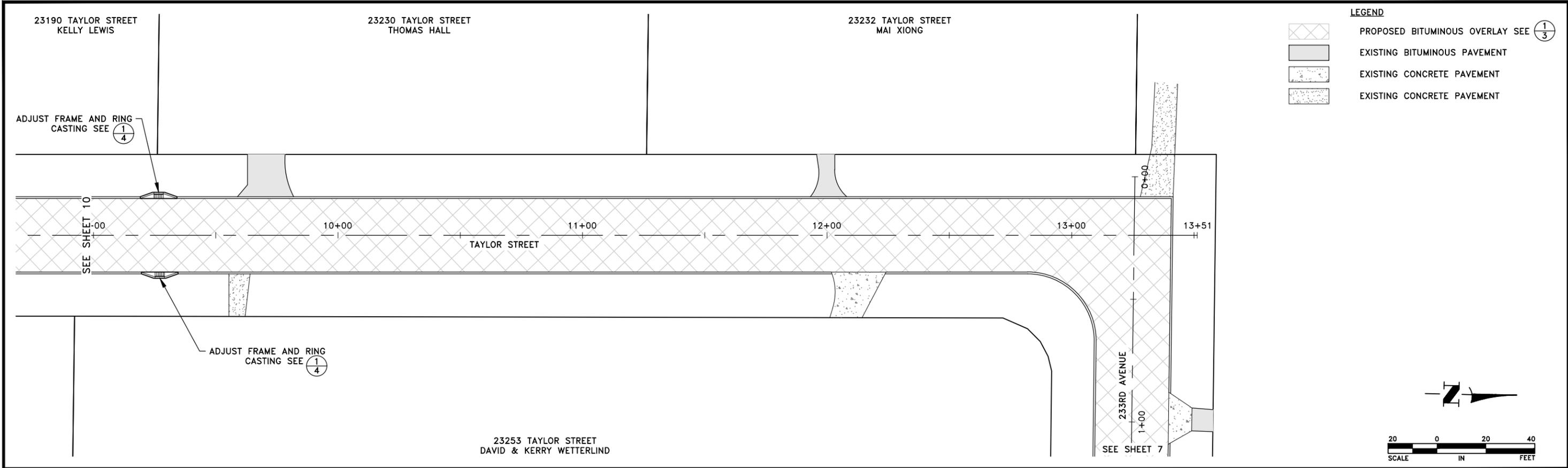
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2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

CONSTRUCTION PLANS
TAYLOR STREET
CITY OF EAST BETHEL, MINNESOTA

SHEET 10 OF 20 SHEETS

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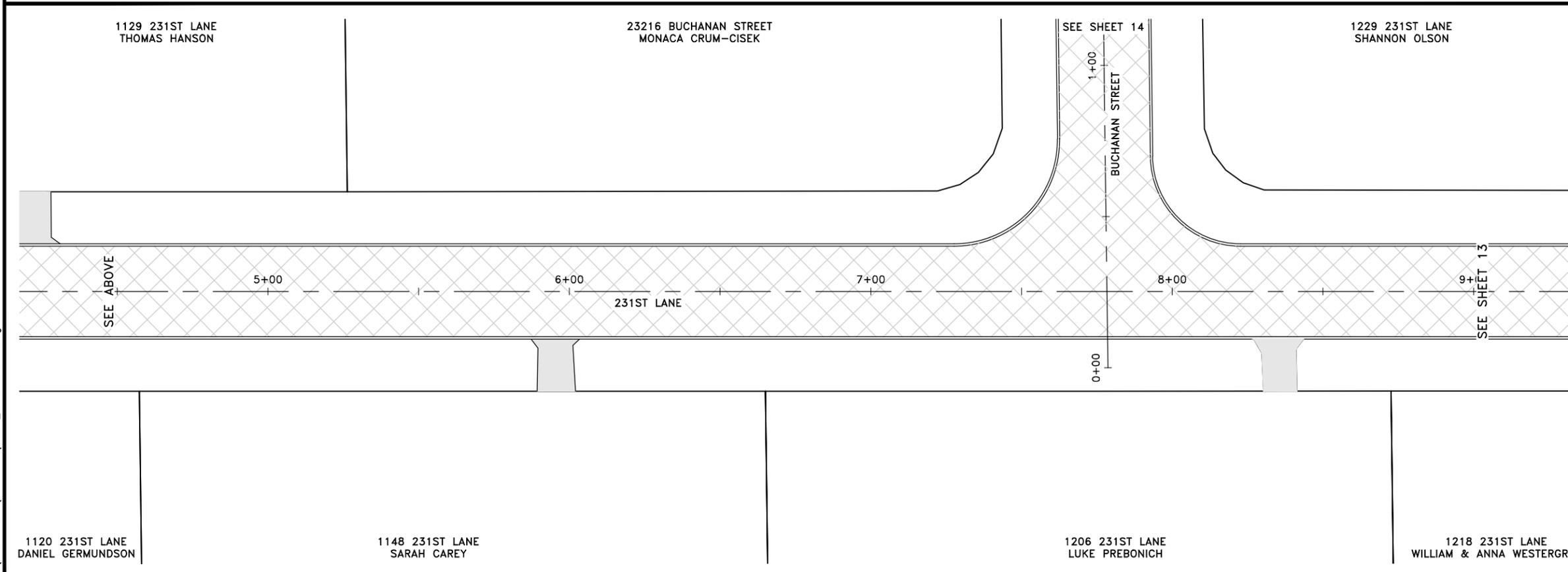
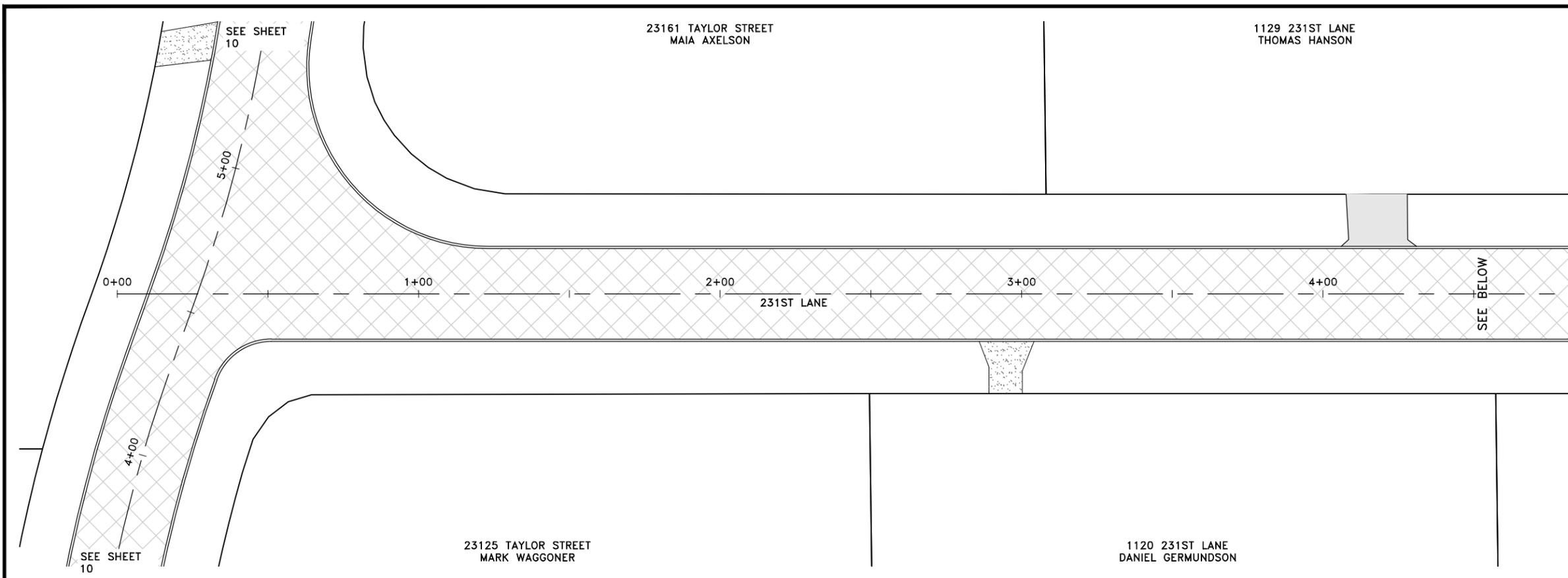
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2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

CONSTRUCTION PLANS
 TAYLOR STREET
 CITY OF EAST BETHEL, MINNESOTA

SHEET 11 OF 20 SHEETS

- LEGEND**
-  PROPOSED BITUMINOUS OVERLAY SEE ①/③
 -  EXISTING BITUMINOUS PAVEMENT
 -  EXISTING CONCRETE PAVEMENT
 -  EXISTING CONCRETE PAVEMENT



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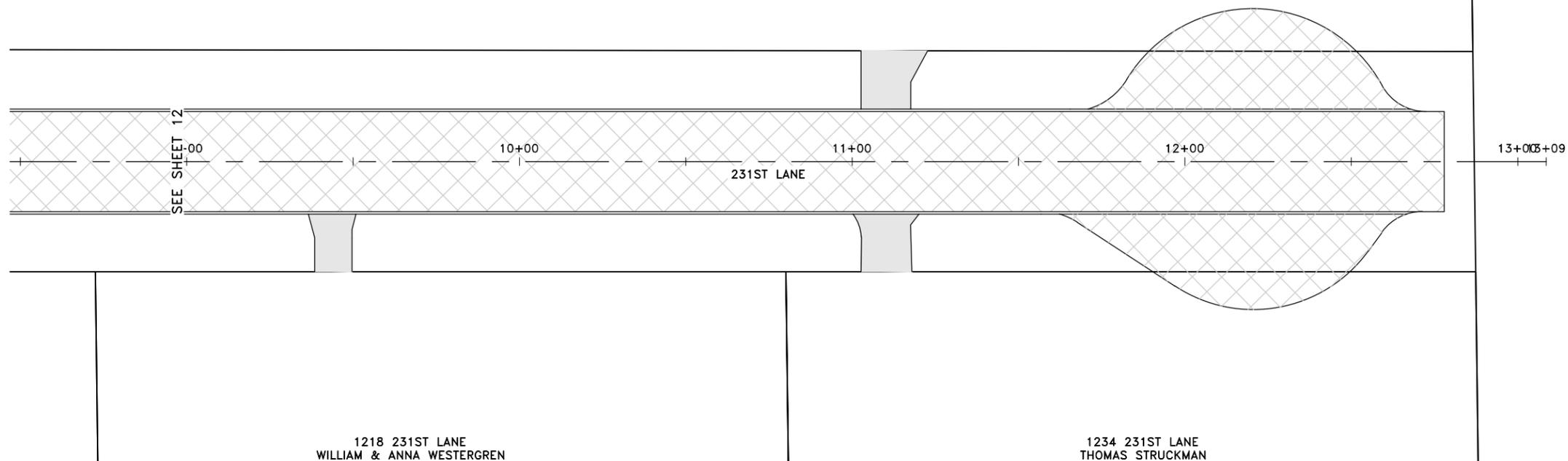
2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

CONSTRUCTION PLANS
231ST LANE
CITY OF EAST BETHEL, MINNESOTA

SHEET 12 OF 20 SHEETS

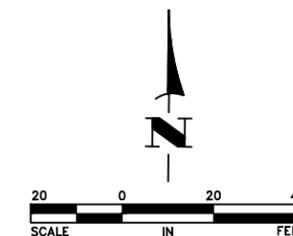
1229 231ST LANE
SHANNON OLSON

- LEGEND**
-  PROPOSED BITUMINOUS OVERLAY SEE ①/③
 -  EXISTING BITUMINOUS PAVEMENT
 -  EXISTING CONCRETE PAVEMENT
 -  EXISTING CONCRETE PAVEMENT



1218 231ST LANE
WILLIAM & ANNA WESTERGRE

1234 231ST LANE
THOMAS STRUCKMAN



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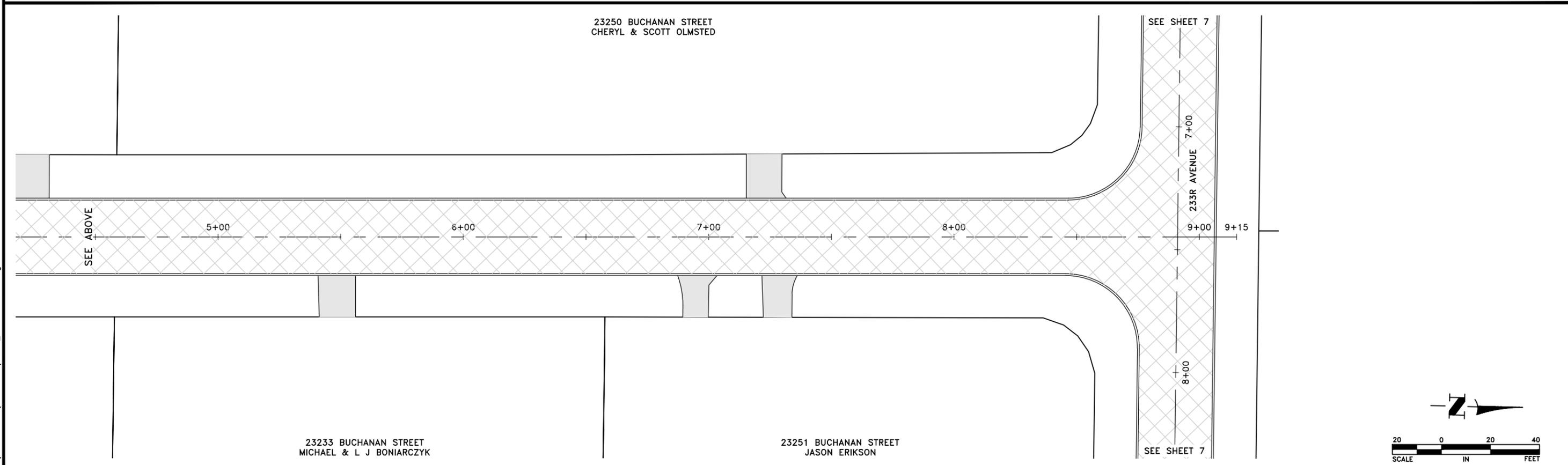
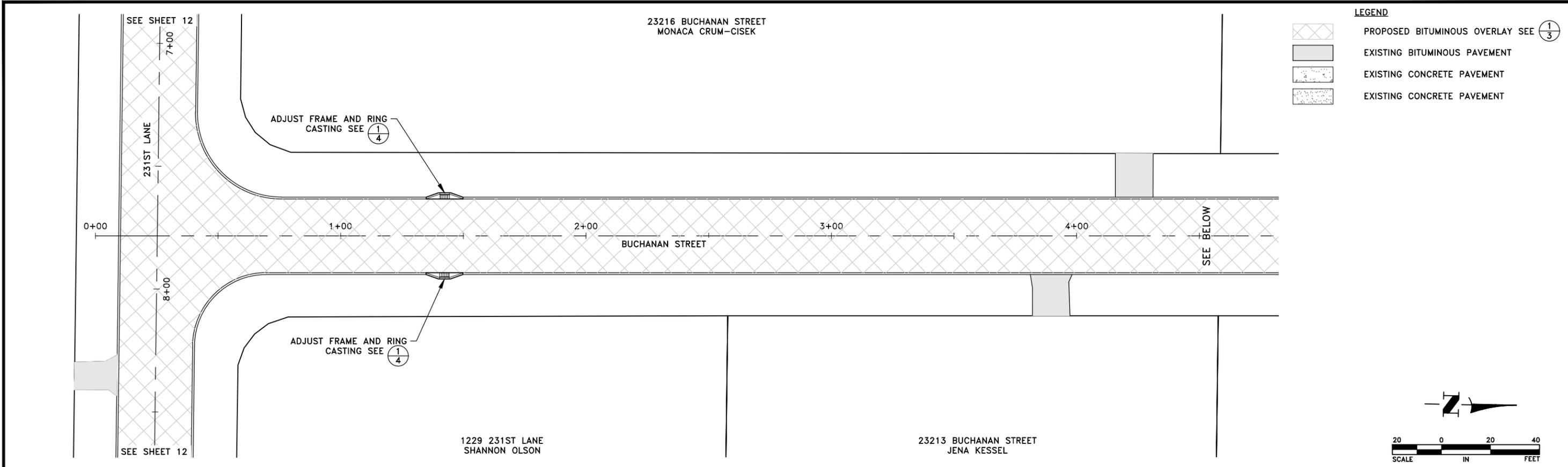
2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

CONSTRUCTION PLANS
231ST LANE
CITY OF EAST BETHEL, MINNESOTA

SHEET 13 OF 20 SHEETS

LEGEND

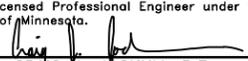
-  PROPOSED BITUMINOUS OVERLAY SEE ①/③
-  EXISTING BITUMINOUS PAVEMENT
-  EXISTING CONCRETE PAVEMENT
-  EXISTING CONCRETE PAVEMENT



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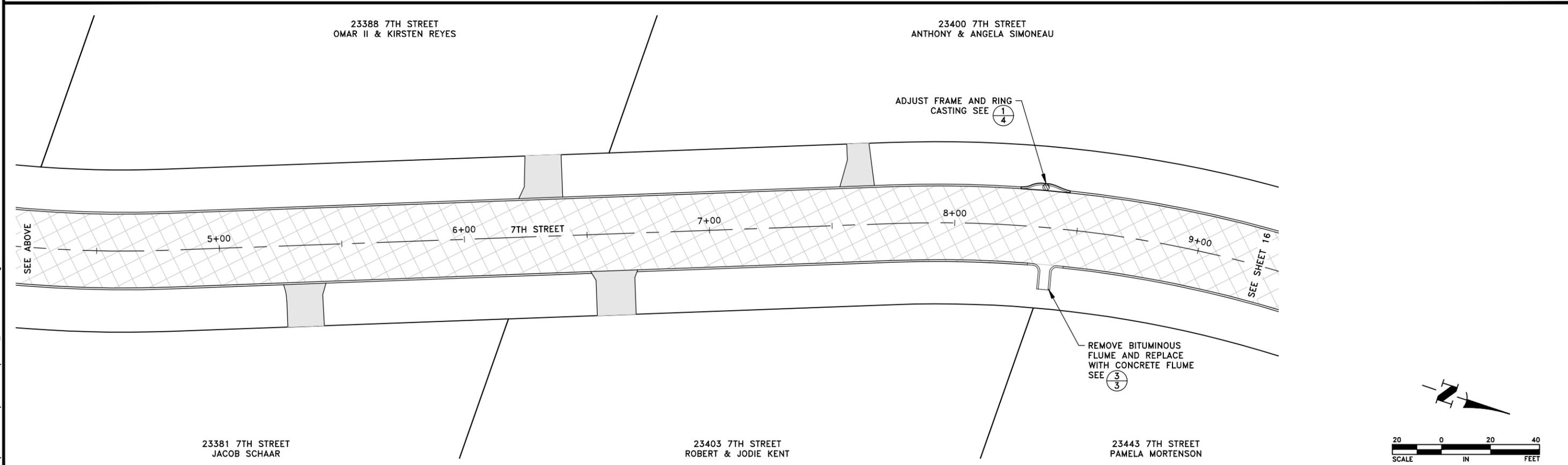
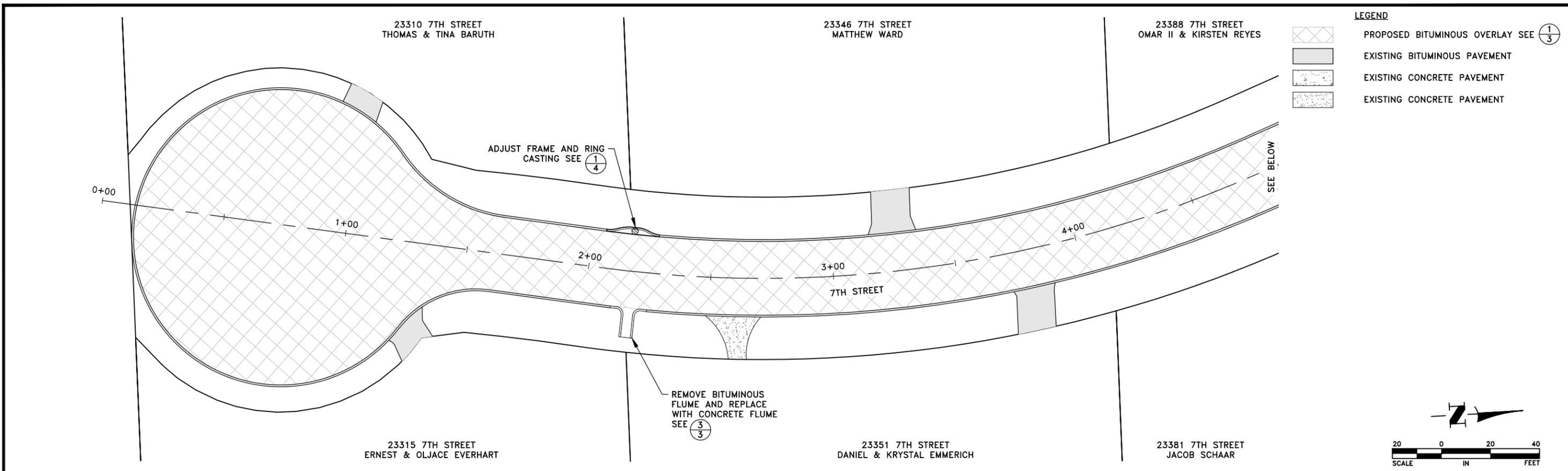
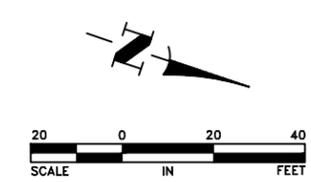
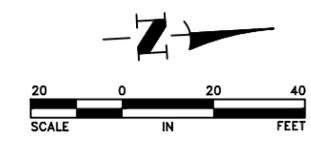
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2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

CONSTRUCTION PLANS
BUCHANAN STREET
CITY OF EAST BETHEL, MINNESOTA

SHEET 14 OF 20 SHEETS

- LEGEND**
-  PROPOSED BITUMINOUS OVERLAY SEE ①/③
 -  EXISTING BITUMINOUS PAVEMENT
 -  EXISTING CONCRETE PAVEMENT
 -  EXISTING CONCRETE PAVEMENT



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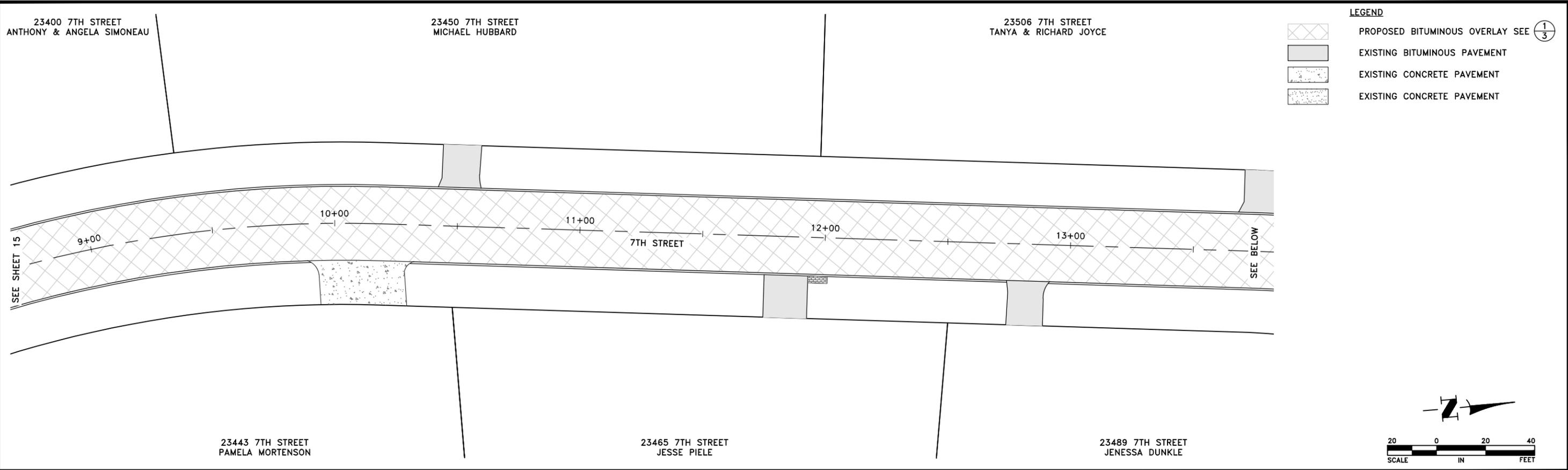


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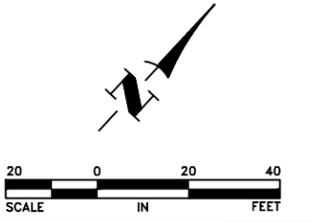
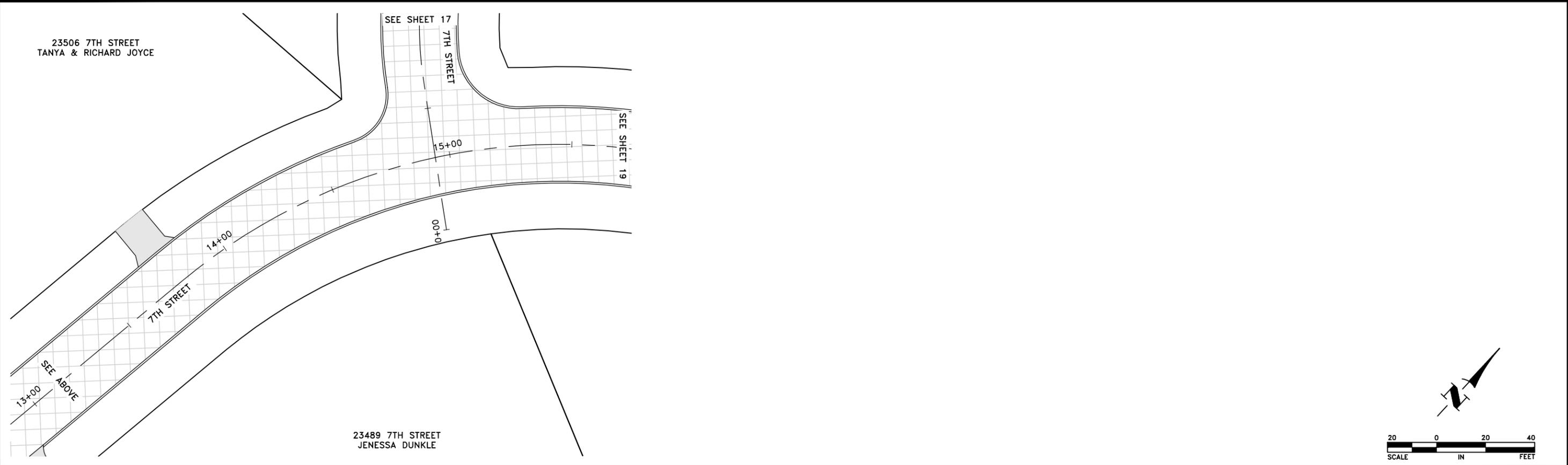
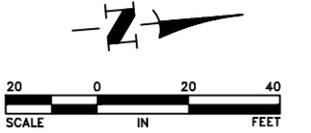
CONSTRUCTION PLANS
7TH STREET
CITY OF EAST BETHEL, MINNESOTA

SHEET 15 OF 20 SHEETS



LEGEND

-  PROPOSED BITUMINOUS OVERLAY SEE ①/③
-  EXISTING BITUMINOUS PAVEMENT
-  EXISTING CONCRETE PAVEMENT
-  EXISTING CONCRETE PAVEMENT



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CONSTRUCTION PLANS
7TH STREET
CITY OF EAST BETHEL, MINNESOTA

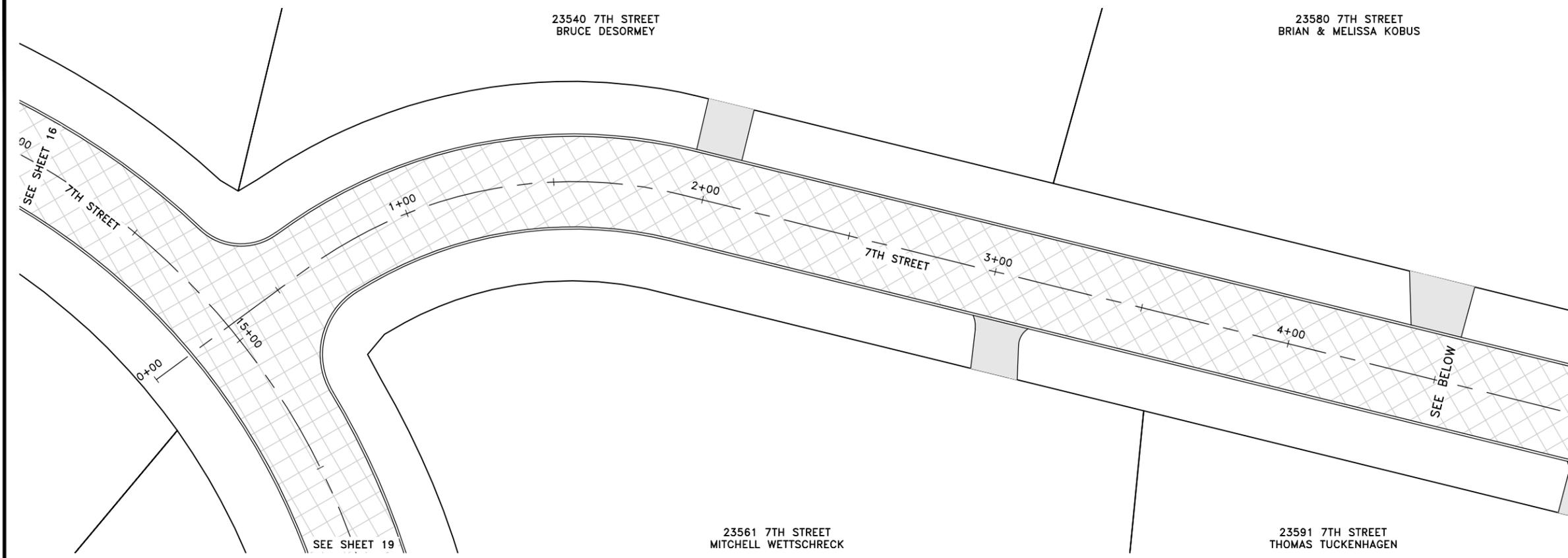
SHEET 16 OF 20 SHEETS

23540 7TH STREET
BRUCE DESORMEY

23580 7TH STREET
BRIAN & MELISSA KOBUS

LEGEND

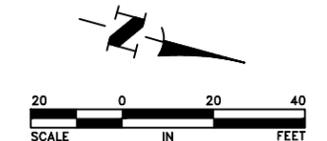
-  PROPOSED BITUMINOUS OVERLAY SEE ①/③
-  EXISTING BITUMINOUS PAVEMENT
-  EXISTING CONCRETE PAVEMENT
-  EXISTING CONCRETE PAVEMENT



SEE SHEET 19

23561 7TH STREET
MITCHELL WETTSCHRECK

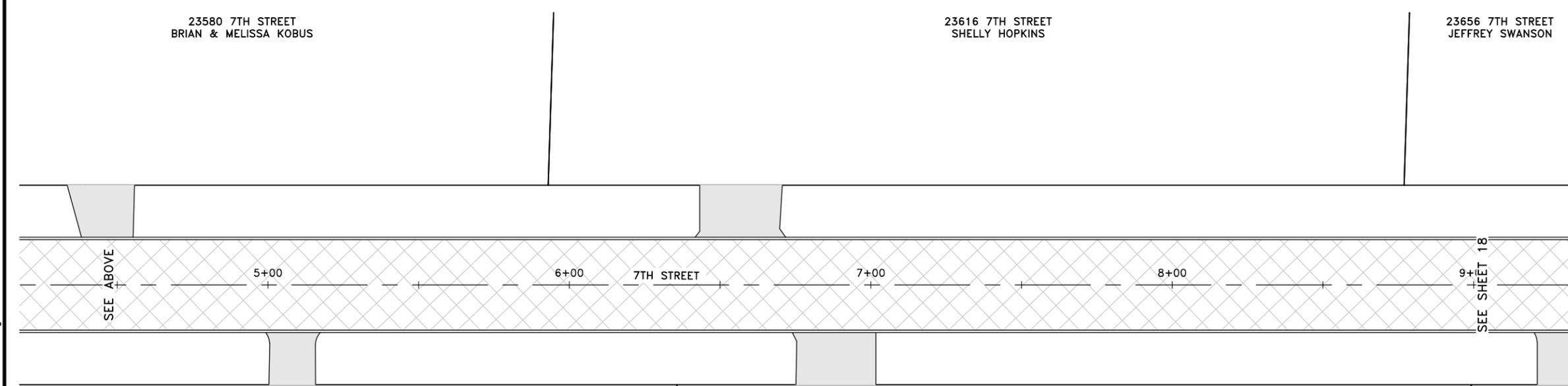
23591 7TH STREET
THOMAS TUCKENHAGEN



23580 7TH STREET
BRIAN & MELISSA KOBUS

23616 7TH STREET
SHELLY HOPKINS

23656 7TH STREET
JEFFREY SWANSON



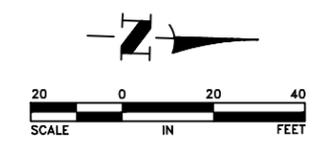
SEE ABOVE

SEE SHEET 18

23591 7TH STREET
THOMAS TUCKENHAGEN

23619 7TH STREET
DANIEL BUNNISS

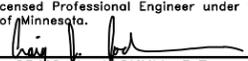
23659 7TH STREET
MEAGAN PITTMAN



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2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

CONSTRUCTION PLANS
 7TH STREET
 CITY OF EAST BETHEL, MINNESOTA

SHEET 17 OF 20 SHEETS

23616 7TH STREET
SHELLY HOPKINS

23656 7TH STREET
JEFFREY SWANSON

23619 7TH STREET
DANIEL BUNNISS

23659 7TH STREET
MEAGAN PITTMAN

REMOVE BITUMINOUS
FLUME AND REPLACE
WITH CONCRETE FLUME
SEE (3/3)

REMOVE BITUMINOUS
FLUME AND REPLACE
WITH CONCRETE FLUME
SEE (3/3)

237TH AVENUE

MILL 6' WIDE

SEE SHEET 17

10+00

10+00 7TH STREET

11+00

12+00

12+41

LEGEND



PROPOSED BITUMINOUS OVERLAY SEE (1/3)



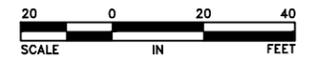
EXISTING BITUMINOUS PAVEMENT



EXISTING CONCRETE PAVEMENT



EXISTING CONCRETE PAVEMENT



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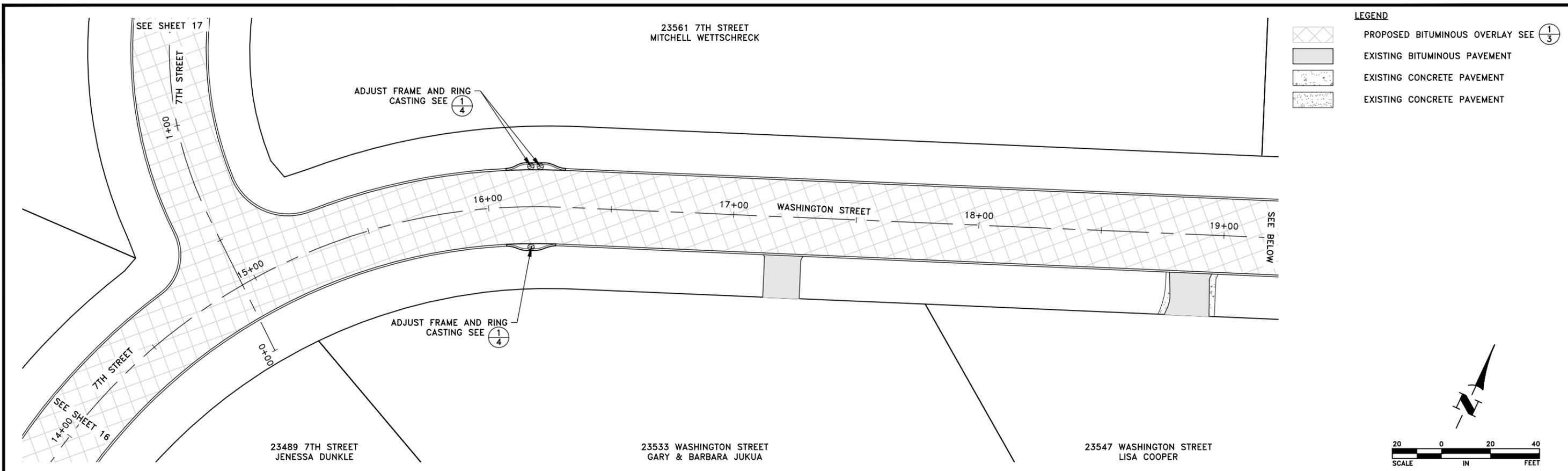


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**2023 EAST BETHEL STREET SURFACE
 IMPROVEMENT PROJECT**

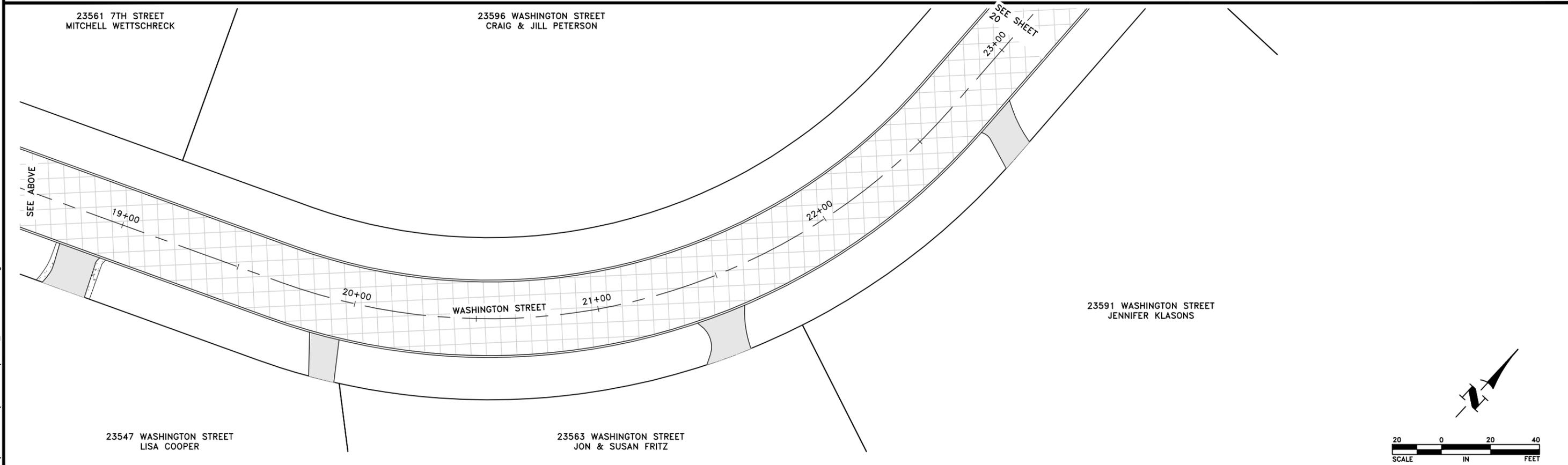
CONSTRUCTION PLANS
 7TH STREET
 CITY OF EAST BETHEL, MINNESOTA

SHEET
18
 OF
20
 SHEETS



LEGEND

	PROPOSED BITUMINOUS OVERLAY SEE 1/3
	EXISTING BITUMINOUS PAVEMENT
	EXISTING CONCRETE PAVEMENT
	EXISTING CONCRETE PAVEMENT



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CONSTRUCTION PLANS
WASHINGTON STREET
CITY OF EAST BETHEL, MINNESOTA

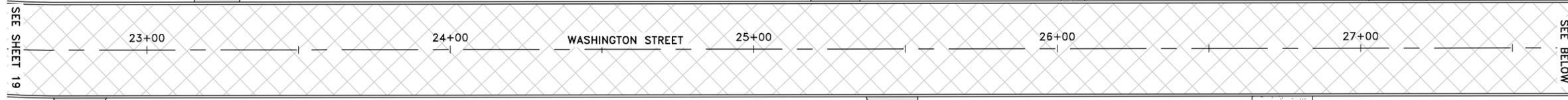
SHEET 19 OF 20 SHEETS

23596 WASHINGTON STREET
CRAIG & JILL PETERSON

23632 WASHINGTON STREET
MELANIE HILL

23658 WASHINGTON STREET
KELLIE TABERY

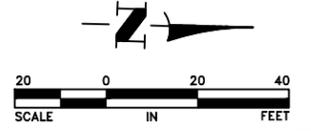
- LEGEND**
-  PROPOSED BITUMINOUS OVERLAY SEE ①/③
 -  EXISTING BITUMINOUS PAVEMENT
 -  EXISTING CONCRETE PAVEMENT
 -  EXISTING CONCRETE PAVEMENT



23591 WASHINGTON STREET
JENNIFER KLASONS

23629 WASHINGTON STREET
STEVEN FRAUNE

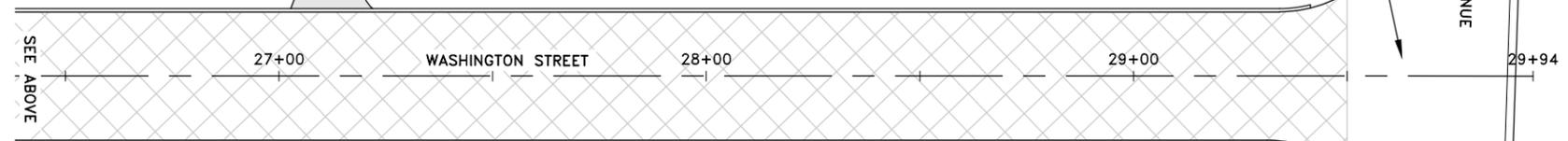
23651 WASHINGTON STREET
LESLIE & COLLEEN GOLDEMAN



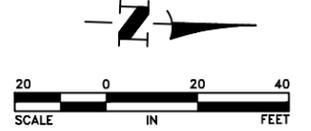
23658 WASHINGTON STREET
KELLIE TABERY

MILL 6' WIDE

237TH AVENUE



23651 WASHINGTON STREET
LESLIE & COLLEEN GOLDEMAN



Apr 19, 2023 - 1:45pm K:\MUNICIPAL\EB361\ENGINEERING\PLAN DWG\EB361_CONSTRUCTION.dwg

DATE	REVISION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.


CRAIG J. JOCHUM, P.E.
 Date 4/12/23 Lic. No. 23461

DESIGNED BY:
CJJ

DRAWN BY:
SGJ

CHECKED BY:
TAE



Hakanson Anderson
 Civil Engineers and Land Surveyors
 3601 Thurston Ave., Anoka, Minnesota 55303
 763-427-5860 FAX 763-427-0520
 www.hakansonanderson.com

2023 EAST BETHEL STREET SURFACE IMPROVEMENT PROJECT

CONSTRUCTION PLANS
WASHINGTON STREET
CITY OF EAST BETHEL, MINNESOTA

SHEET 20 OF 20 SHEETS

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

**RESOLUTION NO. 2023-33
MUNICIPAL STATE AID STREET FUNDS ADVANCE RESOLUTION**

WHEREAS, the Municipality of East Bethel is planning to reconstruct University Avenue in 2023 from Sims Road to 221st Avenue, and

WHEREAS, this is a joint project between the City of East Bethel and the City of Oak Grove, and

WHEREAS, these projects will require State Aid funds in excess of those available in its State Aid Construction Account, and

WHEREAS, said municipality is prepared to proceed with the construction of said projects through the use of an advance from the Municipal State Aid Street Fund to supplement the available funds in their State Aid Construction Account, and

WHEREAS, the advance is based on the following determination of estimated expenditures:

Account Balance as of date 4/16/2023	\$ -222,580.22
Estimated disbursements:	
Project: – University Avenue from Sims Road to 221 st Avenue	\$ 700,000.00
Advance Amount (amount in excess of acct balance)	\$ 700,000.00

WHEREAS, repayment of the funds so advanced will be made in accordance with the provisions of Minnesota Statutes 162.14, Subd. 6 and Minnesota Rules, Chapter 8820.1500, Subp. 10b, and

WHEREAS, the Municipality acknowledges advance funds are released on a first-come-first-serve basis and this resolution does not guarantee the availability of funds.

NOW, THEREFORE, Be It Resolved: That the Commissioner of Transportation be and is hereby requested to approve this advance for financing approved Municipal State Aid Street Project; of the Municipality of East Bethel in an amount up to \$700,000.00. I hereby authorize repayments from subsequent accruals to the Municipal State Aid Street Construction Account of said Municipality from future year allocations until fully repaid.

I HEREBY CERTIFY that the above is a true and correct copy of a resolution presented to and adopted by the Municipality of East Bethel, County of Anoka, State of Minnesota, at a duly authorized Municipal Council Meeting held in the Municipality of East Bethel, Minnesota on the 24th day of April, 2023, as disclosed by the records of said Municipality on file and of record in the office.

CITY OF EAST BETHEL

Tim Harrington, Mayor

ATTEST:

Jack Davis, City Administrator

**City of East Bethel
City Council Meeting
Agenda Item Information**



Date: April 24, 2023

Agenda Item Number: 8.0 A.1

Agenda Item: IUP Extension Request, Enforcement Waiver Agreement – 655 198th Avenue NE

Background Information:

The automotive repair business known as B-Roc's, Inc. has been operating at the residential address of 655 198th Avenue NE for approximately 11 years. On November 8, 2021, an administrative hearing was held at the City Council meeting. Staff was directed to discuss with the Planning Commission the possibility of amending the zoning code to allow automotive repair in the residential districts as a home occupation. On March 7, 2022 the Planning Commission and City Council held a work session to discuss a possible zoning text amendment; at which time it was determined that the code would not be amended to allow for automotive repair businesses in residentially zoned districts.

A Compliance and Limited Enforcement Waiver Agreement was drafted by the City Attorney and fully executed by both parties on May 26 2022 to allow B-Roc's, Inc. to continue operation at this location while a search for a commercial property to relocate the business could be done.

The Compliance and Limited Enforcement Waiver Agreement is set to expire on May 31, 2023. Broc Vierzba is requesting an extension due to his inability to locate a suitable property in which he can relocate the business.

Attachment(s):

Attachment 1 - Compliance and Limited Enforcement Waiver Agreement

Attachment 2 – Administrative Hearing, November 8, 2021

Attachment 3 – Location Map

Recommendation: Staff requests City Council discuss the extension request and provide direction to staff in regards to this matter.

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

COMPLIANCE AND LIMITED ENFORCMENT WAIVER AGREEMENT

This Compliance and Limited Enforcement Waiver Agreement (“Agreement”) is entered into between the City of East Bethel, a municipal corporation (hereafter, the “City”), and Brock Vierzba, fee owner of the property located at 655 198th Avenue NE, East Bethel, Minnesota (hereafter, the “Owner”), and is effective upon the date signed by both parties.

Recitals

WHEREAS, the Owner is the fee owner of real property located at 655 198th Avenue NE in the City (hereafter, the “Property”), which is legally described as:

Lot 4, Block 1, Cedarbrook 2nd Addition, Anoka County, Minnesota

WHEREAS, the Owner currently operates an automobile repair business, B-Roc’s, Inc., on the Property;

WHEREAS, according to business records filed with the Minnesota Secretary of State, B-Roc’s is an active Minnesota business corporation with a registered office address of 655 198th Avenue NE, East Bethel, MN 55011;

WHEREAS, the Property is zoned Rural Residential;

WHEREAS, pursuant to the City zoning code, an automobile repair use is prohibited in the Rural Residential zoning district;

WHEREAS, the City informed Owner use of the Property for an automobile repair business is a prohibited use of the Property;

WHEREAS, the Owner requested an administrative hearing before the City Council to address his use of the Property;

WHEREAS, at an administrative hearing before the City Council on November 8, 2021, Owner acknowledged his use of the Property for automobile repair was prohibited;

WHEREAS, the City Council understands Owner has numerous clients and learned Owner has used the Property for automobile repair for several years preceding the City’s current zoning enforcement efforts;

WHEREAS, Owner acknowledges that use of the Property for automobile repairs does not constitute a legal conforming use of the Property;

WHEREAS, the City Council and Planning Commission are not willing to amend the Rural Residential zoning district to allow automobile repair within the district as a permitted, conditional, or interim use;

WHEREAS, the Parties wish to resolve the zoning violation by Owner amicably, in a manner which brings the Property into Compliance, but also allows Owner a reasonable time to relocate B-Roc's to a site on which automobile repair is allowed;

NOW, **THEREFORE**, the Parties, for good and valuable consideration, the sufficiency of which is acknowledged by them, make and enter the following:

AGREEMENT

1. The Recitals are incorporated into this Agreement as if fully set forth herein.
2. Owner acknowledges and agrees that use of the Property for automobile repair is a prohibited use pursuant to the City zoning code.
3. For a period of 13 MONTHS ending on MAY 31, 2023 (hereafter, the "Compliance Period"), the City will not commence any administrative or civil enforcement actions against the Owner or Property regarding use of the Property for automobile repair.
4. The Parties agree that Owner may continue the automobile repair use on the Property for the Compliance Period only. Owner may not expand his automobile repair business during the Compliance Period.
5. Owner must comply with all applicable federal, state, and local regulations regarding the automobile repair business during the Compliance Period, and will permit City officials to inspect the Property to ensure compliance during the Compliance Period.
6. Upon expiration of the Compliance Period on MAY 31, 2023, Owner shall cease any and all automobile repair operations on the Property, apart from repairs to Owner's own personal vehicles, which are limited to those vehicles registered to him or to another person residing at the Property.
7. The City will not initiate any administrative or civil actions regarding the prohibited automobile repair use against Owner and/or Property during the Compliance Period.
8. If Owner fails to cease automobile repair operations on the Property upon conclusion of the Compliance Period, the City may initiate administrative or civil proceedings against Owner or the Property to enforce the City zoning code and/or ensure compliance with this Agreement.
9. Owner shall be responsible for all legal fees incurred by the City to enforce this Agreement. Owner shall deposit \$1,000.00 with the City, to as a security deposit which the City may apply toward any costs it incurs initiating administrative or civil enforcement, if required. In the event City enforcement costs exceed \$1,000.00, Owner shall agree to pay those costs of enforcement in excess of the \$1,000 upon conclusion of the enforcement action. If Owner complies with the terms of this Agreement and no enforcement action is necessary, the City shall return Owner's \$1,000.00 deposit in full without interest.

10. By entering this Agreement, the City does not state or concede that Owner's use the Property for automobile repair is a lawful use before, during, or after the Compliance Period. The Parties enter this Agreement in order to bring the Property into compliance with the City's zoning code and to provide Owner sufficient time to find a site where his automobile repair business may operate in conformity with the City's zoning code.

DATED: 5-26-22

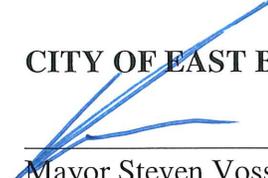
OWNER



Broc Vierzba

DATED: 4-25-2022

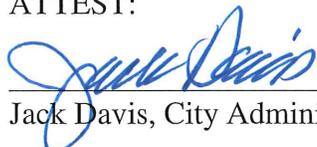
CITY OF EAST BETHEL



Mayor Steven Voss

DATED: 4.25.2022

ATTEST:



Jack Davis, City Administrator

**City of East Bethel
City Council Regular Meeting
Agenda Item Information**



Date: November 8, 2021

Agenda Item Number: Item 4.0 C

Agenda Item: Administrative Hearing – Motor Vehicle Repair - Home Occupation, Broc Vierzba

Background Information:

Broc Vierzba has requested an Administrative Appeal as provided by City Code, Section 2 – 590 for a hearing before the Council. The appeal is in regards to City Staff’s decision that Mr. Vierzba’s request to obtain an Interim or Conditional Use Permit to operate a motor vehicle repair business at 655 198th Ave is not permissible per Appendix A, Zoning, Section 4-9 A.

This business has been registered at this location since 2011. Mr. Vierzba’s property is 2.12 acres and is zoned Rural Residential (RR). Motor vehicle repair is not listed as a permitted, accessory, interim or conditional use in the RR zone. As per Appendix A – Section 1-6.B.1, if a use is not specifically permitted in a zoning district, the use shall be considered prohibited.

The City received five complaints from residents in the Cedarbrook and Wagamon Woods neighborhoods concerning this activity over the past four months and issued Mr. Vierzba a notice that his home occupation was an illegal use. Mr. Vierzba is contesting the violation notice and the reading and interpretation of the City Code as it applies to this situation. Mr. Vierzba was informed by Staff that they could not bring an application for an IUP or CUP to the City Planning Commission, as the request is not allowed by City Code and a permit cannot be issued for a prohibited use.

Appendix A – Section 1-6.B.2 does give Council the option of directing city staff to conduct a study to determine if a particular use complies with the comprehensive plan, in which zoning district, if any, the use is most appropriate, and which zoning provisions that may apply to the use.

Currently, motor vehicle repair is only an allowed use in the Light Industrial Zoning District and only as an accessory use to a permitted primary use.

Attachments:

- Attachment 1 – General Location Map
- Attachment 2 – Neighborhood Location Map
- Attachment 3 - Code Violation Notice

Recommendation(s):

Staff recommends that the City Council conduct the Administrative Hearing for Mr. Vierzba, 655 198th Ave NE. Upon conclusion of the Hearing , and if there is no evidence or statements that supports Mr. Vierzba’s position, Council is requested to sustain staff’s decision that no IUP or CUP can be issued for a motor vehicle operation for this address and the current home occupation would have to cease operations.

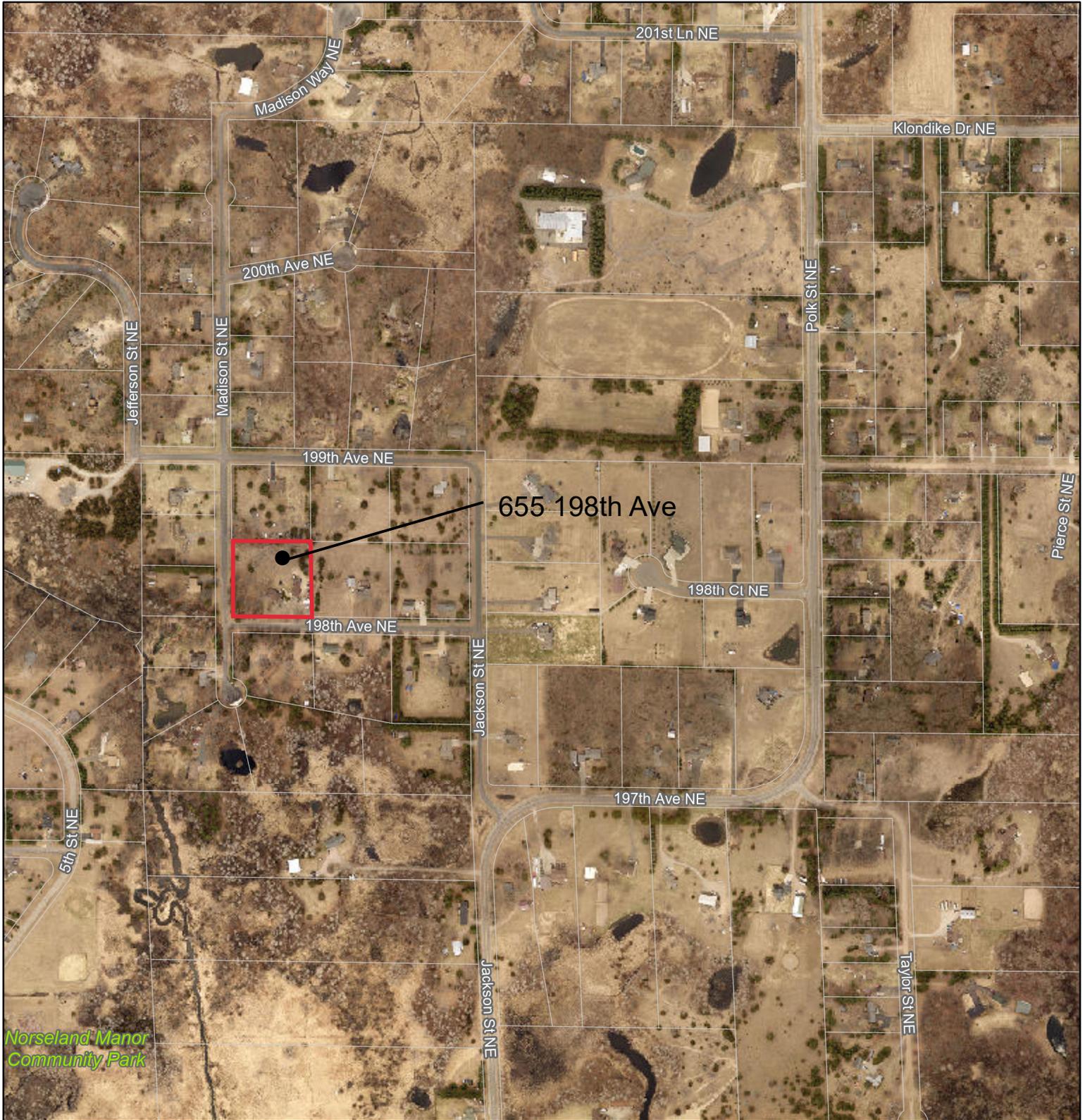
City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____



1 in = 752 ft



**City of East Bethel
City Council Regular Meeting
Agenda Item Information**



Date: April 24, 2023

Agenda Item Number: 8.0 A.2

Agenda Item: Property Division & Combination – 19848 E. Bethel Blvd. NE - PIN's 22-33-23-34-0002 and 22-33-23-34-0005

Requested Action: Consider Division & Combination recommendation.

Background Information: On June 19th, 1996 the East Bethel City Council adopted Resolution 1996 - 30 and further adopted amended Resolution 1996 – 30A on October 16th, 1996 regarding a property division and combination at or near 19848 E. Bethel Blvd. NE. Both resolutions are attached for review.

At the conclusion of the division and subsequent a real estate transaction, one of the two new parcels (PIN: 22-33-23-33-0004) was intended to be combined with that of the new owner (PIN: 22-33-23-34-0002), as a condition of the approved property division. The condition was due to a lack of road frontage and access as required by **Chapter 66 – Subdivisions - Article VI. – Design Standards - Sec. 66-163. - Lots. (e) Lot frontage. All lots must have frontage on a public street. The required lot frontage is measured at the public right-of-way. Flag lots are prohibited.**

Subsequently the proposed combination request was sent to Anoka County Property Records where it was rejected as a result of parcels being located in two adjacent watersheds. PIN: 22-33-23-33-0004, the new parcel, is located in the Upper Rum River WMO while PIN: 22-33-23-34-0002, is located in the Sunrise River WMO. Resolution 1996 – 30A was adopted to include the provision that the parcels cannot be combined and therefore not be sold individually without City Council approval.

On April 14th, 2023 the City received a fully executed purchase agreement and property division between Ahmed Phuly, 19848 E. Bethel Blvd. NE and TH Construction of Anoka. The purchase agreement is contingent upon city approval of a division of 19848 E. Bethel Blvd. NE and the independent sale of PIN: 22-33-23-33-0004 from PIN: 22-33-23-34-0002. Phuly is proposing to divide 1.74 acres off of his existing 6.23 acre parcel (PIN: 22-33-23-34-0002) creating a two separate parcels. **Appendix A – Zoning. Section 42. – Rural Residential (RR) District. 7. – Development Regulations** A. Minimum lot regulations. 1.) Lot Area Two acres, with a density not to exceed one unit per two and one-half acres. Granting Phuly's division request will create a lot below the minimum lot area however, under the purchase agreement TH Construction of Anoka, who owns PIN: 22-33-23-34-0005, the 20.76 acres adjacent to and immediately south, would be combining the two creating a 22.50 acre parcel eliminating the minimum lot area concern.

Additionally, in the contract TH Construction of Anoka is proposed to purchase PIN: 22-33-23-33-0004, the 16.72 acre parcel, identified in Resolution 1996-30A, as needing City council approval prior to sale. TH Construction of Anoka owns PIN: 22-33-23-33-0002, an adjacent 5.13 acre parcel, which will be combined with PIN: 22-33-23-33-0004 creating a new 21.85 acre parcel. The two newly created parcels, although in two different watersheds cannot be combined however, they are adjacent to one another eliminating the ordinance requirement of Lot Frontage.

This division and subsequent combinations will leave Phuly with a 4.66 acre parcel at 19848 E. Bethel Blvd NE (PIN: 22-33-23-34-0002) which meets all minimum lot standards outlined by city code and eliminates the restrictions identified in Resolution 1996-30A.

Recommendation:

Staff recommends approval of a lot division for PIN: 22-33-23-34-0002 and subsequent combination of the 1.74 acres with PIN: 22-33-23-34-0005, with the conditions set forth in Resolution 2023-24. Additionally, staff recommends approving the independent sale of PIN: 223323330004, separate from PIN: 22-33-23-34-0002, as identified in Resolution 1996-30A, with the conditions set forth in Resolution 2023-25.

Attachments:

1. Resolution 2023-24 & 2023-25
2. Location Map
3. Resolutions 1996-30 & 1996-30A
4. Purchase Agreement
5. Planning and Zoning minutes June 11, 1996.
6. Documents from Larson & Melcher
7. Deed Documents from Anoka County

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

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

RES. NO. 2023-24

A RESOLUTION APPROVING THE ADMINISTRATIVE LOT SPLIT FOR PIN 223323340002, 19848 E. BETHEL BLVD. NE, EAST BETHEL, MN, LEGALLY DESCRIBED AS:

THE NORTH 210 FT OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 33, RANGE 23, EXCLUDING ROAD AND SUBJECT TO EASEMENT OF RECORD.

WHEREAS, the property owner requested approval of an administrative lot split to subdivide the westerly 1.74 acres of PIN 223323340002 as shown in EXHIBIT A; and

WHEREAS, the property is zoned RR, Rural Residential in which lots are required to be a minimum of 2 acres in size; and

WHEREAS, the 1.74 acres, upon sale, must be combined with PIN 223323340005; and

WHEREAS, the sale and combination are in alignment with RR Zone - Land Use and 2040 Comprehensive Plan.

WHEREAS, City Staff reviewed the request and recommends the City Council approve the proposal.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby agrees with the recommendation of City Staff and approves the administrative split as shown on Exhibit A with the following conditions:

1. Approval is based on the conditions listed in the fully executed purchase agreement presented between owner and Contract Purchaser, dated April 12th, 2023, with a May 5th, 2023 closing date.
2. Applicate and Contract Purchaser must file city approved Division/ Combination forms with Anoka County Property Records and Taxation Division on May 5th, 2023 or closing date.

Adopted this 24th day of April, 2023 by the City Council of the City of East Bethel.

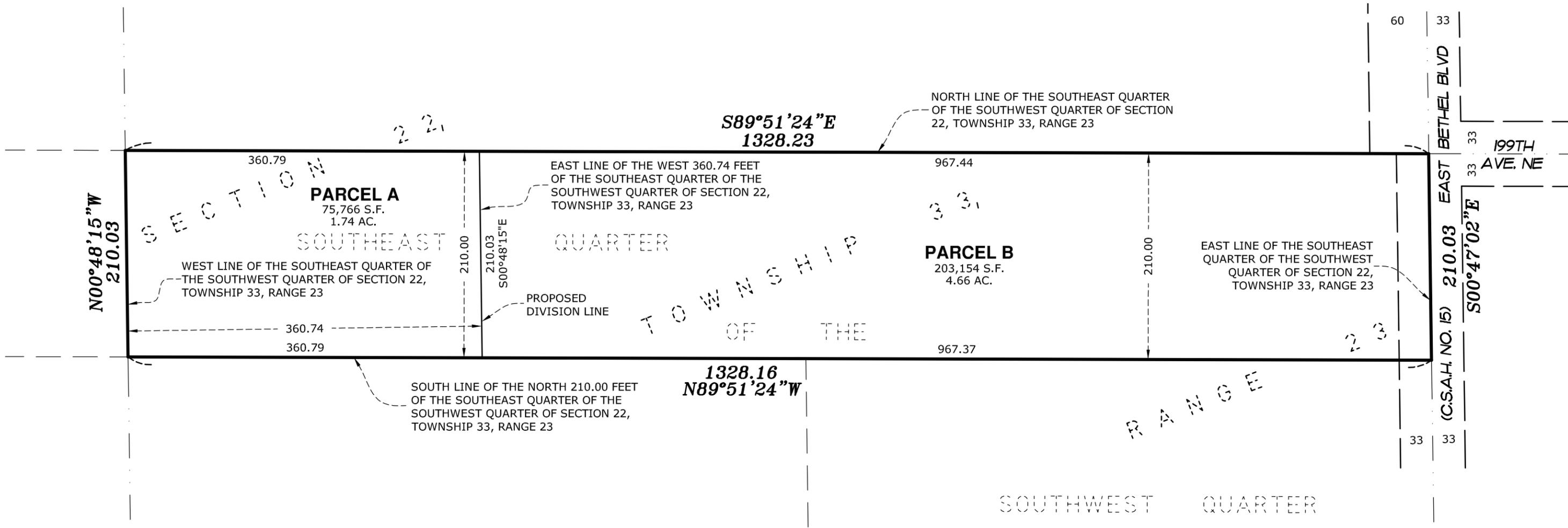
CITY OF EAST BETHEL

Tim Harrington, Mayor

ATTEST:

Jack Davis, City Clerk

PARCEL SKETCH AND DESCRIPTION



EXISTING PARCEL DESCRIPTION

The North 210.00 feet of the Southeast Quarter of the Southwest Quarter of Section 22, Township 33, Range 23, Anoka County, Minnesota.

PROPOSED PARCEL A DESCRIPTION

The West 360.74 feet of the North 210.00 feet of the Southeast Quarter of the Southwest Quarter of Section 22, Township 33, Range 23, Anoka County, Minnesota.

PROPOSED PARCEL B DESCRIPTION

That part of the North 210.00 feet of the Southeast Quarter of the Southwest Quarter of Section 22, Township 33, Range 23, Anoka County, Minnesota, which lies easterly of the West 360.74 feet thereof.

NOTES

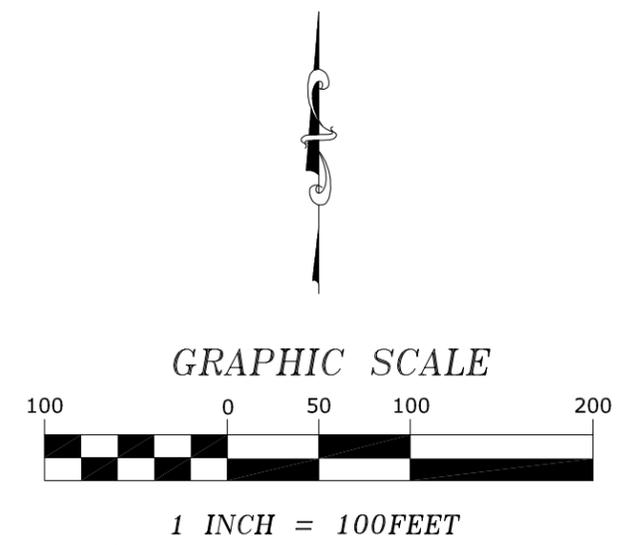
- No field work has been performed by E.G. Rud and Sons, Inc. as part of this exhibit.
- Bearings shown are on Anoka County Coordinate System.
- Parcel ID Number: 22-33-23-34-0002.
- This exhibit was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.


 JASON E. RUD

Date: 3/16/2023 License No. 41578

DRAWN BY: KCM		JOB NO: 220088PP		DATE: 3/16/2023	
CHECK BY: JER		FIELD CREW:			
1					
2					
3					
NO.	DATE	DESCRIPTION			BY



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

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

RES. NO. 2023-25

A RESOLUTION APPROVING THE SALE OF PIN 223323330004, 19848 E. BETHEL BLVD. NE, EAST BETHEL, MN, SEPARATELY FROM PIN 223323340002:

LEGALLY DESCRIBED AS:

That part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 33, Range 23, lying East of the West 611 feet thereof, except that part of the East 200 feet of the said Southwest Quarter of the Southwest Quarter lying South of the North 210 feet thereof, excluding road and subject to easement of record.

WHEREAS, the property owner requested approval of the sale of PIN 223323330004 as shown in EXHIBIT A; and

WHEREAS, PIN 223323330004 and PIN 223323340002 are located in separate watershed districts.

WHEREAS, PIN 223323330004, subject to restrictions identified in Resolution 19996 – 30 and 1996-30A, cannot be sold separate from PIN 223323340002 without City Council approval; and

WHEREAS, upon sale PIN 223323330004 must be combined with PIN 223323330002; and

WHEREAS, City staff reviewed the request and recommends the City Council approve the sale of PIN 223323330004 separately from PIN 223323340002.

WHEREAS, the property is zoned RR, Rural Residential in which lots are required to be a minimum of 2 acres in size; and

WHEREAS, the sale and combination are in alignment with RR Zone - Land Use and 2040 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby agrees with the recommendation of City staff and approves the sale of PIN 223323330004 as shown on Exhibit A with the following conditions:

1. Approval is based on the conditions listed in the fully executed purchase agreement presented between owner and Contract Purchaser, dated April 12th, 2023, with a May 5th, 2023 closing date.

2. Contract purchaser must file City Approved Division/ Combination forms with Anoka County Property Records and Taxation Division on May 5th, 2023 or closing date.

Adopted this 24th day of April, 2023 by the City Council of the City of East Bethel.

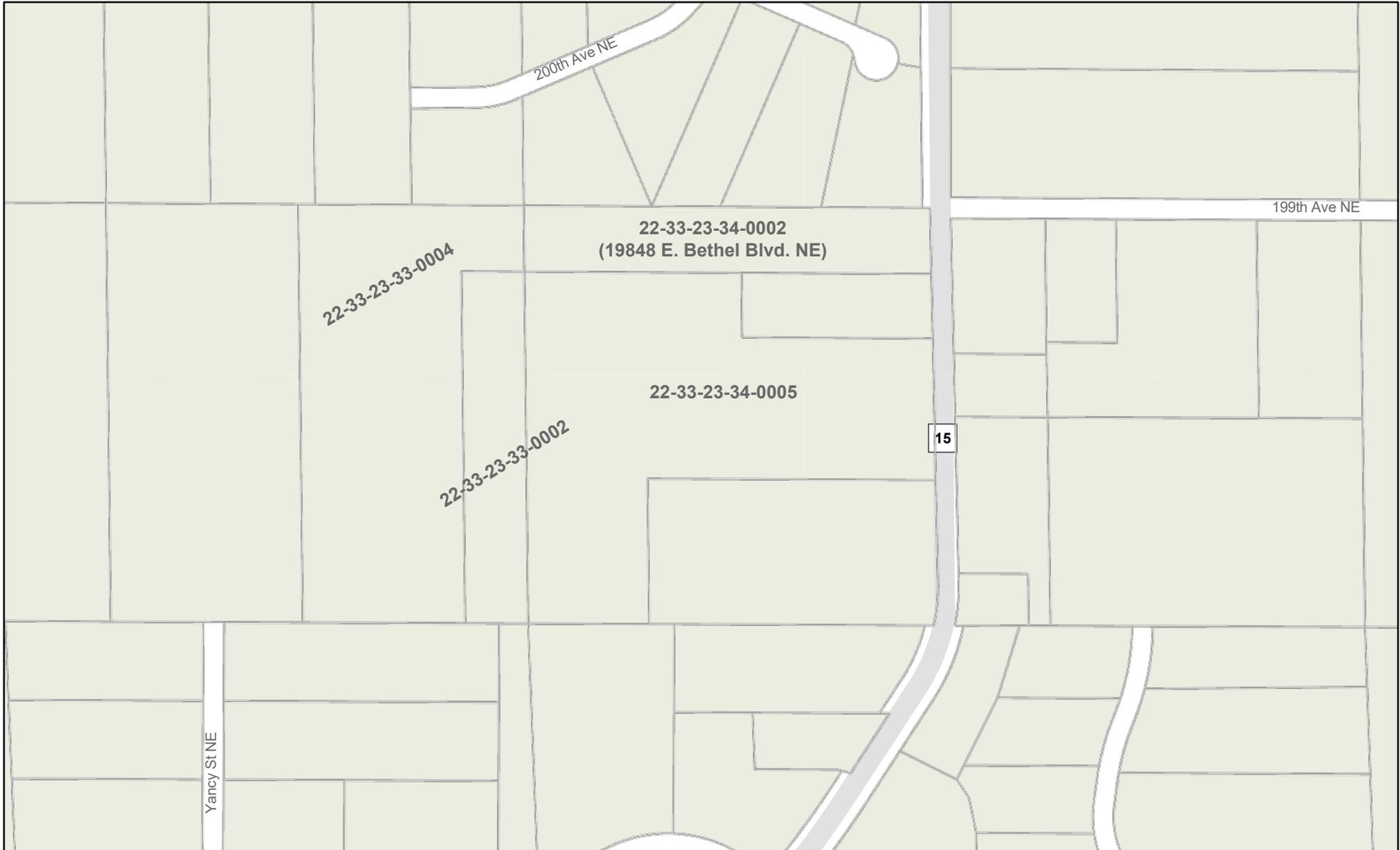
CITY OF EAST BETHEL

Tim Harrington, Mayor

ATTEST:

Jack Davis, City Clerk

19848 E. Bethel Blvd. NE



1 inch equals 422 feet



-  Parcels
-  City Mask

RESOLUTION 1996 - 30

WHEREAS, on May 8, 1996 William A. Olson (property owner) and Donald Lasser (proposed property owner) did request a road frontage variance from Zoning Ordinance 137, Sec. IV, Sub. B-3-c to divide a 34.90 acre parcel into two parcels. Tract A is proposed for one building site having 16+ acres and 66' road frontage; Tract B is proposed as 16+ acres (with no road frontage) which Donald Lasser is proposing to purchase and will be combining with Lasser's currently owned 6+ acre property.

WHEREAS, a public hearing was held by the Planning and Zoning Commission on June 11, 1996 recommending the variance be approved.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA:

To grant William Olson a road frontage variance from Zoning Ordinance #137, Sec. IV, Sub. B-3-c, to divide a 34.90 acre parcel north of Yancy Street NE in Pine Ridge Estates into two parcels (PIN: 22 33 23 33 0001). Tract A is to be one 16+ acre building site having 66 feet of road frontage. Tract B is to have 16+ acres which Donald Lasser will purchase and combine with his currently owned 6+ acre parcel to the east (PIN 22 33 23 34 0002).

Descriptions of the new parcel division (PIN 22 33 23 33 0001) are as follows:

Tract A - The West 611.00 feet of the Southwest Quarter of the Southwest Quarter of Section 22, Township 33, Range 23, Anoka County, Minnesota, subject to an easement for access and utility purposes over the South 66 feet of the West 361 feet thereof; together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Easements and restrictions of record.

Tract B - That part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 33, Range 23, Anoka County, Minnesota, lying East of the West 611.00 feet thereof, except that part of the East 200 feet of said Southwest Quarter of the Southwest Quarter lying South of the North 210 feet thereof; said property to be combined with the North 210 feet of the Southeast Quarter of the Southeast Quarter of Section 22, Township 33, Range 23, Anoka County, Minnesota, subject to easements of record, and not to be sold separately without the approval of the City Council of East Bethel.

Adopted by the East Bethel City Council on this 19th day of June 1996.

Sandy Gams
Mayor

ATTEST:
Sherril Anderson
City Clerk/Treasurer

WHEREAS, on June 19, 1996, the East Bethel City Council adopted Resolution 1996 - 30 which approved a division on a 34.9 acre parcel (PIN 22 33 23 33 0001) into two parcels, and

WHEREAS, a condition of approval of the division was that tract B having no public road frontage be combined with the currently owned Lasser property (PIN 22 33 23 34 0002), and

WHEREAS, Anoka County Property Records state that since the two Lasser parcels are within two separate watersheds, they cannot be combined into one parcel number.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA:

The parcel division of 22 33 23 33 0001 is approved with the condition that Tract B may not be sold separately without the approval of the City Council and is described as follows:

That part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 33, Range 23, Anoka County, Minnesota, lying east of the West 611.00 feet thereof, except that part of the East 200 feet of said Southwest Quarter of the Southwest Quarter lying South of the North 210 feet thereof:

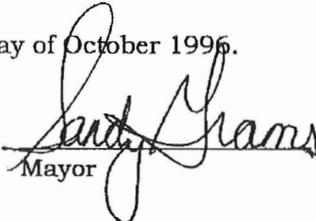
Said property shall not be sold separately from the following described property without the approval of the City Council of East Bethel:

The North 210 feet of the Southeast Quarter of the Southwest Quarter of Section Twenty Two (22) Township Thirty Three (33) Range Twenty Three (23) in the City of East Bethel, Anoka County, Minnesota.

Together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Easements and restrictions of record.

Adopted by the East Bethel City Council on this 16th day of October 1996.


City Clerk/Treasurer


Mayor



**ADDENDUM TO PURCHASE AGREEMENT:
COUNTEROFFER**

This form approved by the Minnesota Association of REALTORS®, which disclaims any liability arising out of use or misuse of this form. © 2020 Minnesota Association of REALTORS®, Edina, MN

- 1. Date April 12th, 2023
- 2. Page 1

- 3. Addendum to Purchase Agreement between parties, dated March 17th 2023
- 4. (Date of this Purchase Agreement), pertaining to the purchase and sale of the Property at
- 5. xxxx E Bethel Blvd NE East Bethel MN 55011

- 6. ***This Counteroffer does not include the terms or conditions in any previous Counteroffer(s).***
- 7. This Counteroffer Addendum is valid only upon signature and delivery of the Purchase Agreement.
- 8. The Purchase Agreement is rejected and the following Counteroffer is hereby made. All terms and conditions remain
- 9. the same, as stated in the Purchase Agreement, except the following:

10. (Select appropriate changes from original offer.)

- 11. Purchase price (and corresponding FHA ESCAPE CLAUSE sale price, if applicable) shall be
- 12. \$ 350,000.00

- 13. Earnest money shall be a total of \$ _____.

- 14. Cash of _____ percent (%) of the sale price, which includes the earnest money.

- 15. Mortgage financing of _____ percent (%) of the sale price.

FHA
16. Closing date shall be May 5th, 2023

- 17. Seller agrees to complete all FHA/Lender required repairs, not to exceed \$ _____.

- 18. Seller shall pay Buyer's closing costs, prepaids, insurance and _____

- 19. not to exceed \$ _____ or _____ percent (%) of the sale price.

- 20. **OTHER:**
Items "d" and "e" of the special contingencies section are removed. Item "d" is not applicable as there are no building plans to be approved here. Item "e" is not applicable, as the submittal and approval of subdivision development plans is a very long engineering process with elaborate reviews, by city engineers, planning commission, and city council, that is not possible to accomplish before the Closing Date.

24. If this Purchase Agreement does not close on the stated Closing Date for any reason related to Special Contingencies or any other reason, then Seller may, at Seller's option, declare this Purchase Agreement cancelled with a written notice and keep the earnest money.

27. Ahmed Phuly 04/12/2023 [Signature] 4/14/2023
 (Seller) (Date) (Buyer) (Date)
TH Construction of Anoka, Inc.

28. _____
 (Seller) (Date) (Buyer) (Date)

29. **FINAL ACCEPTANCE DATE:** _____ The Final Acceptance Date
30. is the date on which the fully executed Purchase Agreement is delivered.

31. **ATTACH ONLY THE FINAL COUNTEROFFER ADDENDUM TO THE PURCHASE AGREEMENT.**

32. **THIS IS A LEGALLY BINDING CONTRACT BETWEEN BUYER(S) AND SELLER(S).**
33. **IF YOU DESIRE LEGAL OR TAX ADVICE, CONSULT AN APPROPRIATE PROFESSIONAL.**



**PURCHASE AGREEMENT:
VACANT LAND (RESIDENTIAL)**

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- 1. Date 3/17/2023
- 2. Page 1

3. BUYER(S): T.H Construction of Anoka Inc.

4. _____

5. Buyer's earnest money in the amount of Five thousand dollars and 00/100
6. _____ Dollars (\$ 5000.00)

7. shall be delivered to listing broker, or, if checked, to _____ no later than two (2) Business
("Earnest Money Holder")

8. Days after Final Acceptance Date. Buyer and Seller agree that earnest money shall be deposited in the trust account
9. of Earnest Money Holder as specified above within three (3) Business Days of receipt of the earnest money or Final
10. Acceptance Date, whichever is later.

11. Said earnest money is part payment for the purchase of the property located at

12. Street Address: XXXX East Bethel Blvd.

13. City of East Bethel, County of Anoka State of Minnesota,

14. Zip Code 55011, legally described as SEE EXHIBIT A (ATTACHED)

15. Parcel #1 ID# 22-33-23-33-0004 - 16.53 acres

16. Parcel A of ID# 22-33-23-34-0002 (SEE ATTACHED EXHIBIT A)
1.74 ACRES

17. including all fixtures, if any, AND including the following personal property, if any, which shall be transferred with no
18. additional monetary value, and free and clear of all liens and encumbrances:

19. _____

20. _____

21. _____ (collectively the "Property").

22. Notwithstanding the foregoing, the following item(s) are excluded from the purchase:

23. _____

24. **PURCHASE PRICE:** \$350,000.00

25. Seller has agreed to sell the Property to Buyer for the sum of (\$ 315,000.00)

26. Three hundred fifteen thousand and 00/100

27. Three hundred fifty thousand and 00/100 Dollars,

28. which Buyer agrees to pay in the following manner:

29. 1. 100 percent (%) of the sale price in **CASH**, or more in Buyer's sole discretion, including earnest money;

30. 2. _____ percent (%) of the sale price in **MORTGAGE FINANCING**. (See following Mortgage Financing
31. section.)

32. 3. _____ percent (%) of the sale price by **ASSUMING** Seller's current mortgage. (See attached *Addendum to*
33. *Purchase Agreement: Assumption Financing*.)

34. 4. _____ percent (%) of the sale price by **CONTRACT FOR DEED**. (See attached *Addendum to Purchase*
35. *Agreement: Contract for Deed Financing*.)

36. **CLOSING DATE:**

37. The date of closing shall be May 15, 2023

May 07 2023

5

Xact



PURCHASE AGREEMENT:
VACANT LAND (RESIDENTIAL)

38. Page 2 Date 3-17-23

39. Property located at XXXX East Bethel Blvd

MORTGAGE FINANCING:

40. This Purchase Agreement IS IS NOT subject to the mortgage financing provisions below. If IS, complete the
41. -----(Check one.)-----

42. **MORTGAGE FINANCING** section below. If IS NOT, proceed to the **SELLER'S CONTRIBUTIONS TO BUYER'S**
43. **COSTS** section.

44. Such mortgage financing shall be: (Check one.)

45. FIRST MORTGAGE only FIRST MORTGAGE AND SUBORDINATE FINANCING.

46. Financing DOES DOES NOT include a grant, bond program, or other loan assistance program. If "DOES,"
----- (Check one.) -----

47. please specify: _____

48. Buyer shall apply for and secure, at Buyer's expense, a: (Check all that apply.)

49. CONVENTIONAL OR PRIVATELY INSURED CONVENTIONAL

50. DEPARTMENT OF VETERANS' AFFAIRS ("DVA") GUARANTEED

51. FEDERAL HOUSING ADMINISTRATION ("FHA") INSURED

52. UNITED STATES DEPARTMENT OF AGRICULTURE ("USDA") RURAL DEVELOPMENT

53. OTHER _____

54. mortgage in the amount stated in this Purchase Agreement, amortized over a period of not more than
55. _____ years, with an initial interest rate at no more than _____ percent (%) per annum. The mortgage
56. application **IS TO BE MADE WITHIN FIVE (5) BUSINESS DAYS** after the Final Acceptance Date. Buyer agrees to
57. use best efforts to secure a commitment for such financing and to execute all documents required to consummate
58. said financing.

59. **MORTGAGE FINANCING CONTINGENCY:** This Purchase Agreement is contingent upon the following and applies
60. to the first mortgage and any subordinate financing. (Check one.)

61. If Buyer cannot secure the financing specified in this Purchase Agreement, and this Purchase Agreement does not
62. close on the closing date specified, this Purchase Agreement is canceled. Buyer and Seller shall immediately
63. sign a *Cancellation of Purchase Agreement* confirming said cancellation and directing all earnest money paid here
64. to be REFUNDED TO BUYER FORFEITED TO SELLER.
----- (Check one.) -----

65. **NOTE:** If this Purchase Agreement is subject to DVA or FHA financing, **FORFEITED TO SELLER** may be
66. prohibited. See the following DVA and FHA Escape Clauses.

67. Buyer shall provide Seller, or licensee representing or assisting Seller, with the Written Statement, on
68. or before _____.

69. For purposes of this Contingency, "**Written Statement**" means a Written Statement prepared by Buyer's mortgage
70. originator(s) or lender(s) after the Final Acceptance Date that Buyer is approved for the loan(s) specified in this
71. Purchase Agreement, including both the first mortgage and any subordinate financing, if any, and stating that an
72. appraisal, satisfactory to the lender(s), has been completed and stating conditions required by lender(s) to close
73. the loan.

74. Upon delivery of the Written Statement to Seller, or licensee representing or assisting Seller, the obligation for
75. satisfying all conditions required by mortgage originator(s) or lender(s), except those conditions specified below,
76. are deemed accepted by Buyer:

- 77. (a) work orders agreed to be completed by Seller;
- 78. (b) any other financing terms agreed to be completed by Seller here; and
- 79. (c) any contingency for the sale and closing of Buyer's property pursuant to this Purchase Agreement.

**PURCHASE AGREEMENT:
VACANT LAND (RESIDENTIAL)**

80. Page 3 Date 3-17-23

81. Property located at X.XXX East Bethel Blvd

82. Upon delivery of the Written Statement, if this Purchase Agreement does not close on the stated closing date for
83. ANY REASON relating to financing, including, but not limited to interest rate and discount points, if any, then Seller
84. may, at Seller's option, declare this Purchase Agreement canceled, in which case this Purchase Agreement is
85. canceled. If Seller declares this Purchase Agreement canceled, Buyer and Seller shall immediately sign a
86. *Cancellation of Purchase Agreement* confirming said cancellation and directing all earnest money paid here to
87. be forfeited to Seller as liquidated damages. In the alternative, Seller may seek all other remedies allowed by law.

88. Notwithstanding the language in the preceding paragraph, Seller may not declare this Purchase Agreement
89. canceled if the reason this Purchase Agreement does not close was due to:
90. (a) Seller's failure to complete work orders to the extent required by this Purchase Agreement;
91. (b) Seller's failure to complete any other financing terms agreed to be completed by Seller here; or
92. (c) any contingency for the sale and closing of Buyer's property pursuant to this Purchase Agreement, except
93. as specified in the contingency for sale and closing of Buyer's property.

94. If the Written Statement is not provided by the date specified on line 68, Seller may, at Seller's option, declare this
95. Purchase Agreement canceled by written notice to Buyer at any time prior to Seller receiving the Written Statement,
96. in which case this Purchase Agreement is canceled. In the event Seller declares this Purchase Agreement
97. canceled, Buyer and Seller shall immediately sign a *Cancellation of Purchase Agreement* confirming said
98. cancellation and directing all earnest money paid here to be refunded to Buyer.

99. If the Written Statement is not provided, and Seller has not previously canceled this Purchase Agreement, this
100. Purchase Agreement is canceled as of the closing date specified in this Purchase Agreement. Buyer and Seller
101. shall immediately sign a *Cancellation of Purchase Agreement* confirming said cancellation and directing all
102. earnest money paid here to be refunded to Buyer.

103. **LOCKING OF MORTGAGE INTEREST RATE ("RATE"):** The Rate shall be locked with the lender(s) by Buyer:
104. *(Check one.)*

- 105. WITHIN FIVE (5) BUSINESS DAYS OF FINAL ACCEPTANCE DATE; OR
- 106. AT ANY TIME PRIOR TO CLOSING OR AS REQUIRED BY LENDER(S).

107. **LENDER COMMITMENT WORK ORDERS:** Seller agrees to pay up to \$ _____ to
108. make repairs as required by the lender commitment. If the lender commitment is subject to any work orders for which
109. the cost of making said repairs shall exceed this amount, Seller shall have the following options:

- 110. (a) making the necessary repairs; or
- 111. (b) negotiating the cost of making said repairs with Buyer; or
- 112. (c) declaring this Purchase Agreement canceled, in which case this Purchase Agreement is canceled. Buyer and Seller
113. shall immediately sign a *Cancellation of Purchase Agreement* confirming said cancellation and directing all
114. earnest money paid here to be refunded to Buyer, unless Buyer provides for payment of the cost of said repairs
115. or escrow amounts related thereto above the amount specified on line 107 of this Purchase Agreement.

116. SELLER BUYER agrees to pay any reinspection fee required by Buyer's lender(s).
(Check one.)

117. **FHA ESCAPE CLAUSE (FHA Financing only):** "It is expressly agreed that, notwithstanding any other provisions
118. of this contract, the purchaser shall not be obligated to complete the purchase of the Property described here or to
119. incur any penalty by forfeiture of earnest money deposits or otherwise, unless the purchaser has been given in
120. accordance with the Department of Housing and Urban Development ("HUD")/FHA or DVA requirements a written
121. statement by the Federal Housing Commissioner, Department of Veterans' Affairs, or a Direct Endorsement lender
122. setting forth the appraised value of the Property as not less than \$ _____
(sale price)

123. The purchaser shall have the privilege and option of proceeding with consummation of the contract without regard
124. to the amount of the appraised valuation. The appraised valuation is arrived at to determine the maximum mortgage
125. HUD will insure; HUD does not warrant the value nor the condition of the Property. The purchaser should satisfy
126. himself/herself that the price and condition of the Property are acceptable."

127. **LENDER PROCESSING FEES (FHA, DVA Financing Only):** Seller agrees to pay Buyer's closing fees and
128. miscellaneous processing fees which cannot be charged to Buyer, not to exceed \$ _____
129. This amount is in addition to Seller's Contributions to Buyer's Costs, if applicable.

**PURCHASE AGREEMENT:
VACANT LAND (RESIDENTIAL)**

130. Page 4 Date 3-17-23

131. Property located at XXXX East Bethel Blvd

132. **DVA FUNDING FEE (DVA Financing only):** Pursuant to federal regulations, a one-time Funding Fee based on loan amount must be paid at the closing of this transaction as follows:

133. _____ paid by Buyer AT CLOSING ADDED TO MORTGAGE AMOUNT
(Check one.)

134. _____ paid by Seller

135. **NOTE:** DVA regulations limit the fees and charges Buyer can pay to obtain a DVA loan.

136. **DEPARTMENT OF VETERANS' AFFAIRS ESCAPE CLAUSE (DVA Financing only):** "It is expressly agreed that, notwithstanding any other provisions of this contract, the purchaser shall not incur any penalty by forfeiture of earnest money or otherwise be obligated to complete the purchase of the Property described here, if the contract purchase price or cost exceeds the reasonable value of this Property established by the Department of Veterans' Affairs. The purchaser shall, however, have the privilege and option of proceeding with the consummation of this contract without regard to the amount of reasonable value established by the Department of Veterans' Affairs."

137. **NOTE:** Verify DVA requirements relating to payment of all special assessments levied and pending, and annual installments of special assessments certified to yearly taxes.

138. **OTHER MORTGAGE FINANCING ITEMS:** _____

139. _____

SELLER'S CONTRIBUTIONS TO BUYER'S COSTS:

140. Seller IS IS NOT contributing to Buyer's costs. If answer is IS, Seller agrees to pay at closing, up to: (Check one.)
(Check one.)

141. \$ _____

142. _____ percent (%) of the sale price towards Buyer's closing fees, title service fees, title searches, title examinations, abstracting, lender's title insurance, owner's title insurance, prepaid items, other Buyer's costs allowable by lender, if any, and/or mortgage discount points. Any amount of Seller's contribution that exceeds Buyer's allowable costs, or which cannot be used because Seller's contribution exceeds the maximum Seller contribution allowed by law or by mortgage requirements, shall be retained by Seller.

143. **NOTE:** The amount paid by Seller cannot exceed the maximum Seller contribution allowed by FHA, DVA, or lender. All funds paid by Seller on behalf of Buyer must be stated on the Closing Disclosure at closing.

SALE OF BUYER'S PROPERTY:

144. (Check one.)

145. 1. This Purchase Agreement is subject to an Addendum to Purchase Agreement: Sale of Buyer's Property Contingency for the sale of Buyer's property. (If checked, see attached Addendum.)

146. OR

147. 2. This Purchase Agreement is contingent upon the successful closing on the Buyer's property located at _____, which is scheduled to close on _____

148. _____ pursuant to a fully executed purchase agreement. If Buyer's property does not close by the closing date specified in this Purchase Agreement, this Purchase Agreement is canceled. Buyer and Seller shall immediately sign a Cancellation of Purchase Agreement confirming said cancellation and directing all earnest money paid here to be refunded to Buyer. The language in this paragraph supersedes any other provision to the contrary in any financing contingency made a part of this Purchase Agreement, if applicable.

149. OR

150. 3. Buyer represents that Buyer has the financial ability to perform on this Purchase Agreement without the sale and closing on any other property.

**PURCHASE AGREEMENT:
VACANT LAND (RESIDENTIAL)**

174. Page 5 Date 3-17-23

175. Property located at XXXX East Bethel Blvd

REAL ESTATE TAXES/SPECIAL ASSESSMENTS:

- 176. **REAL ESTATE TAXES:** Seller shall pay on the date of closing all real estate taxes due and payable in all prior years including all penalties and interest.
- 177. Buyer shall pay PRORATED FROM DAY OF CLOSING ALL NONE _____ /12ths OF real estate taxes due and payable in the year of closing. (Check one.)
- 178. Seller shall pay PRORATED TO DAY OF CLOSING ALL NONE _____ /12ths OF real estate taxes due and payable in the year of closing. (Check one.)
- 179. Buyer shall pay real estate taxes due and payable in the year following closing and thereafter, the payment of which is not otherwise here provided. No representations are made concerning the amount of subsequent real estate taxes.

DEFERRED TAXES/SPECIAL ASSESSMENTS:

- 180. BUYER SHALL PAY SELLER SHALL PAY on date of closing any deferred real estate taxes (e.g. Green Acres) or special assessments, payment of which is required as a result of the closing of this sale. (Check one.)
- 181. BUYER AND SELLER SHALL PRORATE AS OF THE DATE OF CLOSING SELLER SHALL PAY ON DATE OF CLOSING all installments of special assessments certified for payment, with the real estate taxes due and payable in the year or closing. (Check one.)
- 182. BUYER SHALL ASSUME SELLER SHALL PAY on date of closing all other special assessments levied as of the Date of this Purchase Agreement. (Check one.)
- 183. BUYER SHALL ASSUME SELLER SHALL PROVIDE FOR PAYMENT OF special assessments pending as of the Date of this Purchase Agreement for improvements that have been ordered by any assessing authorities. (Seller's provision for payment shall be by payment into escrow of two (2) times the estimated amount of the assessments or less, as required by Buyer's lender.) (Check one.)
- 184. Buyer shall pay any unpaid special assessments payable in the year following closing and thereafter, the payment of which is not otherwise here provided.

- 185. As of the Date of this Purchase Agreement, Seller represents that Seller HAS HAS NOT received a notice regarding any new improvement project from any assessing authorities, the costs of which project may be assessed against the Property. Any such notice received by Seller after the Date of this Purchase Agreement and before closing shall be provided to Buyer immediately. If such notice is issued after the Date of this Purchase Agreement and on or before the date of closing, then the parties may agree in writing, on or before the date of closing, to pay, provide for the payment of, or assume the special assessments. In the absence of such agreement, either party may declare this Purchase Agreement canceled by written notice to the other party, or licensee representing or assisting the other party, in which case this Purchase Agreement is canceled. If either party declares this Purchase Agreement canceled, Buyer and Seller shall immediately sign a *Cancellation of Purchase Agreement* confirming said cancellation and directing all earnest money paid here to be refunded to Buyer.

ADDITIONAL PROVISIONS:

- 210. **PREVIOUSLY EXECUTED PURCHASE AGREEMENT:** This Purchase Agreement IS IS NOT subject to cancellation of a previously executed purchase agreement dated _____ (Check one.)
- 211. (If answer is IS, said cancellation shall be obtained no later than _____)
- 212. If said cancellation is not obtained by said date, this Purchase Agreement is canceled. Buyer and Seller shall immediately sign a *Cancellation of Purchase Agreement* confirming said cancellation and directing all earnest money paid here to be refunded to Buyer.)

PURCHASE AGREEMENT:
VACANT LAND (RESIDENTIAL)

217. Page 6 Date

3/17/23

218. Property located at XXXX East Bethel Blvd

219. SPECIAL CONTINGENCIES: This Purchase Agreement is subject to the following contingencies, and if the

220. contingencies checked below are not satisfied or waived, in writing, by Buyer by the closing date

221. this Purchase Agreement is canceled as of said date. Buyer and Seller shall immediately sign a Cancellation of

222. Purchase Agreement confirming said cancellation and directing all earnest money paid here to be refunded to

223. Buyer.

224. (Select appropriate options a-k.)

225. (a) Buyer obtaining a physical inspection of the Property, satisfactory to Buyer.

226. (b) Buyer obtaining evidence of utility connections available, and costs for connection to the Property, satisfactory to Buyer.

228. (c) BUYER SELLER shall provide a certificate of survey of the Property, at BUYER SELLER expense.

230. (d) Buyer obtaining approval of city/township of proposed building plans and specifications at BUYER SELLER expense. Not applicable; as there are no building plans. We request this condition to be removed.

232. (e) Buyer obtaining approval of city/township of proposed subdivision development plans at BUYER SELLER expense. Not applicable; as the submittal and approval of subdivision development plans is a very long engineering process that is not possible to accomplish before the Closing Date.

234. (f) Buyer obtaining approval of city/township for rezoning or use permits at BUYER SELLER expense.

235. (g) Buyer obtaining, at BUYER SELLER expense, percolation tests which are acceptable to Buyer.

236. (h) Buyer obtaining, at BUYER SELLER expense, soil tests which indicate that the Property may be improved without extraordinary building methods or cost.

238. (i) Buyer obtaining approval of building plans and/or specifications in accordance with any recorded subdivision covenants and approval of the architectural control committee.

240. (j) Buyer obtaining, at BUYER SELLER expense, copies of all covenants, reservations, and restrictions affecting the Property, satisfactory to Buyer.

242. (k) Other: Purchase agreement is contingent upon City approval of Parcel A & B lot split.

244. If this Purchase Agreement does not close on the stated Closing Date for any reason related to any Special Contingencies or any other reason, then Seller may, at Seller's option, declare this Purchase Agreement cancelled with a written notice and keep the earnest money.

246. Seller's expenses for these contingencies (if any) shall not exceed \$ 0.

247. DEED/MARKETABLE TITLE: Upon performance by Buyer, Seller shall deliver a: (Check one.)

248. WARRANTY DEED PERSONAL REPRESENTATIVE'S DEED CONTRACT FOR DEED

249. TRUSTEE'S DEED Other: Deed joined in by spouse, if any, conveying marketable title, subject to

251. (a) building and zoning laws, ordinances, state and federal regulations;

252. (b) restrictions relating to use or improvement of the Property without effective forfeiture provisions;

253. (c) reservation of any mineral rights by the State of Minnesota;

254. (d) utility and drainage easements which do not interfere with existing improvements;

255. (e) rights of tenants as follows (unless specified, not subject to tenancies): ; and

257. (f) others (must be specified in writing):

**PURCHASE AGREEMENT:
VACANT LAND (RESIDENTIAL)**

259. Page 7 Date 3/17/23

260. Property located at XXXX East Bethel Blvd
261. **POSSESSION:** Seller shall deliver possession of the Property: *(Check one.)*
262. **IMMEDIATELY AFTER CLOSING;** or
263. **OTHER:** _____
264. Seller agrees to remove ALL DEBRIS AND ALL PERSONAL PROPERTY NOT INCLUDED HERE from the Property
265. by possession date.
266. **PRORATIONS:** All interest; unit owners' association dues; rents; and charges for city water, city sewer, electricity,
267. and natural gas shall be prorated between the parties as of date of closing. Buyer shall pay Seller for remaining
268. gallons of fuel oil or liquid petroleum gas on the day of closing, at the rate of the last fill by Seller.
269. **TITLE AND EXAMINATION:** Within a reasonable time period after Final Acceptance Date, Seller shall provide one of
270. the following title evidence options, at Seller's selection, which shall include proper searches covering bankruptcies,
271. state and federal judgments and liens, and levied and pending special assessments to Buyer or Buyer's designated
272. title service provider:
273. (a) A commitment for an owner's policy of title insurance on a current ALTA form issued by an insurer licensed to write
274. title insurance in Minnesota as selected by Buyer. Seller shall be responsible for the title search and exam costs
275. related to the commitment. Buyer shall be responsible for all additional costs related to the issuance of the title
276. insurance policy(ies), including but not limited to the premium(s), Buyer's name search and plat drawing, if
277. any. Seller shall deliver any abstract of title and a copy of any owner's title insurance policy for the Property,
278. if in Seller's possession or control, to Buyer or Buyer's designated title service provider. Any abstract of title or
279. owner's title insurance policy provided shall be immediately returned to Seller, or licensee representing or
280. assisting Seller, upon cancellation of this Purchase Agreement.
281. (b) An Abstract of Title certified to date if Abstract Property or a Registered Property Abstract ("RPA") certified to date
282. if Registered (Torrens) Property. Seller shall pay for the abstracting or RPA costs and deliver any abstract for
283. this Property in Seller's possession or control to Buyer or Buyer's designated title service provider. Any abstract
284. provided shall be immediately returned to Seller, or licensee representing or assisting Seller, upon cancellation of
285. this Purchase Agreement. If Property is Abstract and Seller does not have an abstract of title, Option (a) will
286. automatically apply.
287. Seller shall use Seller's best efforts to provide marketable title by the date of closing. In the event that Seller has not
288. provided marketable title by the date of closing, Seller shall have an additional thirty (30) days to make title marketable
289. or, in the alternative, Buyer may waive title defects by written notice to Seller. In addition to the thirty (30)-day
290. extension, Buyer and Seller may by mutual agreement further extend the closing date. Lacking such extension,
291. either party may declare this Purchase Agreement canceled by written notice to the other party, or licensee
292. representing or assisting the other party, in which case this Purchase Agreement is canceled. If either party declares
293. this Purchase Agreement canceled, Buyer and Seller shall immediately sign a *Cancellation of Purchase Agreement*
294. confirming said cancellation and directing all earnest money paid here to be refunded to Buyer.
295. **SUBDIVISION OF LAND, BOUNDARIES, AND ACCESS:** If this sale constitutes or requires a subdivision of land
296. owned by Seller, Seller shall pay all subdivision expenses and obtain all necessary governmental approvals. This
297. provision deals with the necessity of subdividing land to complete the sale of the Property described here in contrast
298. to the subdivision provision of lines 232-233 which deals with the future development plans of Buyer. Seller warrants
299. the legal description of the real Property to be conveyed has been or shall be approved for recording as of the date
300. of closing. Seller warrants that there is a right of access to the Property from a public right-of-way.
301. **MECHANIC'S LIENS:** Seller warrants that prior to the closing, payment in full will have been made for all labor,
302. materials, machinery, fixtures, or tools furnished within the 120 days immediately preceding the closing.
303. **NOTICES:** Seller warrants that Seller has not received any notice from any governmental authority as to condemnation
304. proceedings or violation of any law, ordinance, or regulation. If the Property is subject to restrictive covenants, Seller
305. warrants that Seller has not received any notice from any person or authority as to a breach of the covenants. Any
306. such notices received by Seller shall be provided to Buyer immediately.

**PURCHASE AGREEMENT:
VACANT LAND (RESIDENTIAL)**

307. Page 8

Date

3/17/23

308. Property located at XXXX East Bethel Blvd.
309. **DIMENSIONS:** Buyer acknowledges any dimensions, square footage, or acreage of land or improvements provided
310. by Seller, third party, or broker representing or assisting Seller are approximate. Buyer shall verify the accuracy of
311. information to Buyer's satisfaction, if material, at Buyer's sole cost and expense.
312. **ACCESS AGREEMENT:** Seller agrees to allow Buyer reasonable access to the Property for performance of any
313. surveys, inspections or tests, or for water, sewer, gas, or electrical service hookup as agreed to here. Buyer shall
314. restore the premises to the same condition it was in prior to the surveys, inspections, or tests and pay for any
315. restoration costs relative thereto.
316. **RISK OF LOSS:** If there is any loss or damage to the Property between the Date of this Purchase Agreement and
317. the date of closing for any reason, including fire, vandalism, flood, earthquake, or act of God, the risk of loss shall
318. be on Seller. If the Property is destroyed or substantially damaged before the closing date, this Purchase Agreement
319. is canceled, at Buyer's option, by written notice to Seller or licensee representing or assisting Seller. If Buyer cancels
320. this Purchase Agreement, Buyer and Seller shall immediately sign a *Cancellation of Purchase Agreement* confirming
321. said cancellation and directing all earnest money paid here to be refunded to Buyer.
322. **TIME OF ESSENCE:** Time is of the essence in this Purchase Agreement.
323. **CALCULATION OF DAYS:** Any calculation of days begins on the first day (Calendar or Business Days as specified)
324. following the occurrence of the event specified and includes subsequent days (Calendar or Business Days as
325. specified) ending at 11:59 P.M. on the last day.
326. **BUSINESS DAYS:** "Business Days" are days which are not Saturdays, Sundays, or state and federal holidays
327. unless stated elsewhere by the parties in writing.
328. **CALENDAR DAYS:** "Calendar Days" include Saturdays, Sundays, or state or federal holidays.
329. **RELEASE OF EARNEST MONEY:** Buyer and Seller agree that the Earnest Money Holder shall release earnest
330. money from the Earnest Money Holder's trust account:
331. (a) at or upon the successful closing of the Property;
332. (b) pursuant to written agreement between the parties, which may be reflected in a *Cancellation of Purchase*
333. *Agreement* executed by both Buyer and Seller;
334. (c) upon receipt of an affidavit of a cancellation under MN Statute 559.217; or
335. (d) upon receipt of a court order.
336. **DEFAULT:** If Buyer defaults in any of the agreements here, Seller may cancel this Purchase Agreement, and any
337. payments made here, including earnest money, shall be retained by Seller as liquidated damages and Buyer and
338. Seller shall affirm the same by a written cancellation agreement.
339. If Buyer defaults in any of the agreements here, Seller may terminate this Purchase Agreement under the
340. provisions of either MN Statute 559.21 or MN Statute 559.217, whichever is applicable. If either Buyer or Seller
341. defaults in any of the agreements here or there exists an unfulfilled condition after the date specified for fulfillment,
342. either party may cancel this Purchase Agreement under MN Statute 559.217, Subd. 3. Whenever it is provided here
343. that this Purchase Agreement is canceled, said language shall be deemed a provision authorizing a Declaratory
344. Cancellation under MN Statute 559.217, Subd. 4.
345. If this Purchase Agreement is not canceled or terminated as provided here, Buyer or Seller may seek actual damages
346. for breach of this Purchase Agreement or specific performance of this Purchase Agreement; and, as to specific
347. performance, such action must be commenced within six (6) months after such right of action arises.
348. **NOTICE REGARDING AIRPORT ZONING REGULATIONS:** The Property may be in or near an airport safety zone
349. with zoning regulations adopted by the governing body that may affect the Property. Such zoning regulations are
350. filed with the county recorder in each county where the zoned area is located. If you would like to determine if such
351. zoning regulations affect the Property, you should contact the county recorder where the zoned area is located.
352. **NOTICE REGARDING PREDATORY OFFENDER INFORMATION:** Information regarding the predatory offender
353. registry and persons registered with the predatory offender registry under MN Statute 243.166 may be
354. obtained by contacting the local law enforcement offices in the community where the Property is located
355. or the Minnesota Department of Corrections at (651) 361-7200, or from the Department of Corrections web
356. site at www.corr.state.mn.us.

PURCHASE AGREEMENT:
VACANT LAND (RESIDENTIAL)

357. Page 9 Date 3/17/23

- 358. Property located at XXXX East Bethel Blvd.
- 359. **SPECIAL DISCLOSURES:** Seller discloses, to the best of Seller's knowledge, that the Property described in this
- 360. Purchase Agreement consists of approximately ACRES SQUARE FEET and is currently zoned Agricultural
- 361. 2 parcels - total 18.27 acres
- 362. Seller discloses, to the best of Seller's knowledge, that the Property IS IS NOT in a designated flood zone.
- 363. Seller discloses, to the best of Seller's knowledge, that the Property DOES DOES NOT currently receive preferential tax treatment (e.g. Green Acres, Managed Forest Land, Non-Profit Status, Rural Preserve, SFIA, etc.).
- 364. Seller discloses, to the best of Seller's knowledge, that the Property IS IS NOT enrolled in any federal, state, or local governmental programs (e.g., conservation programs, CREP, CRP, EQIP, Green Acres, Managed Forest Land, RIM, riparian buffers, Rural Preserve, SFIA, WRP/RIM-WRP, etc.).

- 368. BUYER HAS THE RIGHT TO A WALK-THROUGH REVIEW OF THE PROPERTY PRIOR TO CLOSING TO ESTABLISH THAT THE PROPERTY IS IN SUBSTANTIALLY THE SAME CONDITION AS OF THE DATE OF THIS PURCHASE AGREEMENT.
- 371. BUYER HAS RECEIVED A: (Check any that apply.) DISCLOSURE STATEMENT: VACANT LAND OR A DISCLOSURE STATEMENT: SELLER'S DISCLOSURE ALTERNATIVES FORM.
- 373. **DESCRIPTION OF PROPERTY CONDITION:** See Disclosure Statement: Vacant Land or Disclosure Statement: Seller's Disclosure Alternatives for description of disclosure responsibilities and limitations, if any.
- 374. *Seller's Disclosure Alternatives* for description of disclosure responsibilities and limitations, if any.
- 375. BUYER HAS RECEIVED THE INSPECTION REPORTS, IF REQUIRED BY MUNICIPALITY.
- 376. BUYER IS NOT RELYING ON ANY ORAL REPRESENTATIONS REGARDING THE CONDITION OF THE PROPERTY.

- 377. **PLEASE NOTE:** Buyer may incur additional charges improving the Property, including, but not limited to, hookup and/or access charges; municipal charges; costs for sewer access, stubbing access, water access, park dedication, road access, curb cuts, utility connection and connecting fees; and tree planting charges.

- 380. (Check appropriate boxes.)
- 381. SELLER WARRANTS THAT THE PROPERTY IS EITHER DIRECTLY OR INDIRECTLY CONNECTED TO:
- 382. CITY SEWER YES NO / CITY WATER YES NO
- 383. **SUBSURFACE SEWAGE TREATMENT SYSTEM**
- 384. SELLER DOES DOES NOT KNOW OF A SUBSURFACE SEWAGE TREATMENT SYSTEM ON OR SERVING THE PROPERTY. (If answer is DOES, and the system does not require a state permit, see Disclosure Statement: Subsurface Sewage Treatment System.)
- 387. **PRIVATE WELL**
- 388. SELLER DOES DOES NOT KNOW OF A WELL ON OR SERVING THE PROPERTY. (If answer is DOES and well is located on the Property, see Disclosure Statement: Well.)
- 390. TO THE BEST OF SELLER'S KNOWLEDGE, THE PROPERTY IS IS NOT IN A SPECIAL WELL CONSTRUCTION AREA.
- 392. THIS PURCHASE AGREEMENT IS IS NOT SUBJECT TO AN ADDENDUM TO PURCHASE AGREEMENT: SUBSURFACE SEWAGE TREATMENT SYSTEM AND WELL INSPECTION CONTINGENCY. (If answer is IS, see attached Addendum.)
- 395. IF A WELL OR SUBSURFACE SEWAGE TREATMENT SYSTEM EXISTS ON THE PROPERTY, BUYER HAS RECEIVED A DISCLOSURE STATEMENT: WELL AND/OR A DISCLOSURE STATEMENT: SUBSURFACE SEWAGE TREATMENT SYSTEM.



PURCHASE AGREEMENT:
VACANT LAND (RESIDENTIAL)

398. Page 10 Date 3/17/03

399. Property located at XXXX East Bethel Blvd

AGENCY NOTICE

400. Jodi Hennen
(Licensee)

is Seller's Agent Buyer's Agent Dual Agent Facilitator.
(Check one.)

401. TH Realty
(Real Estate Company Name)

402. Tom Laing
(Licensee)

is Seller's Agent Buyer's Agent Dual Agent Facilitator.
(Check one.)

403. JPW Realty
(Real Estate Company Name)

405. THIS NOTICE DOES NOT SATISFY MINNESOTA STATUTORY AGENCY DISCLOSURE REQUIREMENTS.

DUAL AGENCY REPRESENTATION

406. PLEASE CHECK ONE OF THE FOLLOWING SELECTIONS:

407. Dual Agency representation DOES NOT apply in this transaction. *Do not complete lines 409-425.*

408. Dual Agency representation DOES apply in this transaction. *Complete the disclosure in lines 410-425.*

409. Broker represents both the Seller(s) and the Buyer(s) of the Property involved in this transaction, which creates a dual agency. This means that Broker and its salespersons owe fiduciary duties to both Seller(s) and Buyer(s). Because the parties may have conflicting interests, Broker and its salespersons are prohibited from advocating exclusively for either party. Broker cannot act as a dual agent in this transaction without the consent of both Seller(s) and Buyer(s). Seller(s) and Buyer(s) acknowledge that

- 410. (1) confidential information communicated to Broker which regards price, terms, or motivation to buy or sell will remain confidential unless Seller(s) or Buyer(s) instructs Broker in writing to disclose this information. Other information will be shared;
- 411. (2) Broker and its salespersons will not represent the interest of either party to the detriment of the other; and
- 412. (3) within the limits of dual agency, Broker and its salespersons will work diligently to facilitate the mechanics of the sale.

413. With the knowledge and understanding of the explanation above, Seller(s) and Buyer(s) authorize and instruct Broker and its salesperson to act as dual agents in this transaction.

414. Seller _____ Buyer _____

415. Seller _____ Buyer _____

416. Date _____ Date _____

417. **CLOSING COSTS:** Buyer or Seller may be required to pay certain closing costs, which may effectively increase the cash outlay at closing or reduce the proceeds from the sale.

418. **SETTLEMENT STATEMENT:** Buyer and Seller authorize the title company, escrow agent, and/or their representatives to disclose and provide copies of the disbursing agent's settlement statement to the real estate licensees involved in the transaction at the time these documents are provided to Buyer and Seller.



**PURCHASE AGREEMENT:
VACANT LAND (RESIDENTIAL)**

431. Page 11 Date 3/17/23

432. Property located at XXXX East Bethel Blvd

433. **FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT ("FIRPTA"):** Section 1445 of the Internal Revenue Code
434. provides that a transferee ("Buyer") of a United States real property interest must be notified in writing and must withhold
435. tax if the transferor ("Seller") is a foreign person and no exceptions from FIRPTA withholding apply. Buyer and Seller
436. agree to comply with FIRPTA requirements under Section 1445 of the Internal Revenue Code.

437. Seller shall represent and warrant, under the penalties of perjury, whether Seller is a "foreign person" (as the same
438. is defined within FIRPTA), prior to closing. Any representations made by Seller with respect to this issue shall survive
439. the closing and delivery of the deed.

440. Buyer and Seller shall complete, execute, and deliver, on or before closing, any instrument, affidavit, or statement
441. reasonably necessary to comply with the FIRPTA requirements, including delivery of their respective federal taxpayer
442. identification numbers or Social Security numbers.

443. Due to the complexity and potential risks of failing to comply with FIRPTA, including the Buyer's responsibility for
444. withholding the applicable tax, Buyer and Seller should seek appropriate legal and tax advice regarding FIRPTA
445. compliance, as the respective licensee's representing or assisting either party will be unable to assure either
446. party whether the transaction is exempt from FIRPTA withholding requirements.

447. **FULLY EXECUTED PURCHASE AGREEMENT AND FINAL ACCEPTANCE:** To be binding, this Purchase Agreement
448. and all addenda must be fully executed by both parties and a copy must be delivered.

449. **ELECTRONIC SIGNATURES:** The parties agree the electronic signature of any party on any document related to
450. this transaction constitute valid, binding signatures.

451. **ENTIRE AGREEMENT:** This Purchase Agreement and all addenda and amendments signed by the parties shall
452. constitute the entire agreement between Buyer and Seller. Any other written or oral communication between Buyer
453. and Seller, including, but not limited to, e-mails, text messages, or other electronic communications are not part of this
454. Purchase Agreement. This Purchase Agreement can be modified or canceled only in writing signed by Buyer and
455. Seller or by operation of law. All monetary sums are deemed to be United States currency for purposes of this
456. Purchase Agreement.

457. **SURVIVAL:** All warranties specified in this Purchase Agreement shall survive the delivery of the deed or contract
458. for deed.

459. **DATE OF THIS PURCHASE AGREEMENT:** Date of this Purchase Agreement to be defined as the date on line one
460. (1) of this Purchase Agreement.

461. **OTHER:** _____

462. _____

463. _____

464. **ADDENDA:** The following addenda are attached and made a part of this Purchase Agreement.
465. **NOTE:** Disclosures and optional Arbitration Agreement are not part of this Purchase Agreement.

- 466. Addendum to Purchase Agreement (Exhibit A)
- 467. Addendum to Purchase Agreement: Assumption Financing
- 468. Addendum to Purchase Agreement: Buyer Purchasing "As Is" and Limitation of Seller Liability
- 469. Addendum to Purchase Agreement: Condominium/Townhouse/Cooperative Common Interest Community
- 470. ("CIC")
- 471. Addendum to Purchase Agreement: Contract for Deed Financing
- 472. Addendum to Purchase Agreement: Disclosure of Information on Lead-Based Paint and Lead-Based Paint
- 473. Hazards
- 474. Addendum to Purchase Agreement: Sale of Buyer's Property Contingency
- 475. Addendum to Purchase Agreement: Seller's Rent Back Agreement
- 476. Addendum to Purchase Agreement: Short Sale Contingency
- 477. Addendum to Purchase Agreement: Subsurface Sewage Treatment System and Well Inspection Contingency

**PURCHASE AGREEMENT:
VACANT LAND (RESIDENTIAL)**

478. Page 12, Date

3/17/23

479. Property located at

XXXX East Bethel Blvd

480. I agree to sell the Property for the price and on the terms
481. and conditions set forth above.
482. I have reviewed all pages of this Purchase
483. Agreement.

I agree to purchase the Property for the price and on
the terms and conditions set forth above.
I have reviewed all pages of this Purchase
Agreement.

484. If checked, this Purchase Agreement is subject to
485. attached *Addendum to Purchase Agreement:*
486. *Counteroffer* and the Final Acceptance Date shall
487. be noted on the *Addendum*.

488. **FIRPTA:** Seller represents and warrants, under penalty
489. of perjury that Seller IS IS NOT a foreign person (i.e., a
-----*(Check one.)*-----

490. non-resident alien individual, foreign corporation, foreign
491. partnership, foreign trust, or foreign estate for purposes of
492. income taxation. (See lines 433-446.) This representation
493. and warranty shall survive the closing of the transaction
494. and the delivery of the deed.

495. X ^{Authentisign} Ahmed Phuly 04/12/23
(Seller's Signature) (Date)

X [Signature] 3/17/2023
(Buyer's Signature) (Date)

496. X Ahmed Phuly
(Seller's Printed Name)

X Anthony L Hennen
(Buyer's Printed Name)

497. X _____
(Seller's Signature) (Date)

X TH Construction of Anoka Inc
(Buyer's Signature) (Date)

498. X _____
(Seller's Printed Name)

X _____
(Buyer's Printed Name)

499. **FINAL ACCEPTANCE DATE:** _____ The Final Acceptance Date
500. is the date on which the fully executed Purchase Agreement is delivered.

501. **THIS IS A LEGALLY BINDING CONTRACT BETWEEN BUYER(S) AND SELLER(S).**
502. **IF YOU DESIRE LEGAL OR TAX ADVICE, CONSULT AN APPROPRIATE PROFESSIONAL.**

503. I ACKNOWLEDGE THAT I HAVE RECEIVED AND HAVE HAD THE OPPORTUNITY TO REVIEW THE
504. **DISCLOSURE STATEMENT: ARBITRATION DISCLOSURE AND RESIDENTIAL REAL PROPERTY ARBITRATION**
505. **AGREEMENT, WHICH IS AN OPTIONAL, VOLUNTARY AGREEMENT SEPARATE FROM THIS PURCHASE**
506. **AGREEMENT.**

507. SELLER(S) ^{Authentisign} Ahmed Phuly

BUYER(S) [Signature]

508. SELLER(S) _____

BUYER(S) _____

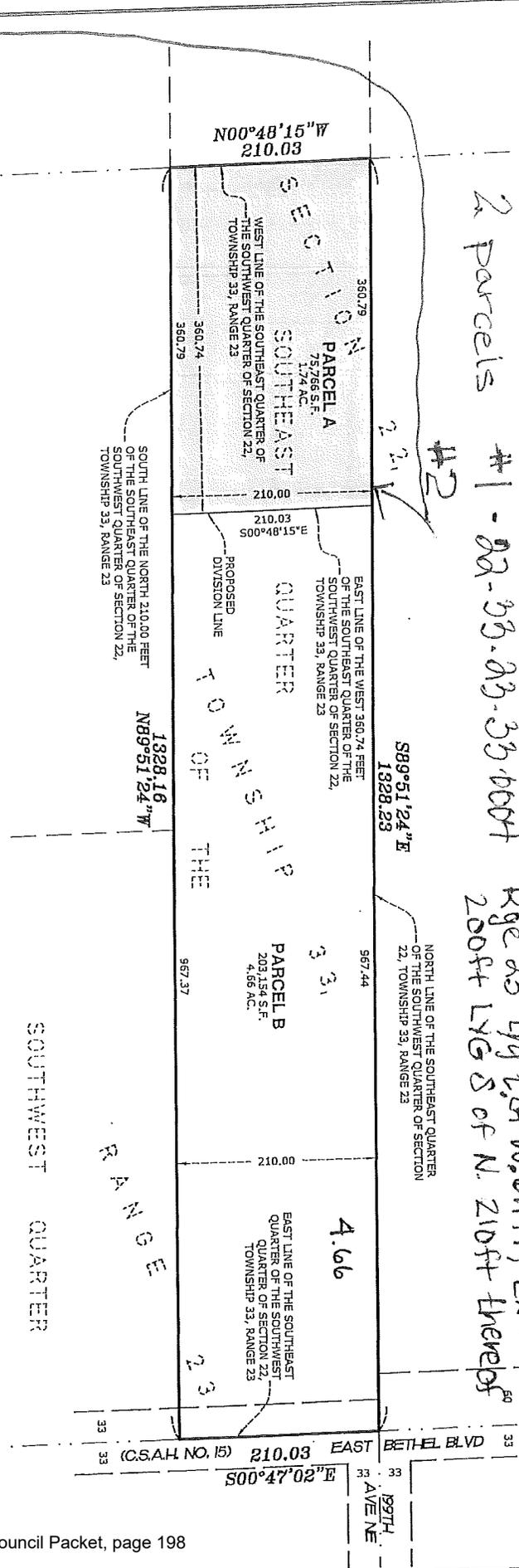


Exhibit # A

PARCEL SKETCH AND DESCRIPTION

2 parcels #1 - 22-33-23-33 0001

SW 1/4 of SW 1/4 Sec 22 Twp 33 Rge 23 L9g E of W. 611 ft, Ex E 200ft LYG S of N. 210ft thereof



EXISTING PARCEL DESCRIPTION

The North 210.00 feet of the Southeast Quarter of the Southwest Quarter of Section 22, Township 33, Range 23, Anoka County, Minnesota.

PROPOSED PARCEL A DESCRIPTION

The West 360.74 feet of the North 210.00 feet of the Southeast Quarter of the Southwest Quarter of Section 22, Township 33, Range 23, Anoka County, Minnesota.

PROPOSED PARCEL B DESCRIPTION

That part of the North 210.00 feet of the Southeast Quarter of the Southwest Quarter of Section 22, Township 33, Range 23, Anoka County, Minnesota, which lies easterly of the West 360.74 feet thereof.

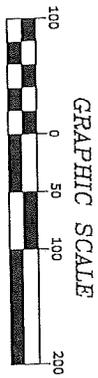
NOTES

- No field work has been performed by E.G. Ruid and Sons, Inc. as part of this exhibit.
 - Bearings shown are on Anoka County Coordinate System.
 - Parcel ID Number: 22-33-23-34-0002.
- This exhibit was prepared without the benefit of title work. Additional assessments, 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.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

DRAWN BY: KCM	JOB NO: 2200889P	DATE: 3/16/2023
CHECK BY: JER	FIELD CREW:	
1		
2		
3		
NO.	DATE	DESCRIPTION
		BY

E.G. Ruid
 E.G. RUID
 Date: 3/16/2023 License No. 41578



E.G. RUID & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 351-4200 Fax. (651) 351-4701
 www.egruid.com

**DISCLOSURE STATEMENT: ARBITRATION
DISCLOSURE AND RESIDENTIAL REAL
PROPERTY ARBITRATION AGREEMENT**

This form approved by the Minnesota Association of REALTORS®, which disclaims any liability arising out of use or misuse of this form.
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1. Page 1

ARBITRATION DISCLOSURE

- 2.
3. You have the right to choose whether to have any disputes about disclosure of material facts affecting the use or
4. enjoyment of the property that you are buying or selling decided by binding arbitration or by a court of law. By agreeing
5. to binding arbitration, **you give up your right to go to court for claims over \$15,000.**
6. By signing the RESIDENTIAL REAL PROPERTY ARBITRATION AGREEMENT ("ARBITRATION AGREEMENT") on
7. page two (2), you agree to the following:
8. (1) disputes with demands which fall within the jurisdictional limits of the conciliation court shall be resolved in the
9. applicable conciliation court; and
10. (2) all other disputes shall be subject to binding arbitration under the Residential Real Property Arbitration
11. System ("Arbitration System") administered by National Center for Dispute Settlement ("NCDS") and endorsed
12. by the Minnesota Association of REALTORS® ("MNAR"). The ARBITRATION AGREEMENT is enforceable only
13. if it is signed by all buyers, sellers and licensees representing or assisting the buyers and the sellers. The
14. ARBITRATION AGREEMENT is not part of the *Purchase Agreement*. **Your *Purchase Agreement* will still**
15. **be valid whether or not you sign the ARBITRATION AGREEMENT.**
16. The Arbitration System is a private dispute resolution system offered as an alternative to the court system. It is not
17. government sponsored. NCDS and the MNAR jointly adopt the rules that govern the Arbitration System. NCDS and
18. the MNAR are not affiliated. Under the ARBITRATION AGREEMENT you must use the arbitration services of NCDS.
19. All disputes about or relating to disclosure of material facts affecting the use or enjoyment of the property, excluding
20. disputes related to title issues, are subject to arbitration under the ARBITRATION AGREEMENT. This includes claims
21. of fraud, misrepresentation, warranty and negligence. Nothing in this Agreement limits other rights you may have under
22. MN Statute 327A (statutory new home warranties) or under private contracts for warranty coverage. An agreement to
23. arbitrate does not prevent a party from contacting the Minnesota Department of Commerce, the state agency that
24. regulates the real estate profession, about licensee compliance with state law.
25. The administrative fee for the Arbitration System varies depending on the amount of the claim, but it is more than initial
26. court filing fees. In some cases, conciliation court is cheaper than arbitration. The maximum claim allowed in conciliation
27. court is \$15,000. This amount is subject to future change. In some cases, it is quicker and less expensive to arbitrate
28. disputes than to go to court, but the time to file your claim and pre-hearing discovery rights are limited. The right to
29. appeal an arbitrator's award is very limited compared to the right to appeal a court decision.
30. **A request for arbitration must be filed within 24 months of the date of the closing on the property or else the**
31. **claim cannot be pursued. In some cases of fraud, a court or arbitrator may extend the 24-month limitation**
32. **period provided herein.**
33. A party who wants to arbitrate a dispute files a Demand, along with the appropriate administrative fee, with NCDS.
34. NCDS notifies the other party, who may file a response. NCDS works with the parties to select and appoint an arbitrator
35. to hear and decide the dispute. A three-arbitrator panel will be appointed instead of a single arbitrator at the request
36. of any party. The party requesting a panel must pay an additional fee. Arbitrators have backgrounds in law, real estate,
37. architecture, engineering, construction or other related fields.
38. Arbitration hearings are usually held at the home site. Parties are notified about the hearing at least 14 days in advance.
39. A party may be represented by a lawyer at the hearing, at the party's own expense, if he or she gives five (5) days
40. advance notice to the other party and to NCDS. Each party may present evidence, including documents or testimony
41. by witnesses. The arbitrator must make any award within 30 days from the final hearing date. The award must be
42. in writing and may provide any remedy the arbitrator considers just and equitable that is within the scope of the parties'
43. agreement. The arbitrator does not have to make findings of fact that explain the reason for granting or denying an
44. award. The arbitrator may require the party who does not prevail to pay the administrative fee.
45. **This Arbitration Disclosure provides only a general description of the Arbitration System and a general overview**
46. **of the Arbitration System rules.** For specific information regarding the administrative fee, please see the Fee Schedule
47. located in the NCDS Rules. Copies of the Arbitration System rules are available from NCDS by calling (866) 727-8119
48. or on the Web at www.ncdsusa.org or from your REALTOR®. If you have any questions about arbitration, call NCDS
49. at (866) 727-8119 or consult a lawyer.

DISCLOSURE STATEMENT: ARBITRATION
DISCLOSURE AND RESIDENTIAL REAL
PROPERTY ARBITRATION AGREEMENT
50. Page 2

THIS IS AN OPTIONAL, VOLUNTARY AGREEMENT.
READ THE ARBITRATION DISCLOSURE ON PAGE ONE (1) IN FULL BEFORE SIGNING.

RESIDENTIAL REAL PROPERTY ARBITRATION AGREEMENT

51. For the property located at XXXX East Bethel Blvd
52. City of East Bethel, County of Anoka
53. State of Minnesota, Zip Code 55011

54. Any dispute between the undersigned parties, or any of them, about or relating to material facts affecting the use or
55. enjoyment of the property, excluding disputes related to title issues of the property covered by the *Purchase Agreement*
56. dated 3/17/23, including claims of fraud, misrepresentation, warranty and negligence, shall
57. be settled as specified in the Arbitration Disclosure above. National Center for Dispute Settlement shall be the arbitration
58. service provider. The rules adopted by National Center for Dispute Settlement and the Minnesota Association of
59. REALTORS® shall govern the proceeding(s). The rules that shall govern the proceeding(s) are those rules in effect
60. at the time the Demand for Arbitration is filed and include the rules specified in the Arbitration Disclosure on page one
61. (1). This Agreement shall survive the delivery of the deed or contract for deed in the *Purchase Agreement*. This Agreement
62. is only enforceable if all buyers, sellers and licensees representing or assisting the buyers and sellers have agreed to
63. arbitrate as acknowledged by signatures below. For purposes of this Agreement, the signature of one licensee of a
64. broker shall bind the broker and all licensees of that broker.

68. Ahmed Phuly 04/12/23
(Seller's Signature) (Date)

[Signature] 3/17/2023
(Buyer's Signature) (Date)

69. Ahmed Phuly
(Seller's Printed Name)
JP Willman Realty

Anthony L Hennen
(Buyer's Printed Name)
TH Construction of Anoka Inc

70. _____ (Date)
(Seller's Signature)

(Buyer's Signature) (Date)

71. _____
(Seller's Printed Name)

(Buyer's Printed Name)

72. THOMAS LAING 04/12/23
(Licensee Representing or Assisting Seller) (Date)

(Licensee Representing or Assisting Buyer) (Date)

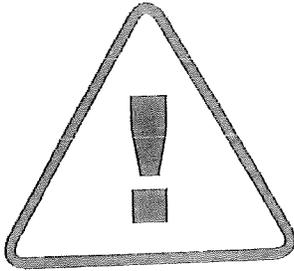
73. _____
(Company Name)

(Company Name)

74. THE RESIDENTIAL REAL PROPERTY ARBITRATION AGREEMENT IS A LEGALLY BINDING CONTRACT
75. BETWEEN BUYERS, SELLERS AND LICENSEES. IF YOU DESIRE LEGAL ADVICE, CONSULT A LAWYER.



WIRE FRAUD ALERT



Internet fraud — the use of Internet services or software with Internet access to defraud victims — is on the rise in real estate transactions. **THESE SOPHISTICATED CRIMINALS COULD:**

- **HACK INTO YOUR E-MAIL ACCOUNT** or the e-mail of others involved in your real estate transaction and may direct you to wire money to the hacker's account.
- **SEND FRAUDULENT E-MAILS** that appear to be from your real estate licensee, lender, or closing agent.
- **CALL YOU** claiming they have revised wiring instructions.

Buyers/Tenants and Sellers/Owners are advised to:

- (1) Never wire funds without confirming the wiring instructions directly with the intended recipient.
- (2) Verify that the contact information for the wire transfer recipient is legitimate by calling a known phone number for the broker or closing agent. Do not rely on the information given to you in an e-mail communication.
- (3) Never send personal information through unsecured/unencrypted e-mail.

If you suspect wire fraud in your transaction:

- (1) Immediately notify your bank, closing agent, and real estate licensee.
- (2) File a complaint online at the Internet Crime Complaint Center (IC3) at <http://www.ic3.gov>.

The undersigned acknowledge receipt of this wire fraud alert and understand the importance of taking proactive measures to avoid being a victim of wire fraud in a real estate transaction.

(Signature)

(Date)

(Signature)

[Handwritten Signature] 3/17/2023
(Date)

This form approved by the Minnesota Association of REALTORS®, which disclaims any liability arising out of use or misuse of this form.
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IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cybercriminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

On April 12, 2023 at 2:30 PM, Amy Coenen (amy@homefreetc.com) wrote:

Greetings,

My name is Amy, and my team and I will be assisting Tom Laing with this sale. Please, include me in *all* correspondence moving forward. We will be helping to manage the paperwork and details.

Attached is a Counter Offer for xxxx E Bethel Boulevard NE. **Please be sure to reply all back to this email confirming receipt.**

If you have an assistant who should be kept in the loop, please let me know and I will make a note to include them in the future.

If you have any questions, please let us know.

Thanks so much! We look forward to working with you!



Amy Coenen
Transaction Coordinator | Home Free TC

 (612) 286-1464 | (612) 286-1467 N/WE

 Amy@HomeFreeTC.com

 www.HomeFreeTC.com



IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cybercriminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated.

June 11, 1996

Planning & Zoning

Page 2

fall under the Moratorium Ordinance because no new roads will be constructed and dedicated to the City, it was questioned if requesting some type of development plan would place the request under the moratorium. The committee feels they need to see how the orderly development of this forty can be achieved but does not hold any developer to following this plan.

Recommendation to Council: Motion by Hintz to table action on this request for 30 days until the next Planning & Zoning meeting July 23, 1996. Eich to come back with some type of plan showing how this forty can be developed and how the proposed ten acre parcel will fit into this future development. Motion seconded by Boyer. All in favor; motion carried.

William Olson/Don Lasser - Parcel Division & Conditional Use Permit for Animals - PIN 22 33 23 33 0001 - North of Pine Ridge Estates

Olson, 8254 Polk Street NE, Spring Lake Park, is requesting a parcel division and road frontage variance from Zoning Ordinance 137, Sec. IV, Sub. B-3-c. He proposes to divide a 34.9 acre parcel into two parcels. Parcel A is proposed for one building site with 16+ acres and 66 feet road frontage. Ordinance requires a minimum of five acres, 300 feet road frontage and 23,000 square feet buildable area.

Parcel B is proposed to be 16+ acres and, when purchased by Lasser, will be combined with Lasser's 6+ acre parcel to the east. Lasser is also requesting a Conditional Use Permit for four farm animals. Lassers would like to have two cows with a maximum of three cows on their property.

Olson proposes to have the driveway to Tract A come off the cul-de-sac constructed on Yancy Street in Pine ridge Estates. An easement exists along the west half of the south property line for access to the property west of Tract A. There is no proposed easement to the east.

It was asked if Tract A would be under the same covenant as Pine Ridge Estates. The covenant for Pine Ridge Estates is enforced by the developer not the City. The City has the option to put on conditions. It was stated this parcel would get one assessment if the streets were blacktopped the same as the other benefiting parcels. This parcel division is not affected by the Moratorium Ordinance as no roads are being constructed, only one building site is being requested and Tract B is being combined with the proposed owner's existing property.

Recommendation to Council: Motion by Hintz to approve Olson's request to divide a 34.9 acre parcel into two 16+ acre parcels and to approve a variance for road frontage to allow one building site on the west parcel (Tract A) with 66 feet

June 11, 1996

Planning & Zoning

Page 3

road frontage with no additional easement off the cul-de-sac. Motion seconded by Melander. All in favor; motion carried.

Recommendation to Council: Motion by Hintz to approve a Conditional Use Permit to Donald Lasser, 19848 East Bethel Blvd. NE, for a maximum of three cows and the east parcel (Tract B) combined with his existing property. Motion seconded by Lockwood. All in favor; motion carried. Olson and Lasser to attend the June 19 Council meeting.

The Park Preliminary Plat - Minnesota Granite, Inc. (Vern Matheson) - PIN 14 33 23 43 0001, Portion PIN 14 33 23 44 0004, Portion PIN 23 33 23 11 0001, Portion PIN 14 33 23 14 0001 & Portion PIN 14 33 23 41 0001 - 199th/207th, Between Durant Street & Devil Lake

The Park consists of 160+ acres being divided into 38 residential lots and two outlots. All lots meet the required two acre minimum, 200 feet road frontage and 23,000 square feet buildable area. Access will be from Durant Street at approximately 204th Lane. Austin Street will run north and end in a temporary cul-de-sac until it connects with a future phase of Whispering Oaks. Austin Street will run south and end in a temporary cul-de-sac at the Garrison property line. Approximately 1/3 of the plat is wooded.

Outlot A will be owned by Nick & Carmen Anderson for a possible future sewer site. If possible, they will combine this lot with their existing property. As one property is torrens and one property is abstract, this may not be possible. Outlot B is a 66 foot strip between Lot 22, Block 3 and Lot 1, Block 4 to provide access to the property on the west.

Test soil borings and elevations have been done and buildable area has been certified by the surveyor. They will not cross any wetland and no variances are being requested. Houses will range in the neighborhood of \$150,000 to \$350,000.

Review has been completed by various agencies and letters and comments have been submitted from Anoka Conservation District, Department of Natural Resources, Dave Banta, and City Engineer Mark Graham. Building Official Nord's memo addresses sewer setbacks, buildable area, soil boring locations, wetland delineation, ponding areas, silt fences and natural communities/tree resources. Past Council minutes are also included.

Mark Graham, City Engineer, was available to address the site distance concern of the proposed access to the plat. He has looked at three locations that have been considered for access; the proposed north location, at the curve, and at Erskin Street. He has determined the proposed site is the best alignment for the access. Because of the wetlands, the access is at the most

LARSON & MELCHER
ATTORNEYS AT LAW
6401 UNIVERSITY AVENUE N.E., SUITE 201
FRIDLEY, MINNESOTA 55432-4543

DONALD L. LARSON
TERRI A. MELCHER

PHONE: (612) 571-0085
FAX: (612) 571-7701

October 15, 1996

Sharon Anderson
The City of East Bethel
2241 - 221st Avenue NE
East Bethel MN 55011

SENT VIA FAX

RE: Olson/Forslund

Dear Sherri:

Attached hereto please find the comments from the Anoka County Property Records when they rejected the Deeds splitting the Olson property and the revised Warranty Deed which I have drafted, removing the language about the combination of the legal descriptions on the Lasser property.

It is my understanding that you will be presenting to the City Council information that the PIN numbers cannot be combined due to the fact that the two properties are in separate watersheds. Upon correction of this problem, you will be issuing a new resolution in recordable form and forwarding this to the Anoka County Recorder's Office.

If you have questions on this, please give me a call. I will give you a call on Thursday morning to confirm the Council's actions.

Thank you.

Very truly yours,



Terri A. Melcher

Enclosures

cc: Bill & Mary Olson
TAM/pm

WARRANTY DEED

Individual (s) to Individual(s)

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required
Certificate of Real Estate Value No. _____, 19____

County Auditor

by _____ Deputy

STATE DEED TAX DUE HEREON: \$

Date: July 16, 1996

FOR VALUABLE CONSIDERATION, William A. Olson and Mary J. Olson, husband and wife, Grantors, hereby convey and warrant to Donald and Rebecca Lasser, husband and wife, Grantees, real property in Anoka County, Minnesota, described as follows:

That part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 33, Range 23, Anoka County, Minnesota, lying east of the West 611.00 feet thereof, except that part of the East 200 feet of said Southwest Quarter of the Southwest Quarter lying South of the North 210 feet thereof;

Said property shall not be sold separately from the following described property without the approval of the City Council of East Bethel:

The North 210 feet of the Southeast Quarter of the Southwest Quarter of Section Twenty Two (22) Township Thirty Three (33) Range Twenty Three (23) in East Bethel Village, Anoka County, Minnesota.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Easements and restrictions of record.

The Grantors certify that Grantors do not know of any wells on the described real property.

William A. Olson

Affix Deed Tax Stamp Here

Mary J. Olson

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

The foregoing Instrument was acknowledged before me this 16th day of July, 1996, by William A. Olson and Mary J. Olson, husband and wife, Grantors.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

Signature of Person Taking Acknowledgment

Tax Statements for the real property described in this instrument should be sent to (Include name and address)

Donald & Rebecca Lasser
18848 East Bethel Blvd.
East Bethel MN 55011

THIS INSTRUMENT WAS DRAFTED BY (NAME & ADDRESS)
Terri A. Melcher
Attorney at Law
8401 University Avenue NE, Suite 201
Fridley, MN 55432
612-571-0095, Atty ID #188773

ANOKA COUNTY PROPERTY RECORDS

2100 3rd Avenue, Anoka, Minnesota 55303

ABSTRACT Receipt # Item 8.0 A.2, Attachment 7
 TORRENS Certificate # _____

Filed by: Universal Title

The instrument(s) forwarded on 10-25-96 is/are not acceptable for filing for the reasons listed below:

- Warranty Deed
- Assign Mortgage
- Aff of Survivorship
- Quit Claim Deed
- Satis/Rel Mortgage
- Contract for Deed
- Mortgage
- Partial Rel Mortgage
- Other _____

Reasons: DEED Olson/Lassen - legal on back appears to have been added after and should be SE of SW - LEGALS CAN NOT BE COMBINED BECAUSE THEY ARE SEPARATED BY A WATERSHAD. SHERAI at East Bethel WAS NOT AVAILABLE and should be consulted. Questions call Jeff Reiminger 323-9442

Post-it Fax Note	7671	Date	10-9-96	# of Pages	1
To	Melcher	From	Judd		

**City of East Bethel
City Council Meeting
Agenda Item Information**



Date: April 24, 2023

Agenda Item Number: Item 8.0 G.1

Agenda Item: May Work Meeting

Background Information:

Our monthly Work Meeting is scheduled for Monday, May1, 2023 at 7:00 PM. The following item(s) are recommended for discussion:

1. City Council Minutes Discussion
2. Discussion of a Conduit Bond Issuance Proposal for a potential Cambia Hills purchaser
3. SRWMO Compromise Agreement

Fiscal Impact:

To be determined

Recommendation(s):

Staff recommends that City Council set the agenda item(s) as presented or other items as desired for the May 1, 2023 Work Meeting.

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

**City of East Bethel
City Council Meeting
Agenda Item Information**



Date: April 24, 2023

Agenda Item Number: Item 8.0 G.2

Agenda Item: April 26, 2023 Town Hall Meeting

Background Information:

Our Spring Town Hall Meeting is scheduled for April 26, 2023. The format for the meeting is as follows:

- 6:00-7:00 PM.....Informal Session in the Senior Center with Council, Elected Officials, Guests, and Staff
 - 7:10 PM.....Opening Remarks by Mayor Tim Harrington
 - 7:15 PM.....Updates by Elected Officials – Julie Braastad and Cal Bahr
 - 7:30 PM.....General Question and Answer Session in Council Chambers
- Adjourn

Representatives from the Anoka County Highway Department and the Anoka County/Blaine Airport Commission will be present in the 6-7 PM Informal Session for any questions residents may have regarding their services.

Attachment(s):

1. Spring Town Hall Meeting Agenda

Recommendation(s): City Council is requested to approve the agenda for the Spring Town Hall Meeting.

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

**City of East Bethel
City Council Agenda
East Bethel City Hall and Community Center
2241 221st Avenue NE
Town Hall Meeting – 6:00 PM to 9:00 PM
Date: April 26, 2023**



Item

- | | | |
|---------|------------|--|
| 6:00 PM | 1.0 | Call to Order |
| 6:01 PM | 2.0 | Adopt Agenda |
| 6:02 PM | 3.0 | Informal Session in the Senior Center with Council, Guests and Staff – East Bethel Senior Center |
| 7:10 PM | 4.0 | Opening Remarks by Mayor Tim Harrington – City Council Chambers |
| 7:15 PM | 5.0 | Updates by Elected Officials – City Council Chambers |
| 7:30 PM | 6.0 | General Question and Answer Session – City Council Chambers |
| 9:00 PM | 7.0 | Adjourn |

**City of East Bethel
City Council Meeting
Agenda Item Information**



Date: April 24, 2023

Agenda Item Number: Item 8.0 G.2

Agenda Item: Temporary ACO Contract

Background Information:

The City's contract kennel facility for impound and quarantined dogs, Animal Humane Society Coon Rapids, was identified with canine influenza in one of their shelters. This was reported to the Minnesota Board of Animal Health and their facility will be closed for a period of 4-8 weeks beginning April 6, 2023 to isolate the infection.

In the interim, the City needs to temporarily contract this service with another provider. The nearest facility that meets our requirements is Isanti County Animal Control in Ogilvie, MN. We did find a service in North Branch but they only take dogs during normal business hours, Tuesday – Saturday and would not accept dogs that were quarantined for bite incidents.

Attachment(s): Proposed Service Contract

Fiscal Impact: The City will only incur charges should dogs be taken to Isanti County Animal Control and not claimed by their owner. Costs for this service and conditions of the contract are exhibited in Attachment 1.

Recommendation(s): Staff recommends City Council approve a temporary contract for services with Isanti Animal Control to provide impound and quarantine kenneling for a term of 90 days.

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

Owners

UMBRELLA POLICY DECLARATIONS

INSURANCE COMPANY
6101 ANACAPRI BLVD., LANSING, MI 48917-3999

AGENCY INNOVATIVE INSURANCE SERVICES LLC
06-0610-00 MKT TERR 016 (952) 445-5767

INSURED DAVID RUSSELL
MICHELLE RUSSELL

ADDRESS 1124 175TH AVE
OGILVIE MN 56358-9052

Renewal Effective 01-09-2023

POLICY NUMBER 50-237-221-01

Company Use 08-20-MN-1501

Company
Bill

POLICY TERM

12:01 a.m. 12:01 a.m.
01-09-2023 to 01-09-2024

In consideration of payment of the premium shown below, this policy is renewed. Please attach this Declarations and attachments to your policy. If you have any questions, please consult with your agent.

EXECUTIVE

SEE SCHEDULE A FOR UNDERLYING LIMITS REQUIRED

LIMIT OF LIABILITY: \$ 1,000,000 Each Occurrence

PREMISES LOCATION: 1124 175TH AVE OGILVIE MN 56358-9052

RATING INFORMATION: Territory 022 Kanabec County, MN

FORMS THAT APPLY TO ENTIRE POLICY:

26029 (05-00)	26336 (01-07)	26083 (05-12)	26334 (11-92)	59154 (02-86)
26265 (05-12)	26331 (09-91)	26043 (02-82)	26666 (10-18)	26474 (09-02)
66006 (05-12)	66126 (06-17)	66152 (12-17)	66080 (06-21)	66222 (06-21)
66223 (07-21)	66224 (06-21)			

BASE UMBRELLA PREMIUM

PREMIUM

\$230.00

ADDITIONAL CHARGES

Number of Private Passenger Automobiles/
Motorhomes/Motorcycles (over 1) 3

138.00

Discount(s)

171.00-

Mature Discount Applies.

Umbrella/Home Multi-Policy Discount applies.

Umbrella/Auto Multi-Policy Discount applies.

TOTAL POLICY PREMIUM

TERM

\$197.00