

**City of East Bethel**  
**City Council Work Meeting**  
**Date: June 5, 2023 at 7:00 p.m.**



**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-XG14pN5JrmBGg/live](http://www.youtube.com/channel/UC8_7ShcME-XG14pN5JrmBGg/live))**

- 1.** Call To Order
- 2.** Adopt Agenda
- 3.** Discussion of a Conduit Bond Issuance Proposal – Nexus (p. 2-9)
- 4.** Electrical Permits – Change to State Permit Issuance and Inspection (p. 10-11)
- 5.** Community Development Director Position Discussion (p. 12-22)
- 6.** Ordinance Review (p. 23-46)
- 7.** Amendment to City Code, Section 18 -240, Mobile Food Vendor Units (p. 47-50)
- 8.** Communications Survey Results Report (p. 51-54)
- 9.** Code Enforcement Report (p. 55-56)
- 10.** Adjourn

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



**Date:** June 5, 2023

**Agenda Item Number:** 3.0

**Agenda Item:** Conduit Bonding Presentation for Nexus Diversified Community Services

**Background Material:**

At the May 1, 2023 Work Meeting, City Council received a presentation from the city's bond counsel, Dorsey and financial advisor, Ehlers, regarding a request for the City's participation in conduit bond financing for the proposed purchase of the Cambia Hills facility by Nexus Family Healing.

The presentation by Dorsey and Ehlers reviewed the process and procedures for the issuance of conduit bonds. Both explained the legal considerations and assured that the City would have no liability exposure if it should decide to be the host city for the issuance.

ISD 15 School Superintendent, Karsten Anderson, spoke in support of the need for the service to be provided by Nexus, but had concerns regarding charges for rent, state re-imbursement of the of ISD 15's cost for out of district students and staffing for district provided services. City council members questioned if there would be additional costs borne by the school district to support these services. Negotiations are underway to resolve these matters.

The potential impact to ISD 15 and any costs related to this item are currently being discussed by Nexus and the school district (See Attachment 2). The school district has been requested to provide comments on their current discussions with Nexus and we are hoping to receive a reply for presentation to Council at our June 5, 2023 Work Meeting.

Although the City of Ham Lake declined to participate as a co-partner in the conduit bond issuance, the Anoka County Finance Committee, composed of Commissioners Matt Look, Julie Braastad and Jeff Reinert, approved the Nexus request to be the second bond conduit partner behind East Bethel. The Committee showed a high level of support for their service and understood the value the conduit bond program could bring to the project. The Committee expects their recommendation to receive all County approvals.

From the presentation made to City Council on May 22, 2023, Nexus is coming to East Bethel either with or without the approval of the conduit bond financing. The difference between the two scenarios is that without conduit bond financing, Nexus would have a higher cost of borrowing of which a portion would be passed along to the school district in higher costs for classroom rental space and other chargeable expenses for the educational component of their service. Approval of the conduit bond financing would result in lower costs to ISD 15 as opposed to taking no action on this consideration.

The Public Hearing for issuance of conduit bonds for the Nexus Project will be rescheduled to either a Special Meeting on June 20, 2023 or the Regular Council Meeting on June 26, 2023. The

final date will be announced at our June 5, 2023 Work Meeting. The reason for the rescheduling is due to difficulties encountered in meeting the legal notice publishing deadline for June 12, 2023 Council Meeting.

**Attachment(s):**

Attachment 1 – Proposed Issuance of Conduit Revenue Bonds for Nexus Diversified  
Community Services

Attachment 2 - Summary of Discussions

**Fiscal Impact:**

The City may charge the borrower an issuance fee for its services in connection with bond financing. This fee is to be negotiated should the bonding be approved.

If the City issues the proposed bonds, the borrower will be required to pay all direct and indirect expenses of the City and indemnify and hold the City harmless against any liability related to the issuance of the Bonds. As the City's bond counsel, Dorsey would prepare the bond documents and represent the City's interests in the financing, but the city's cost (as well as the fees of all other parties involved with the financing) would be paid by the Borrower.

This is a discussion item to answer or find the answer to any remaining questions Council may have regarding the request by Nexus relating to the city's participation in the conduit issuance for this project.

## MEMORANDUM

---

TO: Mayor and City Council

CC: Jack Davis and Mike Jeziorski

FROM: Rhonda Skoby  
Nate Canova

DATE: April 24, 2023

RE: Proposed issuance of conduit revenue bonds for Nexus Diversified Community Services (the “Borrower”)

The City of East Bethel (the “City”) has received a request from the Borrower, that the City issue tax-exempt bonds in the maximum amount of \$10,000,000 (the “Bonds”), and loan the proceeds thereof to the Borrower to finance a portion of the acquisition and equipping of a residential psychiatric treatment facility located in the City (the “Project”). The Borrower has requested the City of Ham Lake finance the other portion of the Project (approximately \$7,000,000). After completion of the acquisition, the Borrower will lease the Project to its affiliate, Nexus Family Healing.

Cities in the State of Minnesota are authorized pursuant to Minnesota Statutes, Sections 469.152 through 469.165, as amended (the “Act”), to issue tax-exempt bonds in their name on behalf of certain revenue-producing enterprises. Because the interest on tax-exempt bonds issued by cities are exempt from gross income for federal income purposes, purchasers will purchase the bonds and offer cities reduced interest rates, which rates can be passed along to qualifying borrowers. In this case, the Borrower will be able to finance a portion of the Project at a lower interest rate than a conventional financing would allow by having the City issue the Bonds and loan the proceeds thereof to the Borrower. This will have a beneficial impact on the Borrower’s cash flow and enhance the Borrower’s ability to provide services and create economic development in and around the City. Since Bremer Bank has agreed to be the purchaser of the Bonds (i.e., the lender for the Borrower), issuing no more than \$10,000,000 of Bonds also allows for a better “bank qualified” interest rate which further helps the Borrower. The City of Ham Lake is expected to issue less than \$10,000,000 of “bank qualified” bonds as well.

### **Authority of Municipalities to Issue Revenue Debt**

The City is authorized pursuant the Act to issue the Bonds to defray the cost of any “project” as defined at Section 469.153, subdivision 2 of the Act. These types of financings are commonly referred to as “conduit” transactions because the City acts as a conduit between the purchasers of the Bonds and the Borrower. The bonds are issued by the City and sold to the bond purchasers (in this case, Bremer Bank). The proceeds of the sale of the Bonds are then loaned to the Borrower pursuant to a Loan Agreement in which the Borrower agrees to make payments pursuant to the Loan Agreement corresponding to the payments on the Bonds.

## **Revenue Bonds Are Not Constitutional Debt of the Issuing Municipality**

The City is not liable for repaying the Bonds and the Bonds are payable only from the amounts paid by the Borrower under the Loan Agreement. In fact, Bonds issued pursuant to the Act are statutorily prohibited from being debt of the City within any state constitutional provision. The Act provides statutory protection to the City in Section 469.162, which reads:

Subdivision 1. **Restrictions on payment.** Revenue bonds issued under sections 469.152 to 469.165 shall not be payable from nor charged upon any funds other than the revenue pledged to their payment, except as provided in this section, **nor shall the municipality or redevelopment agency issuing the same be subject to any liability on them.** No holder of the bonds shall ever have the right to compel any exercise of the taxing power of the municipality or redevelopment agency to pay the bonds or the interest thereon, except as provided in subdivision 2<sup>1</sup>, nor to enforce payment of them against any property of the municipality or redevelopment agency except those projects, or portions thereof, mortgaged or otherwise encumbered under the provisions and for the purpose of sections 469.152 to 469.165.

The documents providing for the loan from the City to the Borrower, the Bond itself, and the authorizing proceedings for the Bonds will clearly state the non-liability of the City in order to put bond purchasers on notice that the Bonds will not constitute debt of the City. In particular, Section 469.162 of the Act requires that the Bonds “recite in substance that the bond, including interest thereon, is payable solely from the revenue pledged to its payment.”

No City funds or tax dollars are being provided to or on behalf of the Borrower. The Borrower is responsible for reimbursing the City for any direct costs incurred related to the issuance of the Bonds, including costs for publication of notice or other expenses. Our fees as Bond Counsel to the City will be paid directly by the Borrower. The City will not bear any expense in connection with its role in the financing.

### **Bank-Qualification**

The Bonds are proposed to be issued as “bank-qualified bonds.” Bank-qualified bonds are a subset of tax-exempt bonds that were created to encourage banks to invest in tax-exempt bonds from smaller, less-frequent municipal bond issuers.

Section 265(b)(3) of the Internal Revenue Code of 1986 (the “Code”) permits partial deductibility of a financial institution’s interest expense allocable to acquiring tax-exempt bonds if, among other things, the tax-exempt bond is issued by an issuer that does not reasonably anticipate issuing in excess of \$10,000,000 in tax-exempt bonds during the calendar year of the bond issue (i.e., a qualified small issuer). Bonds issued in accordance with Section 265(b)(3) are, therefore, referred to as “bank-qualified bonds” or, more technically, as “qualified tax-exempt obligations.”

---

<sup>1</sup> Subdivision 2 has been repealed.



With bank-qualified bonds, issuers obtain lower rates by selling bonds to investors that realize the tax-exempt benefit. As a result, bank-qualified bonds typically carry a lower rate than non-bank-qualified tax-exempt bonds.

If issued, the proposed Bonds would count against the City's \$10,000,000 limit for purposes of bank qualification, leaving no room for the City to issue other tax-exempt bonds for its own governmental purposes during calendar year 2023. It is our understanding that the City does not presently intend to issue any of its own bonds during 2023.

### **City Revenues**

The City may charge the Borrower an issuance fee for its services in connection with Bond financing.

### **Fees and Expenses**

If the City issues the proposed Bonds, the Borrower will be required to pay all direct and indirect expenses of the City and indemnify and hold the City harmless against any liability related to the issuance of the Bonds. As the City's bond counsel, Dorsey would prepare the bond documents and represent the City's interests in the financing, but our fees (as well as the fees of all other parties involved with the financing) would be paid by the Borrower.

### **Procedures for Issuing Revenue Bonds**

A public hearing is required in order to issue conduit bonds of this type. Accordingly, we would ask the City Council to hold two meetings on this matter.

At the first meeting (potentially May 8), the City Council would consider a resolution calling for a public hearing on the Bonds and preliminarily authorizing their issuance. At a subsequent council meeting (potentially June 12, the City Council would hold the public hearing and then consider a resolution authorizing the City to issue the Bonds, and authorizing the Mayor and City Administrator to execute the Bonds, the related documents and closing certificates. Between the May and June meetings, Dorsey would publish a notice of public hearing in the City's official newspaper. The public notice must be published more than 14 days before the hearing.

In addition to public hearing and meeting requirements, the State of Minnesota Department of Economic Development must approve the Project and the Bonds. Our firm will work with the City and the Borrower to complete an application for State approval.

### **Our Role as Bond Counsel**

Our office will prepare each of the documents and proceedings necessary to close the transaction in order to ensure compliance with the necessary state and federal legal requirements. On the day of closing and issuance of the Bonds we intend to issue our opinion stating, among other things, that all steps required to be taken by the City to issue the Bonds have been completed, that interest on the Bonds is exempt from taxation under the Code, and that the Bonds are not general obligations or indebtedness of the City within the meaning of any constitutional or



statutory limitation, and do not constitute or give rise to a pecuniary liability of the City or a charge against the general credit or taxing powers of the City.

We look forward to discussing the proposed Bond issue with you at the May 1 City Council Work Session. Please feel free to call (612-492-6932 or 612-492-6916) or email (skoby.rhonda@dorsey.com or canova.nathan@dorsey.com) if there is further information that would be helpful in advance of the meeting.

Representatives from the Borrower team will also be attending the May 1 City Council Work Session to answer any questions you may have about the Project.

NEXUS FAMILY HEALING  
 EAST BETHEL PRTF PROJECT  
 SUMMARY OF EDUCATIONAL PROGRAMMING DISCUSSIONS TO DATE  
 MAY 19, 2023  
 Compiled by Margaret Vimont

At the May 1 City Council meeting, Nexus leaders learned of Superintendent Anderson's concern that the educational program for the youth in the PRTF facility will place a tax burden on the community. Nexus leaders scheduled a series of meetings to further understand this concern and to support the exploration of options for the community.

- May 5: a meeting was held with Mayor Harrington, City administrator Jack David and two Council members to discuss the concerns raised and the potential impact on the approval of the conduit financing, despite the fact that this financing will reduce financial impact on the lease costs for the educational programming.
- During the week of May 1, Nexus engaged its Board Member Pat Devine who is a colleague of Karsten Anderson's and an educational administrator. This led to a discussion between Karsten and Pat.
- On May 11, Karsten hosted a meeting to discuss options at his offices. Eric Bartusch the District's Business Operations leader attended as did Nexus Board Member Pat Devine, and Nexus leaders Michelle Murray, CEO, Scott McGuire, CFO, Ra Shone Franklin, ED of Educational Services and Margaret Vimont, VP of Strategy and Service Development.

Nexus conveyed our commitment to partnering on resolutions that will reduce the impact on the community. To that end, Nexus has committed to only charging lease payments for the classrooms actually used for the youth in the facility, at the square foot rate that Nexus is paying. Note that this amount will increase if Nexus is unable to secure the conduit financing that reduces the interest paid on the building loan. If the conduit loan is secured, that amount is just under \$22K per classroom per year, a very competitive rate. At maximum capacity of the PRTF, 6 classrooms will be used. Note that Nexus will be ramping up census over 18 months. Once all 6 classrooms are in use, the total lease amount with the conduit financing will be \$132,000 per year if conduit financing is obtained. This is significantly lower than when this facility was last in operations. Should St Francis School District need additional space for its own purpose, additional classroom with office space is available at the same rate.

The unique financial situation of the St Francis District was described and explored. The District's assessment is that given their position in the state with educational funding, providing these educational services will strain their current resources. There was discussion of the potential advantage of have the educational services provided by a Co-op. This led to a meeting via Zoom on May 12 with

Darren Kermes of Southwest Metro Intermediate School District 288 who is also a known colleague of both Karsten and Pat.

- On May 12 a zoom meeting was held with Darren, Karsten, Pat and all Nexus leaders to discuss options.
- On June 1, Val Rae Boe, Superintendent of Northeast Metro Intermediate School District 916 has agreed to a meeting in her offices. The Principal and other district administrators involved in the educational programming for the Cambia Hill PRTF will be attending the meeting. Karsten has been invited to attend.

Options for the educational programming as we understand them:

- St Francis School District assumes full responsibility for staffing and funding the educational programming.
- The educational programming is provided by an Intermediate District. While the financial arrangement with District 916 is not known at this point, the Southwest Metro District indicated that there would be no fee paid by St Francis District if it were to provide the educational programming but that it would not pay the lease amount for the space.

While the question of the best way to provide the education programming is being sorted, **it is critical that it be considered separately from the support for conduit financing. As noted, the conduit financing allow Nexus to keep its overall costs down through a lower interest rate. This also keeps the lease cost low for the educational programming which is a shared goal of the St Francis District, Nexus and the East Bethel community.**

Next steps as we understand them:

- Determine the implications of all options for an Intermediate District as far as potential fees, lease costs etc to compare to cost to the District providing the educational programming itself
- Confirm that the education of other district's kids will in fact affect the Districts hold harmless financial situation. We have not heard where the funding goes for the education of those students if indeed St Francis does not receive it due to the hold harmless circumstance. At last communication, Karston had not heard an answer from the state on this question.

Ongoing question not resolved:

It is not clear how the District finances are impacted due to hold harmless. It is unclear whether this is a question of how the District is using its funding or if it necessarily would have to lead to a levy to recoup funding.

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



**Date:** June 5, 2023

**Agenda Item Number:** 4.0

**Agenda Item:** Electrical Inspections Service Provider

**Background Information:**

Prior to July 20, 2011, all electrical inspections in the City were through the Minnesota Department of Labor and Industry (DLI). At this time, a change in regulations relating to electrical inspections allowed East Bethel the option of contracting with an independent inspector or DLI for this service.

The independent contractual option allowed the City to recover a percentage of the scheduled fees for these permits, work with a local inspector that could provide same day inspections and assure continuity of inspectors for the service.

Brian Nelson, an East Bethel resident, was the City's Electrical Inspector and served in this capacity from 2011 to 2018. The City of East Bethel then contracted electrical inspections to Sloth Inspections located in Andover, MN. Andy Sloth handles inspections for Andover, Anoka, Brooklyn Park, Osseo and Ramsey. Other Cities that contract with this firm are Arden Hills, Champlin, Little Canada, Maplewood, New Brighton, Hugo, Centerville, North Oaks and White Bear Lake.

As independently contracting this service has experienced increased costs and the DLI has improved their performance in this area, the difference between the two services has equalized and Council is requested to evaluate our choices in this matter.

The advantages of contracting the electrical inspection service are/were:

- 20 percent of the permit revenue is retained by the City to cover the administrative costs for this service

The disadvantages of contracting the electrical inspection service are/were:

- Confusion as who to contact with questions and for inspections.
- Costs have increased to residents for permits.
- Scheduling inspections is usually only 2 days per week.
- The financial incentives for the City have been minimized.

The advantages of going with DLI are:

- Administration of the entire process is no longer a responsibility of or a cost to the City.
- Electrical questions, permits and inspections are in one place for contractors and residents.
- Permit costs would now be less for contractors and residents.

- With surrounding cities and counties using the same service, there are advantages and efficiencies in scheduling that enable an increase in inspection availability with potential for inspections to be offered up to 4 days per week.

The disadvantages of contracting with the DLI are:

- An estimated loss of annual revenue in the amount of \$4.840/year (based on 2022 receipts)
- There could be some initial confusion with transition to new service

In summary, there seems to be no additional conveniences or savings for the residents, city or contractors that the independent contracting once provided. Blaine, Spring Lake Park, Columbus, St. Francis, Ham Lake, Oak Grove, Bethel and Linwood use the State for electrical permitting. Of the 21 Cities in Anoka County, only 7 contract with an independent inspector.

As the previous electrical inspector was a local resident, inspections were available 4-5 business days per week with same day inspections always a possibility. Since transitioning from Brian Nelson to Sloth Inspections, permit inspection scheduling can be issues as inspection times are only available 2 days per week. As certain other city permits cannot be issued until the electrical inspections have been completed, this has delayed the issuance of those permits that are contingent on this sequence.

The contract with Sloth Inspections may be terminated with or without cause by either party with 30 days written notice. It should be noted that the City has is not dissatisfied with Sloth Inspections but utilizing the DLI will be a better value for those that require electrical inspection services.

**Fiscal Impact:**

Inspection fees for the independent contract have added a minimum of a \$10 more per inspection over the State charges for residential electrical permits. This increased costs to cover inflationary expenses has not come with any additional benefits to residents and contractors

The impact of the new fee schedule, adopted by the City on June 13, 2022, along with an increase in percentages paid to the electrical inspector has resulted in less revenue to the City. Staff estimates that each electrical permit currently issued requires an average of 30 minutes per permit to process from application to final billing. Approximately 1 permit per day is issued and administrative costs are estimated to be \$5,500 per year.

**Recommendation:** Staff is seeking direction from Council as to continuing to contract with Sloth Inspections or change to the service offered by the DLI.

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



**Date:** June 5, 2023

**Agenda Item Number:** Item 5.0

**Agenda Item:** Community Development Director Position

**Background Information:**

City Council reviewed the Community Development Director position at our Work Meeting on April 3<sup>rd</sup> and there was discussion to keep Aaron Berg in the City Planner position and set his pay at his current salary plus the \$1,000 per month additional he is receiving for his interim Community Development Director assignment. If we don't compensate this person's work for the responsibilities of the position at or near the market rate, finding employment elsewhere at a higher salary in this job market would be no problem.

At the Finance Committee on May 10<sup>th</sup>, the subject of the Community Development Director's position was discussed and staff recommended that it remain in the draft budget. As a result of the discussion, it was suggested that staff make a case for retaining the position and present it to Council for consideration.

The following is brief summary of the history of the position and followed by the reasons council should consider keeping the position.

- City Council approved a change in title for the division head of this department on August 15, 2012 from City Planner to Community Development Director/City Planner to reflect the additional duties of the position but the ordinance was not changed to reflect that additional designation.
- In 2015 the title was eventually shortened to Community Development Director and the Community Development Department assumed the supervision of the functions of the Building Department. This was approved by Council with the adoption of the 2015 Budget on December 3, 2014. Again, this was not changed in the City Ordinance, Section 2-424.
- With the resignation of Stephanie Hanson effective December 9, 2023, The East Bethel City Council directed staff to advertise for the vacant Community Development Director position. The position was advertised twice and only 7 applications were received. Of these seven, only three met the qualifications and these were invited for interviews. Two days prior to the interview, two of the candidates withdrew. The remaining candidate was interviewed on March 2, 2023 and this person, who met all the qualifications, was recommended for approval for hire to the City Council on March 13, 2023.
- The hire for and the retention of this position is on hold pending final City Council action on this matter. As difficult as it is in the current labor market to attract qualified and dedicated employees and we have an employee who meets all the

requirements for this job and has proven his abilities, it would seem that this is a priority position for the City to staff.

A City Planner is a position that doesn't include all the responsibilities and duties required for the work that is currently needed and being performed. The city planner is more focused with the mechanics of the permit, variance and zoning processes. The Community Development Director position encompasses a much wider variety of additional duties and involves a broader scope of responsibilities including (See attachments 1 and 2 for job descriptions of each position);

- Reviews development proposals to ensure conformance with growth goals and policies.
- Implements, oversees and updates the City's Comprehensive Plan.
- Guides and provides recommendations to Planning Commission and City Council on Comprehensive Plan policy.
- Supervises the enforcement of ordinances to ensure compliance with city codes
- Oversees and administers all Planning, Zoning and Building Department activities.
- Oversees and directs the physical development of the community including administration of all parts of the Subdivision Ordinance.
- Oversees the review of and recommend changes to the City's Codes and Ordinances.
- Performs Staff liaison duties for the Planning Commission meetings and prepares agendas supporting material for meetings.
- Prepares and monitors budgets for the Community Development Department.
- Provide assistance and resolution in zoning disputes and other issues that arise in the performance of this position.
- Manage all TIF and developer agreements to include required fees, developer obligations and maintenance of escrow accounts.
- Maintain and monitor the City GIS program.
- Monitor activities and completes the requirements of program mandates for the Metropolitan Council, state agencies, and other local and regional governments that affect local planning and reports such activities to the City Administrator in a timely manner
- Supports and coordinates efforts to recruit and retain businesses in the city
- Serves as a City liaison to the Chamber of Commerce, Anoka County Regional Economic Development Commission and the Minnesota Department of Employment and Economic Development and works with these groups to promote and market the economic goals of the City

If there is to be but one full time person responsible for all the land use, planning and business development for the city, The Community Development Director position is more appropriate for addressing issues of a developing city than that of a City Planner. Existing growth pressures require a higher degree of involvement and attention to prevent unintended or secondary consequences of developmental decisions. Demands on cities that are on a major highway in the metro area are more extensive than those municipalities that are not in areas that are becoming prime locations for development, only require minimal services and have no city utilities,

The city ordinance that establishes the planning and inspection/ordinance enforcement division is and reads:

*Chapter 2 –Administration, Article 6, Section 2-424 establishes a Community Development Department and reads;*

*Planning division.* A planning division is hereby established. The division head shall be the city planner. The city planner shall be appointed by the city council based on the recommendation of the city administrator. City planning and zoning regulations, review of development proposals and other planning activities shall be under the supervision of the city planner. The size of the division shall be determined by the city council based on the recommendation of the city administrator. The city planner shall supervise operations of the planning division, including all assigned personnel, and shall be responsible for all equipment assigned to the division used in its operation. The city planner shall prepare and file reports as may be requested by the city administrator.

*Inspection/ordinance enforcement division.* An inspection/ordinance enforcement division is hereby established. The division head shall be the building official. The building official shall be appointed by the city council based on the recommendation of the city administrator. City building code enforcement, zoning ordinance enforcement and other code enforcement activities shall be under the supervision of the building official. The size of the division shall be determined by the city council based on the recommendation of the city administrator. The building official shall supervise operations of the inspection division, including all assigned personnel, and shall be responsible for all equipment assigned to the division used in its operation. The building official shall prepare and file reports as may be requested by the city administrator.

(Ord. No. 104B, § 13, 10-3-2007)

If Council is on board with keeping and staffing the Community Development Director position, City Council is requested to consider this ordinance be amended to read:

*A **Community Development Department** is hereby established. The division head shall be the **Community Development Director**. The **Community Development Director** shall be appointed by the city council based on the recommendation of the city administrator. City planning and zoning regulations, review of development proposals and other planning activities along with activities related to economic development shall be under the supervision of the **Community Development Director**. City building code enforcement, zoning ordinance enforcement and other code enforcement activities shall be under*

*the supervision of the **Community Development Director** and implemented by **the** building official. The size of the division shall be determined by the city council based on the recommendation of the city administrator*

*The **Community Development Director** shall supervise operations of the **Community Development Department**, including all assigned personnel, and shall be responsible for all equipment assigned to the division used in its operation. The **Community Development Director** shall prepare and file reports as may be requested by the city administrator.*

**Fiscal Impact:**

Per ZipRecruiter, the average salary in Minnesota for a Community Development Director is \$98,787 a year. While ZipRecruiter is seeing salaries as high as \$161,221 and as low as \$40,677, the majority of Community Development Director salaries currently range between \$79,400 (25th percentile) to \$121,500 (75th percentile) with top earners (90th percentile) making \$140,881 annually in Minnesota.

The starting salary recommended for this position is \$89,727 per year which is 77% of the metro average of \$117,000 for cities in the 10,000 to 15,000 population range. This position has been included in the preliminary 2023 draft budget.

**Attachment (s):**

Attachment 1 – Job Description, Community Development Director

Attachment 2 – Job Description, City Planner

Attachment 3 – 2022-2023 History of Local Hires – Community Development Director

Attachment 4 – City Organizational Chart

**Recommendation(s):** We have a qualified candidate for this position who has shown that he was willing to take on additional responsibilities, has performed above expectations and should be compensated equal to the additional duties he has assumed. Staff requests that City Council discuss a change to Section 2-424 of City Code as described above, re-open the discussion of the hire for this position and provide direction to staff as to their recommendation on this topic.

## CITY OF EAST BETHEL POSITION DESCRIPTION

<b>Position Title:</b> Community Development Director	<b>FLSA Status:</b> Exempt/Non-essential/Non-union/Confidential
<b>Department/Division:</b> Community Development	<b>Position Status:</b> Regular Full-Time
<b>Accountable To:</b> City Administrator	<b>Salary Grade:</b> Grade 11
<b>Prepared By:</b> City Administrator	<b>Date:</b> November 22, 2022

### **Position Summary:**

Under the general supervision of the City Administrator, this position is responsible for city planning, zoning and subdivision administration, Building Department supervision, updates to the comprehensive plan and City ordinances and economic development activities.

### **Essential Duties and Responsibilities:**

- Reviews development proposals to ensure conformance with growth goals and policies.
- Implements, oversees and updates the City's Comprehensive Plan.
- Guides and provides recommendations to Planning Commission and City Council on Comprehensive Plan policy.
- Oversees and administers all Planning, Zoning and Building Department activities.
- Oversees and directs the physical development of the community including administration of all parts of the Subdivision Ordinance.
- Oversees the review of and recommend changes to the City's Codes and Ordinances.
- Performs Staff liaison duties for the Planning Commission meetings and prepares agendas supporting material for meetings.
- Prepares and monitors budgets for the Community Development Department.
- Provide assistance and resolution in zoning disputes and other issues that arise in the performance of this position.
- Manage all TIF and developer agreements to include required fees, developer obligations and maintenance of escrow accounts.
- Maintain and monitor the City GIS program.
- Performs other duties and responsibilities as required.

Oversees and develops the City's Economic Development plans and activities, including but not limited to:

- Establishing and strengthening of economic development relationships with elected officials, business leaders, agencies, developers and citizen organizations.
- Provide technical assistance to advance economic development strategies and projects, including financing and incentive tools.
- Promote and market the City as a desirable location in which to locate or expand a business.
- Update and maintain current economic development information on a centralized website.
- Performs Staff liaison duties to the Economic Development Authority and prepares agendas and reports.
- Proficient knowledge of funding sources, grant/loan programs and financing tools.
- Performs other duties and responsibilities as required

**Minimum Qualifications:**

- Bachelor's Degree with a major in Community Development, City Planning, Urban Affairs or a related field.
- Minimum of five years' experience in a public Community Development discipline with experience in business retention, recruitment and marketing.
- Documented experience of and success in economic development activities.
- Knowledge of State Statutes, regulations, policies and practices which apply to planning activities and economic development.
- Ability to socially, physically and mentally perform all essential functions under the working conditions as described herein.
- Ability to speak, read, write and comprehend the English language at a level associated with this position.
- Completion of a positive background check.

**Knowledge, Skills and Abilities:**

- Extensive experience in business retention, recruitment and marketing.
- Ability to work effectively and cordially with City officials, outside agencies, consultants, developers, co-workers and the general public.
- Working ability to read and interpret financial reports, building and site plans, plats and city service maps.
- Working ability to perform mathematical calculations, analyze data, prepare reports and make public presentations.

- Good communication abilities and a positive personality.
- Effective organizational skills to manage projects and document department records.
- Computer knowledge and the ability to work with various Microsoft and Adobe products.
- Ability to work independently and provide appropriate work direction and supervision to department staff.
- Attendance of meetings outside of regular work hours.
- Ability to work in a deadline driven, fast paced environment that requires continual interaction with the public, staff and elected officials.

**Physical Demands & Working Conditions:**

The physical demands that are described herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals to perform essential functions.

- Ability to occasionally lift, push, pull and/or carry objects weighing up to 25 pounds
- Specific vision abilities required by this position include close vision, distant vision, peripheral vision and ability to focus as it relates to such tasks as reading documents, processing paperwork, reviewing plans, and viewing computer monitor.
- Office environment: sitting for extended periods at a personal computer using repetitive movements and small motor skills; working closely with others; frequent interruptions.
- The noise level in the office environment is usually moderate.
- Bend, stoop, squat, kneel, balance or reach as required.

Approved by:

  
\_\_\_\_\_  
City Administrator

## CITY OF EAST BETHEL POSITION DESCRIPTION

<b>Job Description Title:</b> City Planner	<b>FLSA Status:</b> Non-Exempt /Confidential /Non-Union
<b>Department/Division:</b> Community Development Department	<b>Position Status:</b> Regular Full-Time
<b>Accountable To:</b> Community Development Director	<b>Salary Grade:</b> Grade 6
<b>Prepared By:</b> City Administrator	<b>Revision Date:</b> July 25, 2022

### Position Summary:

Under the supervision of the Community Development Director, the City Planner position provides zoning and code enforcement services along with basic planning and subdivision responsibilities.

### Essential Duties and Responsibilities:

- Interprets and applies applicable local codes and ordinances.
- Initiates actions necessary to correct deficiencies or violations of regulations.
- Conducts review and administers various development applications including but not limited to interim use permits, conditional use permits, and variances requests.
- Assists with the administration of all parts of the Subdivision Ordinance, site plan review, preliminary plats, final plats, and other Ordinance related land development matters.
- Oversee the scheduling of all Planning related public hearings, including the preparation of notices and staff documentation.
- Recommend updates to the Zoning Map as necessary.
- Assists in the reviews and preparation of the City's Codes and Ordinances.
- Provide public assistance to residents regarding zoning questions.
- Accepts, processes, and maintains land use applications for conditional and interim use permits, variances, plats, parcel divisions, site plan reviews, wetland use and re-zonings.
- Provides customer service to the general public including telephone, email, and front counter assistance with land use applications and related requirements, GIS information, parcel information, zoning, complaints, building information and other general information.
- Maintain department files in accordance with applicable state, federal or local laws/ordinances and records retention schedule.
- Maintains land use application, development and address file system and database for IUP renewal schedules.
- Assists in the preparation of agendas for and attends Planning Commission meetings as required.
- Responsible for responding to complaints and city code violations and code compliance letters and records.
- Responsible for providing all documentation for code compliance cases to the City Attorney's office.
- Assists the building department with onsite inspections of code violations.
- Assists at front counter as needed.
- Provide backup administrative services to the Building department as needed.
- Performs other duties as assigned or directed that relate to the Department or other City functions.

### Knowledge, Skills and Abilities

- Basic knowledge of planning principles and practices
- Knowledge of principles, methodology, practices of research and data collection.

- Must have technical writing skills as required to address the requirements of the job description.
- Ability to operate office equipment including PC's and appropriate software.
- Ability to deal tactfully with the public, city staff and outside agencies.
- Knowledge of general office procedures including but not limited answering and directing phone calls, taking messages, filing, etc.
- Ability to communicate effectively, in English, both verbally and in writing. Ability to compose a variety of documents using correct grammar, punctuation, and spelling.
- Ability to coordinate inspections schedules for multiple inspectors.
- Ability to work with limited supervision and work direction.
- Ability to function in a fast paced environment and perform tasks within deadlines.
- Ability to efficiently organize tasks and meet deadlines.
- Ability to establish and maintain effective working relationships with supervisors, co-workers and the general public.

**Minimum Qualifications:**

- Bachelor's degree in land use planning, urban planning, or related field or a minimum three years equivalent experience in a building or planning department.
- Ability to work some evenings and flexible hours as required.
- Ability to utilize Microsoft Office products.
- Ability to utilize GIS and PermitWorks software.
- Ability to communicate clearly, effectively and efficiently in both verbal and written formats.
- Ability to multi task and work in a fast-paced environment.
- High proficiency in computer skills.
- Valid driver's license.

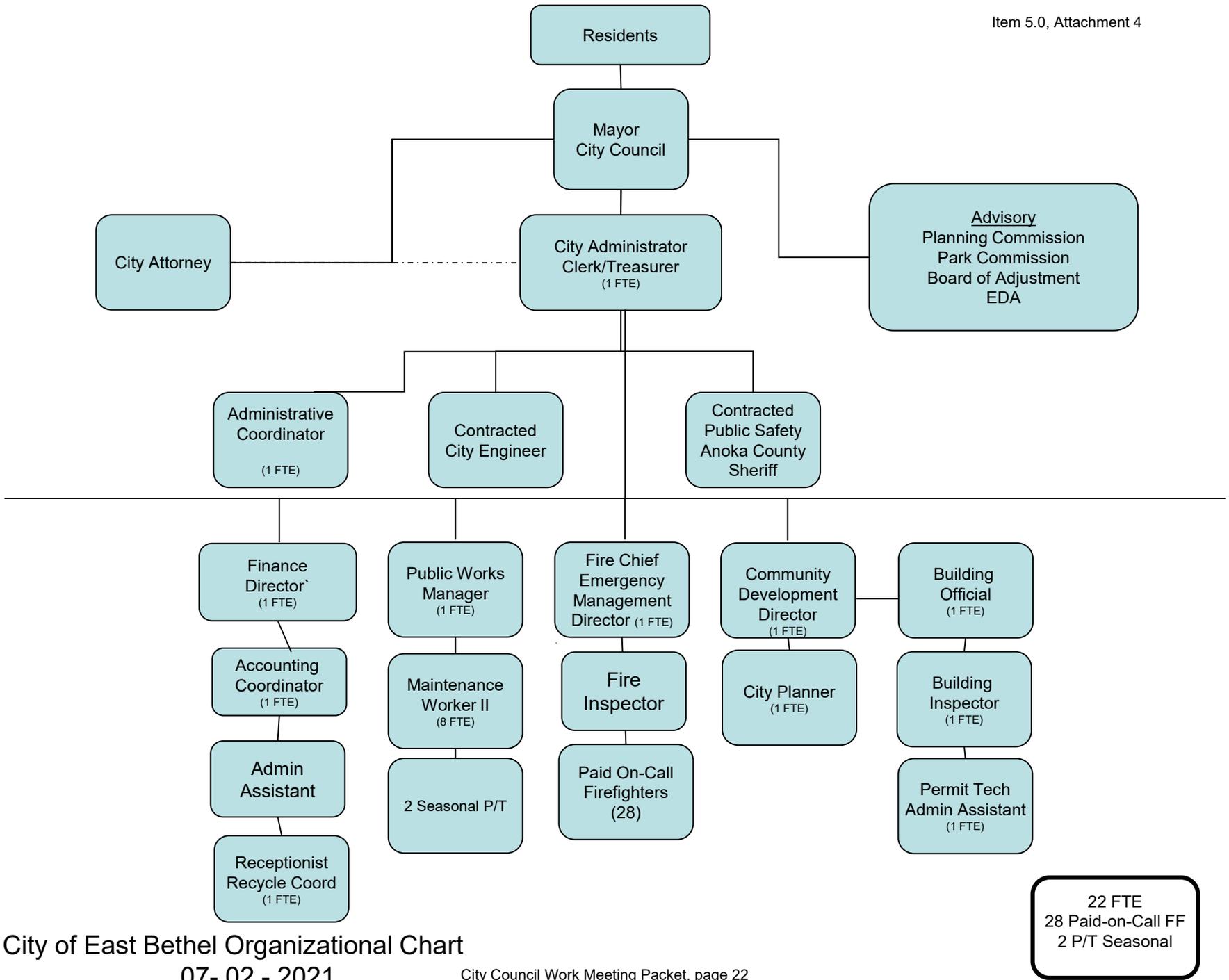
These job responsibilities are examples of various types of work performed and are not necessarily all-inclusive.

**Community Development Director Position – Jobs advertised and filled in 2022/2023**

City	<u>East Bethel</u>	<u>St Francis</u>	<u>North Branch</u>
Salary Range	90 – 110 K	86 – 107 K	114 – 125K
Salary offered	\$90,000	\$92,000	N.A.
Advertised Periods	2	3	1
Staffing Services			Baker-Tilley
Staffing Serv. Cost			\$13,500
# of Applicants	7		18
# of Interviewees	3	6	6
# Interviewed	1	6	6
Hire	Pending	Intern w/City	Interview Candidate
Advertisements	*	*	Baker-Tilley

\*East Bethel – Anoka Union, LMC Job Opportunities Website, City Media Outlets, Jobs. Com and InDeed

\*St Francis - Anoka Union, LMC Job Opportunities Website, City Media Outlets and LinkedIn



City of East Bethel Organizational Chart

07- 02 - 2021

22 FTE  
28 Paid-on-Call FF  
2 P/T Seasonal

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



**Date:** June 5, 2023

**Agenda Item Number:** 6.0

**Agenda Item:** Ordinance Review

**Background Material:**

The East Bethel Planning Commission completed a review of the proposed changes to City Ordinance, Appendix A, Zoning, Section 28 – Architectural Standards and Appendix A, Zoning, Section 24 – Exterior Storage at their May 23, 2023 meeting. This review completed their initial work of the review that was discussed at their April 25, 2023. The existing architectural standard ordinance is exhibited as Attachment 1, the Council’s proposed changes are presented in Attachment 2 and the Commission’s recommendations are shown in Attachment 3. The existing Exterior Storage ordinance is exhibited as Attachment 4, the Council’s proposed changes are presented in Attachment 5 and the Commission’s recommendations are shown in Attachment 6.

Should post frame constructed buildings be permitted in the Hwy 65 Corridor (an area ¾ mile on either side of TH 65), architectural standards for these type of structures should be developed to ensure minimum standards for exterior appearance.

Councilperson Tim Miller requested amendments to:

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

Amendments to these ordinance sections will require a properly noticed Public Hearing to be held prior to any consideration of approval at a regular Council meeting.

The Planning Commission will begin their review of ordinance changes for Appendix A – Zoning, Section 10-4, Accessory Storage Containers at their June 27, 2023 Meeting

**Attachment(s):**

- Attachment 1 – Zoning – Section 28, Existing Ordinance
- Attachment 2 – Zoning Code Amendments, Sections 28
- Attachment 3 – Planning Commission Recommendation, Section 28
- Attachment 4 – Zoning – Sections 24, Existing Ordinance
- Attachment 5 – Zoning Code Amendments, Sections 24
- Attachment 6 - Planning Commission Recommendation, Sections 24

Staff is requesting City Council review the recommendations of the Planning Commission as exhibited in Attachments 3 and 6 and determine if these are adequate as presented or require additional amendments and direct staff to proceed accordingly.

APPENDIX A - ZONING  
SECTION 28. ARCHITECTURAL STANDARDS

---

**SECTION 28. ARCHITECTURAL STANDARDS****1. Purpose.**

The purpose of architectural standards is to ensure the exterior of new construction and additions to existing buildings are well designed, detailed, and crafted to embody high standards of architectural designs.

**2. Mixed use (MXU), limited business (B-1), central business (B-2), highway business (B-3), and non-residential uses in residential districts.**

- A. *Building design.* Building design shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity.
- 1) Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs), and pole-type building materials are not permitted as primary exterior building materials.
  - 2) At least 50 percent of all exterior wall finishes shall be comprised of any combination of at least two of the following materials:
    - a) Brick.
    - b) Natural stone.
    - c) Glass.
    - d) Stucco or stucco-like finishes.
    - e) Other comparable or superior material approved by city council.
  - 3) Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials that meet or exceed the quality of the primary exterior materials and shall be consistent with the building design.
  - 4) In the, MXU, B-1, B-2 districts and non-residential uses in residential districts, a minimum of 30 percent of the facade facing the public right-of-way shall be glass.
  - 5) In the B-3 districts, a minimum of 20 percent of the facade facing the public right-of-way shall be glass.
  - 6) Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building.

(Ord. No. 2021-06, 10-11-2021)

**3. Light industrial (I).**

- A. *Building design.* Building design shall exhibit architectural control which seeks to be creative and utilize building lines, shapes, and angles to maximize architectural integrity.
- B. *[Agricultural standards.]* Industrial properties which are located within 1,320 feet of the centerline of the right-of-way of Highway 65 shall meet the following architectural standards. Where only a portion of the parcel lies within 1,320 feet of the Highway 65 centerline, the standards shall apply to the entire parcel:

- 1) Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs), and pole-type building materials are not permitted as primary exterior building materials.
  - 2) Building exterior wall finishes shall be comprised of any combination of at least two of the following materials:
    - a) Brick.
    - b) Natural stone.
    - c) Glass.
    - d) Masonry stucco.
    - e) Other comparable or superior material approved by city council.
  - 3) Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials comparable in grade and quality to the primary exterior materials.
  - 4) A minimum of 20 percent of the facade facing the public right-of-way shall be glass.
  - 5) Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building
- C. *[Architectural standards.]* Industrial properties which are not located within 1,350 feet of the centerline of the right-of-way of Highway 65 shall meet the following architectural standards:
- 1) Exterior wall surfaces of all buildings shall be faced with brick, stone, architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials or glass.
  - 2) Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials comparable in grade and quality to the primary exterior materials.
  - 3) A minimum of 20 percent of the facade facing the public-right-of way shall be glass.
  - 4) Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building.

#### **4. Two-family and townhome dwellings.**

Exterior building finish: The exterior of two-family and townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, two-family and townhome dwelling structures shall comply with the following requirements:

- A. A minimum of 25 percent of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco, and/or natural or artificial stone.
- B. Except for brick, stucco, and/or natural or artificial stone, no single building facade shall have more than 75 percent of one type of exterior finish.
- C. For the purpose of this section, the area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.
- D. No more than three buildings within 300 feet of each other shall consist of the same building facade.

---

## **5. Exceptions.**

- A. The proposed building maintains the quality and value intended by this section.
- B. The proposed building is compatible and in harmony with other structures designed by standards in this section within the district.
- C. The design exceeds the intent of the ordinance.
- D. Any building is subject to denial that does not meet architectural excellence as determined by the planning commission and the city council.

## **6. Site plan review.**

A site plan review is required for new construction, additions, and changes to existing buildings according to Section 04. Applications and Procedures. Each building design will be reviewed for at least the following considerations:

- A. Appropriate location of structures on the site with relationship to other amenities, restrictions, adjacent land usage, etc.
- B. General massing, roof treatments, proportions and quantity of exterior openings.
- C. Use of exterior materials as they relate to adjacent structures, and their impact on the quality and character of the immediate area.
- D. Screening of mechanical equipment, tanks, loading decks, refuse handling, ancillary equipment, etc., whether on the roof or on the site.

- CODE OF ORDINANCES  
APPENDIX A - ZONING  
SECTION 28. ARCHITECTURAL STANDARDS

## **SECTION 28. ARCHITECTURAL STANDARDS**

### **1. Purpose.**

The purpose of architectural standards is to ensure the exterior of new construction and additions to existing buildings are well designed, detailed, and crafted to embody high standards of architectural designs.

### ~~2. Mixed use (MXU), limited business (B-1), central business (B-2), highway business (B-3), and non-residential uses in residential districts.~~

- A. *Building design.* Building design requirements for Mixed use (MXU), Limited Business (B-1), and non residential districts. ~~shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity.~~
- 1.) Building design shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity.
  - ~~1) 2.)~~ Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs), and pole-type building materials are not permitted as primary exterior building materials.
  - ~~2) 3.)~~ At least 50 percent of all exterior wall finishes shall be comprised of any combination of at least two of the following materials:
    - a) Brick.
    - b) Natural stone.
    - c) Glass.
    - d) Stucco or stucco-like finishes.
    - e) ~~Other comparable or~~ Architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials, painted steel siding, or other comparable superior material approved by city council.
  - 3) Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials that meet or exceed the quality of the primary exterior materials and shall be consistent with the building design.
  - 4) ~~In the, MXU, B-1, B-2 districts and non-residential uses in residential districts, a~~ minimum of 30 percent of the facade facing the public right-of-way shall be glass.
  - 5) ~~In the B-3 districts, a minimum of 20 percent of the facade facing the public right of way shall be glass.~~ Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building, and shall be exempt from the requirements of windows on the sides or back facades.
  - ~~6) — Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building.~~

(Ord. No. 2021-06, 10-11-2021)

## B.) Building design requirements for Central Business (B-2) and Highway Business (B-3) districts.

- 1) Building design shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity.
- 2) Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs) are not permitted as primary exterior building materials.
- 3) At least 50 percent of all exterior wall finishes shall be comprised of any combination of at least two of the following materials:
  - a. Brick.
  - b. Natural stone.
  - c. Glass.
  - d. Stucco or stucco-like finishes.
  - e. Architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials, painted steel siding, or other comparable or superior material approved by city council.
- 4) Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials that meet or exceed the quality of the primary exterior materials and shall be consistent with the building design.
- 5) Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building, and shall be exempt from the requirement of windows on the side or back facades.

## ~~3. Light industrial (I).~~

### C.) Building design requirements for Light Industrial (I) district.

- ~~A. 1.) *Building design.* Building design shall exhibit architectural control which seeks to be creative and utilize building lines, shapes, and angles to maximize architectural integrity.~~
- ~~B. 2.) *[Agricultural standards.]* Industrial properties which are located within 1,320 feet of the centerline of the right-of-way of Highway 65 shall meet the following architectural standards. Where only a portion of the parcel lies within 1,320 feet of the Highway 65 centerline, the standards shall apply to the entire parcel:~~
- ~~1) —~~Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs), ~~and pole-type building materials~~ are not permitted as primary exterior building materials.
  - ~~2) 3.)~~ Building exterior wall finishes shall be comprised of any combination of at least two of the following materials:
    - a) Brick.

- b) Natural stone.
- c) Glass.
- d) Masonry stucco.
- e) Architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials, painted steel siding, or other comparable or superior material approved by city council.

~~3) 4.)~~ Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials comparable in grade and quality to the primary exterior materials.

~~4) — A minimum of 20 percent of the facade facing the public right-of-way shall be glass.~~

5) Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building, and shall be exempt from the requirement of windows on the side or back facades.

~~C. — [Architectural standards.] Industrial properties which are not located within 1,350 feet of the centerline of the right-of-way of Highway 65 shall meet the following architectural standards:~~

~~1) — Exterior wall surfaces of all buildings shall be faced with brick, stone, architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials or glass.~~

~~2) — Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials comparable in grade and quality to the primary exterior materials.~~

~~3) — A minimum of 20 percent of the facade facing the public right-of-way shall be glass.~~

~~4) — Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building.~~

#### **4. D.) Two-family and townhome dwellings.**

Exterior building finish: The exterior of two-family and townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, two-family and townhome dwelling structures shall comply with the following requirements:

~~A-1.)~~ A minimum of 25 percent of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco, and/or natural or artificial stone.

~~B- 2.)~~ Except for brick, stucco, and/or natural or artificial stone, no single building facade shall have more than 75 percent of one type of exterior finish.

~~C- 3.)~~ For the purpose of this section, the area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

~~D- 4.)~~ No more than three buildings within 300 feet of each other shall consist of the same building facade.

#### **5. E.) Exceptions.**

~~A- 1.)~~ The proposed building maintains the quality and value intended by this section.

~~B- 2.)~~ The proposed building is compatible and in harmony with other structures designed by standards in this section within the district.

~~C-3.)~~ The design exceeds the intent of the ordinance.

~~D-4.)~~ Any building is subject to denial that does not meet architectural excellence as determined by the planning commission and the city council.

**~~6- F.)~~ Site plan review.**

A site plan review is required for new construction, additions, and changes to existing buildings according to Section 04. Applications and Procedures. Each building design will be reviewed for at least the following considerations:

~~A- 1.)~~ Appropriate location of structures on the site with relationship to other amenities, restrictions, adjacent land usage, etc.

~~B- 2.)~~ General massing, roof treatments, proportions and quantity of exterior openings.

~~C-3.)~~ Use of exterior materials as they relate to adjacent structures, and their impact on the quality and character of the immediate area.

~~D- 4.)~~ Screening of mechanical equipment, tanks, loading decks, refuse handling, ancillary equipment, etc., whether on the roof or on the site.

APPENDIX A - ZONING  
SECTION 28. ARCHITECTURAL STANDARDS

## **SECTION 28. ARCHITECTURAL STANDARDS**

### **1. Purpose.**

The purpose of architectural standards is to ensure the exterior of new construction and additions to existing buildings are well designed, detailed, and crafted to embody high standards of architectural designs.

- A. *Building design.* Building design requirements for Mixed use (MXU), Limited Business (B-1), and non residential districts shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity.
- 1) Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs), and pole-type building materials are not permitted as primary exterior building materials.
  - 2) At least 50 percent of all exterior wall finishes shall be comprised of any combination of at least two of the following materials:
    - a) Brick.
    - b) Natural stone.
    - c) Glass.
    - d) Stucco or stucco-like finishes.
    - e) Architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials, or other comparable superior material approved by city council.
  - 3) Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials that meet or exceed the quality of the primary exterior materials and shall be consistent with the building design.
  - 4) A minimum of 30 percent of the facade facing the public right-of-way shall be glass.
  - 5) All exterior sides shall be surfaced equivalent to the front of the building and shall be exempt from the requirements of windows on the sides or back facades.

(Ord. No. 2021-06, 10-11-2021)

- B. Building design requirements for Central Business (B-2) and Highway Business (B-3) districts shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity.
1. Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs) are not permitted as primary exterior building materials.
  2. At least 50 percent of all exterior wall finishes shall be comprised of any combination of at least two of the following materials:
    - a) Brick.
    - b) Natural stone.

- c) Glass.
  - d) Masonry stucco.
  - e) Architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials, painted steel siding, or other comparable or superior material approved by city council.
- 1) Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials that meet or exceed the quality of the primary exterior materials and shall be consistent with the building design.
  - 2) A minimum of 20 percent of the facade facing the public right-of-way shall be glass.
  - 3) All exterior sides shall be surfaced equivalent to the front of the building and shall be exempt from the requirement of windows on the side or back facades.
- C.) Building design requirements for Light Industrial (I) district shall exhibit architectural control which seeks to be creative and utilize building lines, shapes, and angles to maximize architectural integrity.
- 1) *[Agricultural standards.]* Industrial properties which are located within 1,320 feet of the centerline of the right-of-way of Highway 65 shall meet the following architectural standards. Where only a portion of the parcel lies within 1,320 feet of the Highway 65 centerline, the standards shall apply to the entire parcel:
    - 2) Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs), and pole type building materials are not permitted as primary exterior building materials.
    - 3) Building exterior wall finishes shall be comprised of any combination of at least two of the following materials:
      - a) Brick.
      - b) Natural stone.
      - c) Glass.
      - d) Masonry stucco.
      - e) Architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials, painted steel siding, or other comparable or superior material approved by city council.
    - 4) Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials comparable in grade and quality to the primary exterior materials.
    - 5) Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building, and shall be exempt from the requirement of windows on the side or back facades.
    - 6) *[Architectural standards.]* Industrial properties which are not located within 1,350 feet of the centerline of the right-of-way of Highway 65 shall meet the following architectural standards:
      - a) Exterior wall surfaces of all buildings shall be faced with brick, stone, architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials or glass.

- b) Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials comparable in grade and quality to the primary exterior materials.
- c) Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building **and shall be exempt from the requirement of windows on the side or back facades.**

#### **D. Two-family and townhome dwellings.**

Exterior building finish: The exterior of two-family and townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, two-family and townhome dwelling structures shall comply with the following requirements:

- 1. A minimum of 25 percent of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco, and/or natural or artificial stone.
- 2. Except for brick, stucco, and/or natural or artificial stone, no single building facade shall have more than 75 percent of one type of exterior finish.
- 3. For the purpose of this section, the area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.
- 4. No more than three buildings within 300 feet of each other shall consist of the same building facade.

#### **E. Exceptions.**

- 1. The proposed building maintains the quality and value intended by this section.
- 2. The proposed building is compatible and in harmony with other structures designed by standards in this section within the district.
- 3. The design exceeds the intent of the ordinance.
- 4. Any building is subject to denial that does not meet architectural excellence as determined by the planning commission and the city council.

## **F. Site plan review.**

A site plan review is required for new construction, additions, and changes to existing buildings according to Section 04. Applications and Procedures. Each building design will be reviewed for at least the following considerations:

1. Appropriate location of structures on the site with relationship to other amenities, restrictions, adjacent land usage, etc.
2. General massing, roof treatments, proportions and quantity of exterior openings.
3. Use of exterior materials as they relate to adjacent structures, and their impact on the quality and character of the immediate area.
4. Screening of mechanical equipment, tanks, loading decks, refuse handling, ancillary equipment, etc., whether on the roof or on the site.

APPENDIX A - ZONING  
SECTION 24. EXTERIOR STORAGE

---

**SECTION 24. EXTERIOR STORAGE****1. Exemptions.**

All products, materials, and equipment, except as specifically described in this ordinance, shall be stored within permitted structures or completely screened from view of adjoining properties and the public right-of-way except for the following:

- A. Off-street parking of licensed passenger automobiles and personal or commercial vehicles of less than 12,000 pounds gross vehicle weight rating (GVWR) in designated driveway or parking area.
- B. Off-street parking of vehicles and recreational vehicles that are permitted according to the provisions of this ordinance and any other city ordinance.
- C. Clothes lines, antennae, air conditioners in working condition, outdoor grills, play equipment, ornaments and monuments.
- D. Landscaping materials and equipment may be stored on a lot if these are used on the lot within a period of three months.

**2. Inoperable vehicles and refuse materials.**

- A. Passenger automobiles and trucks not currently licensed by the state, or which are incapable of movement under their own power due to mechanical deficiency, which are parked or stored outside for a period in excess of 96 hours, and all materials stored outside in violation of the city ordinances, are considered refuse or junk and shall be disposed of according to city regulations.
- B. Any accumulation of refuse not stored in containers that comply with city ordinances, or any accumulation of refuse including car parts which has remained on a property for more than one week, is hereby declared to be a nuisance and may be abated by order of the zoning administrator or building official. The cost of removal shall be recovered in accordance with the city ordinances and state law.
- C. Repairable vehicles shall be stored in a designated storage area and not be visible from the public right-of-way or adjacent properties.

**3. Residential districts.**

- A. All personal property shall be stored within a building or be fully screened so as not to be visible from adjoining properties and public streets, except for the following:
  1. Play and recreational equipment.
  2. Stacked firewood for the burning supply of the property resident shall be stored in the side yard or the rear yard at a minimum of five feet from the property line.
  3. Agricultural equipment and materials, if these are used or intended for use on the premises within a period of 12 months.
- B. Agriculture (A), Rural Residential (RR), Single Family Residential (R-1), Single Family and Townhome Residential (R-2) districts, and Coon Lake Residential (CL) districts.

1. Motor vehicles stored outside must be parked on a designated driveway.
  2. A maximum of five of the following vehicles must be parked on a designated driveway, or outdoor storage area located in a side or rear yard:
    - a. Recreational vehicles,
    - b. Boat/trailer combinations,
    - c. Snowmobile/trailer combinations,
    - d. Items of lawn equipment,
    - e. Items of construction equipment with a weight limit of 20,000 GVWR, or
    - f. Other equipment or trailers, or any combination thereof.
  3. The outdoor storage area must be completely screened from the public right-of-way and adjacent properties.
- C. Up to two automobiles or other motor vehicles or two snowmobiles or all-terrain vehicles may be located or displayed on any property for the purpose of sale, but such a vehicle, snowmobile, or all-terrain vehicle may not be so located or displayed more than on three separate occasions during any calendar year. The location or display to public view of an automobile or other motor vehicle or snowmobile or an all-terrain vehicle with a telephone number, an address, or the words "For Sale" affixed on the vehicle shall be evidence that the motor vehicle is located or displayed for the purpose of sale.

(Ord. No. 2021-06, 10-11-2021)

#### **4. I district.**

- A. Exterior storage is permitted in I-1 districts as a conditional use permit and subject to the following conditions:
1. Exterior storage shall be limited to the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
  2. Maximum amount of exterior storage cannot exceed the square footage of the Principal building.
  3. Exterior storage cannot exceed 12 feet in height

Construction yards are exempt from exterior storage requirements as outlined in Section 24, 4-A, provided they are located in the rear yard behind the principal building and cannot exceed the square footage of the Principal building and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.

- B. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than six feet in height and shall preclude vision through the barrier.
1. Screening to be achieved through a combination of masonry walls, fencing, berming, and landscaping.
  2. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].
  3. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.
- C. Exterior display in I-1 districts.
1. The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.

2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.
  3. Additional parking spaces shall be provided based upon the exterior display and sale area.
- D. Prohibited storage
1. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.
  2. E. Parking up to three commercial vehicles, such as delivery and service trucks up to 20,000 GVWR, may be parked without screening if the vehicles relate to the principal use. Vehicles over 20,000 GVWR, construction equipment, and trailers shall require screening.
  3. Semi-trucks and trailers shall not be considered part of outside storage if they are used in the normal business commerce and do not exceed the number of docks and or bay doors.

**5. B-3 district.**

- A. Exterior storage is permitted in B-3 districts as a Conditional Use permit and subject to the following conditions:
1. Exterior storage shall be limited to the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
  2. Maximum amount of exterior storage cannot exceed the square footage of the Principal building.
  3. Exterior storage cannot exceed 12 feet in height
- B. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than six feet in height and shall preclude vision through the barrier. Screening to be achieved through a combination of masonry walls, fencing, berming, and landscaping.
1. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].
  2. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.
- C. Exterior display in B-3 districts.
1. The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.
  2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.
  3. Additional parking spaces shall be provided based upon the exterior display and sale area.
- D. Prohibited storage
1. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.
- E. Parking
1. Semi-trucks and trailers shall not be considered part of outside storage if they are used in the normal business commerce and do not exceed the number of docks and or bay doors.

**6. B-2 district.**

- A. Exterior storage is permitted with a CUP.

1. Approved exterior storage shall be limited to an area no more than 100 square feet of the rear yard, and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
  2. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than six feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].
  3. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.
- B. Exterior display in B-2 Districts
1. The area occupied by exterior display shall not exceed ten percent of the gross floor area of the principal building on the property.
  2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.
  3. Additional parking spaces shall be provided based upon the exterior display and sale area.
- C. Prohibited Storage
1. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

**7. B-1 district.**

- A. Exterior storage and exterior displays are not permitted.
- B. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

**8. Mixed use districts.**

- A. Exterior storage is allowed with a conditional use permit.
- B. Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the city, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, manufacturing, testing, or storage of items used with or in a business or commercial enterprise unless an interim use permit has been obtained from the city.
- C. The city council may order the owner of any property to cease or modify open storage uses, including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 48, Fourth Series, 9-21-2016; Ord. No. 2021-06, 10-11-2021)

APPENDIX A - ZONING  
SECTION 24. EXTERIOR STORAGE

---

**SECTION 24. EXTERIOR STORAGE****1. Exemptions.**

All products, materials, and equipment, except as specifically described in this ordinance, shall be stored within permitted structures or completely screened from view of adjoining properties and the public right-of-way except for the following:

- A. Off-street parking of licensed passenger automobiles and personal or commercial vehicles of less than 12,000 pounds gross vehicle weight rating (GVWR) in designated driveway or parking area.
- B. Off-street parking of vehicles and recreational vehicles that are permitted according to the provisions of this ordinance and any other city ordinance.
- C. Clothes lines, antennae, air conditioners in working condition, outdoor grills, play equipment, ornaments and monuments.
- D. Landscaping materials and equipment may be stored on a lot if these are used on the lot within a period of three months.

**2. Inoperable vehicles and refuse materials.**

- A. Passenger automobiles and trucks not currently licensed by the state, or which are incapable of movement under their own power due to mechanical deficiency, which are parked or stored outside for a period in excess of 96 hours, and all materials stored outside in violation of the city ordinances, are considered refuse or junk and shall be disposed of according to city regulations.
- B. Any accumulation of refuse not stored in containers that comply with city ordinances, or any accumulation of refuse including car parts which has remained on a property for more than one week, is hereby declared to be a nuisance and may be abated by order of the zoning administrator or building official. The cost of removal shall be recovered in accordance with the city ordinances and state law.
- C. Repairable vehicles shall be stored in a designated storage area and not be visible from the public right-of-way or adjacent properties.

**3. Residential districts.**

- A. All personal property shall be stored within a building or be fully screened so as not to be visible from adjoining properties and public streets, except for the following:
  1. Play and recreational equipment.
  2. Stacked firewood for the burning supply of the property resident shall be stored in the side yard or the rear yard at a minimum of five feet from the property line.
  3. Agricultural equipment and materials, if these are used or intended for use on the premises within a period of 12 months.
- B. Agriculture (A), Rural Residential (RR), Single Family Residential (R-1), Single Family and Townhome Residential (R-2) districts, and Coon Lake Residential (CL) districts.

1. Motor vehicles stored outside must be parked on a designated driveway.
  2. A maximum of five of the following vehicles must be parked on a designated driveway, or outdoor storage area located in a side or rear yard:
    - a. Recreational vehicles,
    - b. Boat/trailer combinations,
    - c. Snowmobile/trailer combinations,
    - d. Items of lawn equipment,
    - e. Items of construction equipment with a weight limit of 20,000 GVWR, or
    - f. Other equipment or trailers, or any combination thereof.
  3. The outdoor storage area must be completely screened from the public right-of-way and adjacent properties.
- C. Up to two automobiles or other motor vehicles or two snowmobiles or all-terrain vehicles may be located or displayed on any property for the purpose of sale, but such a vehicle, snowmobile, or all-terrain vehicle may not be so located or displayed more than on three separate occasions during any calendar year. The location or display to public view of an automobile or other motor vehicle or snowmobile or an all-terrain vehicle with a telephone number, an address, or the words "For Sale" affixed on the vehicle shall be evidence that the motor vehicle is located or displayed for the purpose of sale.

(Ord. No. 2021-06, 10-11-2021)

#### **4. I district, and B-3.**

- A. Exterior storage is permitted in I-1 districts as a conditional use permit and subject to the following conditions:
1. Exterior storage shall be limited to the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
  - ~~2. Maximum amount of exterior storage cannot exceed the square footage of the Principal building.~~
  - ~~3. Exterior storage cannot exceed 12 feet in height~~

Construction yards are exempt from exterior storage requirements as outlined in Section 24, 4-A, provided they are located in the rear yard behind the principal building and cannot exceed the square footage of the Principal building and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.

- B. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than six feet in height and shall preclude vision through the barrier.
1. Screening to be achieved through a combination of masonry walls, fencing, berming, and landscaping.
  2. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].
  3. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.
- C. Exterior display in I-1 districts.
1. The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.

2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.
  3. Additional parking spaces shall be provided based upon the exterior display and sale area.
- D. Prohibited storage
1. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.
  2. E. Parking up to three commercial vehicles, such as delivery and service trucks up to 20,000 GVWR, may be parked without screening if the vehicles relate to the principal use. Vehicles over 20,000 GVWR, construction equipment, and trailers shall require screening.
  3. Semi-trucks and trailers shall not be considered part of outside storage if they are used in the normal business commerce and do not exceed the number of docks and or bay doors.

**5. ~~B-3 district.~~**

- ~~A. Exterior storage is permitted in B-3 districts as a Conditional Use permit and subject to the following conditions:~~
- ~~1. Exterior storage shall be limited to the rear yard and shall not be allowed within the required setbacks, public right of way, private access easement, or within the required parking area.~~
  - ~~2. Maximum amount of exterior storage cannot exceed the square footage of the Principal building.~~
  - ~~3. Exterior storage cannot exceed 12 feet in height~~
- ~~B. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than six feet in height and shall preclude vision through the barrier. Screening to be achieved through a combination of masonry walls, fencing, berming, and landscaping.~~
- ~~1. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].~~
  - ~~2. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.~~
- ~~C. Exterior display in B-3 districts.~~
- ~~1. The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.~~
  - ~~2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.~~
  - ~~3. Additional parking spaces shall be provided based upon the exterior display and sale area.~~
- ~~D. Prohibited storage~~
- ~~1. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.~~
- ~~E. Parking~~
- ~~1. Semi-trucks and trailers shall not be considered part of outside storage if they are used in the normal business commerce and do not exceed the number of docks and or bay doors.~~

**6. 5. B-2 district.**

- A. Exterior storage is permitted with a CUP.

~~1. Approved exterior storage shall be limited to an area no more than 100 square feet of the rear yard, and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.~~

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

B. Exterior display in B-2 Districts

1. The area occupied by exterior display shall not exceed ten percent of the gross floor area of the principal building on the property.
2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.
3. Additional parking spaces shall be provided based upon the exterior display and sale area.

C. Prohibited Storage

1. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

**7. B-1 district.**

- A. Exterior storage and exterior displays are not permitted.
- B. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

**8. Mixed use districts.**

- A. Exterior storage is allowed with a conditional use permit.
- B. Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the city, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, manufacturing, testing, or storage of items used with or in a business or commercial enterprise unless an interim use permit has been obtained from the city.
- C. The city council may order the owner of any property to cease or modify open storage uses, including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 48, Fourth Series, 9-21-2016; Ord. No. 2021-06, 10-11-2021)

APPENDIX A - ZONING  
SECTION 24. EXTERIOR STORAGE

---

**SECTION 24. EXTERIOR STORAGE****1. Exemptions.**

All products, materials, and equipment, except as specifically described in this ordinance, shall be stored within permitted structures or completely screened from view of adjoining properties and the public right-of-way except for the following:

- A. Off-street parking of licensed passenger automobiles and personal or commercial vehicles of less than 12,000 pounds gross vehicle weight rating (GVWR) in designated driveway or parking area.
- B. Off-street parking of vehicles and recreational vehicles that are permitted according to the provisions of this ordinance and any other city ordinance.
- C. Clothes lines, antennae, air conditioners in working condition, outdoor grills, play equipment, ornaments and monuments.
- D. Landscaping materials and equipment may be stored on a lot if these are used on the lot within a period of three months.

**2. Inoperable vehicles and refuse materials.**

- A. Passenger automobiles and trucks not currently licensed by the state, or which are incapable of movement under their own power due to mechanical deficiency, which are parked or stored outside for a period in excess of 96 hours, and all materials stored outside in violation of the city ordinances, are considered refuse or junk and shall be disposed of according to city regulations.
- B. Any accumulation of refuse not stored in containers that comply with city ordinances, or any accumulation of refuse including car parts which has remained on a property for more than one week, is hereby declared to be a nuisance and may be abated by order of the zoning administrator or building official. The cost of removal shall be recovered in accordance with the city ordinances and state law.
- C. Repairable vehicles shall be stored in a designated storage area and not be visible from the public right-of-way or adjacent properties.

**3. Residential districts.**

- A. All personal property shall be stored within a building or be fully screened so as not to be visible from adjoining properties and public streets, except for the following:
  1. Play and recreational equipment.
  2. Stacked firewood for the burning supply of the property resident shall be stored in the side yard or the rear yard at a minimum of five feet from the property line.
  3. Agricultural equipment and materials, if these are used or intended for use on the premises within a period of 12 months.
- B. Agriculture (A), Rural Residential (RR), Single Family Residential (R-1), Single Family and Townhome Residential (R-2) districts, and Coon Lake Residential (CL) districts.
  1. Motor vehicles stored outside must be parked on a designated driveway.

2. A maximum of five of the following vehicles must be parked on a designated driveway, or outdoor storage area located in a side or rear yard:
    - a. Recreational vehicles,
    - b. Boat/trailer combinations,
    - c. Snowmobile/trailer combinations,
    - d. Items of lawn equipment,
    - e. Items of construction equipment with a weight limit of 20,000 GVWR, or
    - f. Other equipment or trailers, or any combination thereof.
  3. The outdoor storage area must be completely screened from the public right-of-way and adjacent properties.
- C. Up to two automobiles or other motor vehicles or two snowmobiles or all-terrain vehicles may be located or displayed on any property for the purpose of sale, but such a vehicle, snowmobile, or all-terrain vehicle may not be so located or displayed more than on three separate occasions during any calendar year. The location or display to public view of an automobile or other motor vehicle or snowmobile or an all-terrain vehicle with a telephone number, an address, or the words "For Sale" affixed on the vehicle shall be evidence that the motor vehicle is located or displayed for the purpose of sale.

(Ord. No. 2021-06, 10-11-2021)

#### **4. I district and B-3.**

- A. Exterior storage is permitted in I-1 and B-3 districts as a conditional use permit and subject to the following conditions:
1. Exterior storage shall be limited to the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
  2. Maximum amount of exterior storage cannot exceed **2 times** the square footage of the Principal Building.
  3. **Exterior storage cannot exceed the maximum allowable height of the principal building.**

Construction yards are exempt from exterior storage requirements as outlined in Section 24, 4-A, provided they are located in the rear yard behind the principal building and cannot exceed the square footage of the Principal building and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.

- B. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than six feet in height and shall preclude vision through the barrier.
1. Screening to be achieved through a combination of masonry walls, fencing, berming, and landscaping.
  2. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].
  3. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.
- C. Exterior display in I-1 and B-3 districts.
1. The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.
  2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.

3. Additional parking spaces shall be provided based upon the exterior display and sale area.

D. Prohibited storage

1. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.
2. E. Parking up to three commercial vehicles, such as delivery and service trucks up to 20,000 GVWR, may be parked without screening if the vehicles relate to the principal use. Vehicles over 20,000 GVWR, construction equipment, and trailers shall require screening.
3. Semi-trucks and trailers shall not be considered part of outside storage if they are used in the normal business commerce and do not exceed the number of docks and or bay doors.

**5. B-2 district.**

A. Exterior storage is permitted with a CUP.

1. Exterior storage shall be limited to the rear yard, shall not exceed the square footage of the principal building and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
2. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than six feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].
3. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.

B. Exterior display in B-2 Districts

1. The area occupied by exterior display shall not exceed ten percent of the gross floor area of the principal building on the property.
2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.
3. Additional parking spaces shall be provided based upon the exterior display and sale area.

C. Prohibited Storage

1. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

**7. B-1 district.**

- A. Exterior storage and exterior displays are not permitted.
- B. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

**8. Mixed use districts.**

- A. Exterior storage is allowed with a conditional use permit.
- B. Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the city, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, manufacturing, testing, or storage of items used with or in a business or commercial enterprise unless an interim use permit has been obtained from the city.

- C. The city council may order the owner of any property to cease or modify open storage uses, including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 48, Fourth Series, 9-21-2016; Ord. No. 2021-06, 10-11-2021)

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



**Date:** June 5, 2023

**Agenda Item Number:** 7.0

**Agenda Item:** Mobile Food Unit Ordinance Review

**Background Material:**

Each year, staff receive multiple requests for information regarding the regulation or permitting food trucks within the City of East Bethel.

Currently, there is not an applicable licensing process for allowing food trucks to operate within City limits outside of the City-sponsored Booster Day event in July.

City staff have reviewed food truck ordinances from surrounding cities, and have created a proposed addition and amendment to our own ordinance sections that will allow the operation of food trucks in a safe and organized manner.

**Attachment(s):**

Attachment 1 – Mobile Food Unit Draft Ordinance

Staff is requesting City Council review the recommendations of staff as exhibited in Attachment 1 and determine if these are adequate as presented or require additional amendments and direct staff to proceed accordingly.

New Section to the Ordinance

**Sec. 18-240. – Mobile Food Vendor Units**

Mobile Food Units (MFUs) shall adhere to the following standards:

- a) Each MFU shall obtain the proper licenses/permits from the City of East Bethel, Anoka County and the State of Minnesota Department of Health or Department of Agriculture which shall be posted at all times on the MFU.
- b) License exemptions.
  - (1) No license shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm.
  - (2) Food truck units serving ice cream or similar frozen snacks are allowed to operate within the public right-of-way and all residential zoning districts and do not require a city-issued permit under this division.
  - (3) Licensed caterers are exempt from this division for catered events.
  - (4) Food trucks affiliated with the city's annual "Booster Days" festival that operate within the boundaries of the event and are contracted with the Booster Day's Committee.
  - (5) Food trucks operating within the property lines of the St. Francis Independent School District ISD #15 in conjunction with a school-sanctioned event.
- c) Insurance. A certificate of insurance evidencing the following forms of insurance shall be submitted to the City.
  - (1) Commercial general liability insurance, including products and completed operations coverage, with a limit not less than \$1,000,000 for each occurrence/\$2,000,000 aggregate.
  - (2) Automobile liability insurance with a limit not less than \$1,000,000 combined single limit.
  - (3) A signed statement that the food truck licensee shall hold harmless the city, its officers and employees, and shall indemnify the city, and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license.

- d) The MFU shall obtain written approval from the private property owner on whose property the MFU is to be parked.
- e) No mobile food unit shall sell alcoholic beverages.
- f) Inspections, mobile units shall comply with all applicable fire codes and may be inspected by the City prior to operation.
- g) MFUs shall be limited to operating no more than 21 days annually at any one place and shall obtain an annual permit with the City prior to operation.
- h) Hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m. The City Council may allow different hours on a per-event basis.
- i) MFUs shall not remain at an authorized location longer than the permitted number of consecutive days and nights. The number of consecutive days and nights allowed shall be specified on the MFU's permit from the City but in no case shall be more than seven (7).
- j) No MFU may obstruct ingress or egress from commercial buildings during the buildings' hours of operation.
- k) No MFU may be located within 300 feet from the perimeter of any pre-approved festival, sporting event, or civic event unless a license is issued to be part of the festival or event, or within 100 feet from the public entrance to any restaurant and/or any portion of a restaurant's outdoor dining area during that restaurant's hours of operation. MFUs may be located closer than the distances specified in this standard with written approval from the festival or event organizers or the restaurant owner/manager. MFU operators who are unable to obtain the necessary written permission may appeal their case to the City Council.
- l) Tables and chairs associated with the MFU may be permitted so long as they do not obstruct the flow of pedestrian or vehicular traffic.
- m) No more than one (1) temporary sign, in excess of six (6) square feet in area nor shall they exceed five (5) feet in height, is permitted during hours of operation and must not be placed in the public right-of-way, impede vehicular or pedestrian traffic.
- n) MFUs shall not be left unattended during operation.
- o) MFUs shall be powered by an independent power supply screened from public view which complies with the City's noise regulations.
- p) Each MFU shall supply its own waste/recycling receptacles. At least one (1) receptacle shall be provided for customer use per MFU.
- q) Operators of MFUs shall remove waste and litter and dispose of gray water daily. Public trash cans shall not be used to dispose of waste generated by the

operation. Gray water shall not be disposed of onto the ground or in City stormwater drains.

- r) The operator of the MFU shall clean the area within 25 feet of the MFU at the end of each day.
- s) All MFUs shall be kept in good repair with a neat appearance.
- t) Operators of MFUs may not call attention to that permittee's business by crying out, blowing a horn, ringing a bell, loud music, or by any loud or unusual noise, or by use of any amplifying device.
- u) Out-of-service MFUs shall comply with all applicable zoning ordinance requirements, including Sec. 22. – OFF STREET PARKING.
- v) MFU operators may not claim endorsements by the City based on their permit.
- w) Enforcement, a MFU permit may be suspended, revoked or denied for renewal for any violations of this division or conditions of the permit.

[Amendment proposed for addition to the Ordinance](#)

**Sec. 18-230. - Definitions.**

*Mobile Food Vending Unit.* A self-propelled vehicle or fully contained trailer licensed by the State of Minnesota to operate on streets or public roadways, which vends food at retail for immediate consumption by the customer.

*Vend or Vending.* The process of transfer of a food product from the food truck operator to a customer. Vending begins when the food truck stops in a location at which customers can access the food truck until and continues until the food truck leaves the location.

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



**Date:** June 5, 2023

**Agenda Item Number:** 8.0

**Agenda Item:** Communications Survey Results Report

**Background Material:**

At the recommendation of City Council and Council Member Lewis, staff developed a short survey regarding methods of communication from the City of East Bethel, and how residents receive news and information about what is happening in the City. This survey was launched in April, and was available for responses through May 26.

Although the survey was created for online responses, efforts were made to make the survey accessible to all since not all citizens may have access to complete the survey online. The survey was promoted on the City's website, and was sent out to the email subscriber list for the News Flash module. It was also promoted at the Spring Town Hall meeting, and in the City newsletter, and was communicated that it was available in paper form if individuals preferred this response method.

In total, 76 responses were received. Although this response rate is only a small portion of our population (less than 1%), the feedback provided is sufficient to draw conclusions and provide recommendations to improve communications among citizens.

Questions included in the survey allowed residents to provide feedback on the city's current communication efforts with citizens and recommendations for improvement. It targeted the specific methods of communication, type of information that is provided, and requested community engagement and additional suggestions.

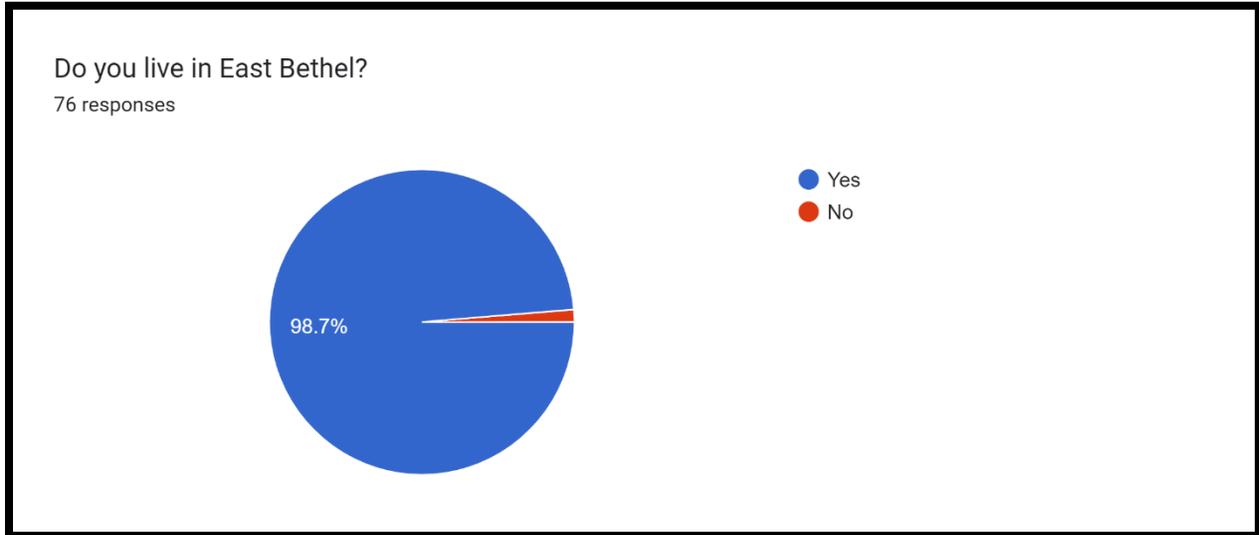
**Attachment(s):**

Attachment 1 – Communications Survey Results Report

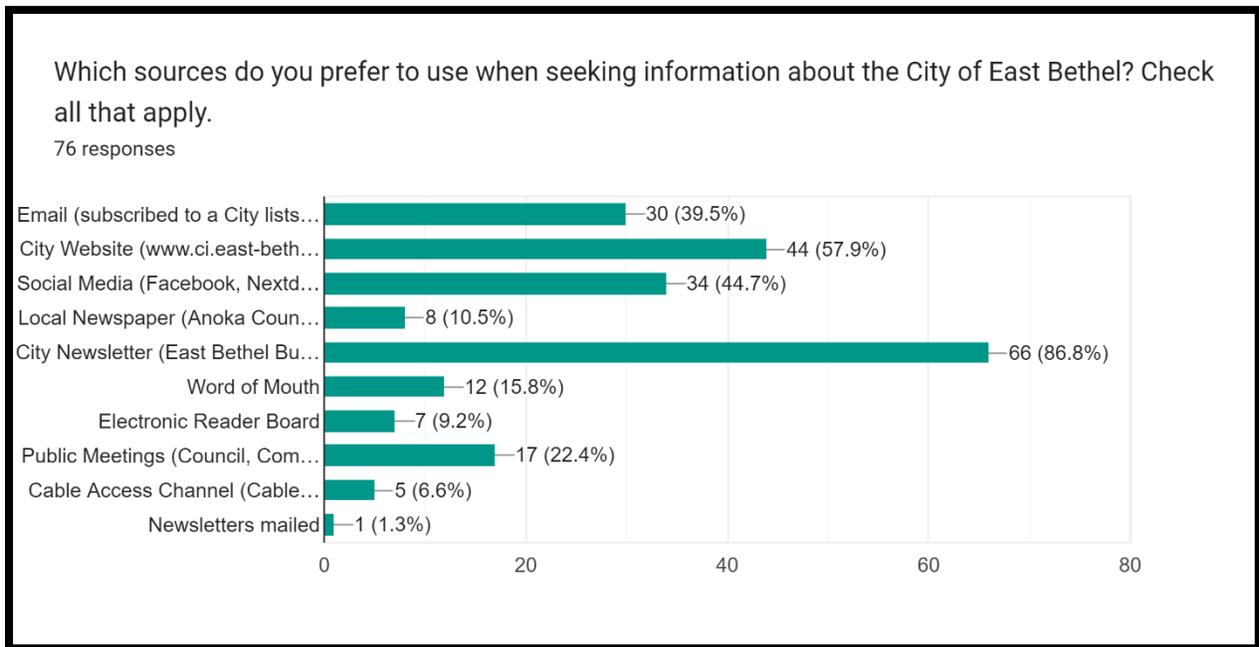
Staff is requesting City Council review the results of the Communications Survey as exhibited in Attachment 1 and determine how to best utilize the responses and/or implement the suggestions presented, and direct staff to proceed accordingly.

# Citizen Communications Survey Report

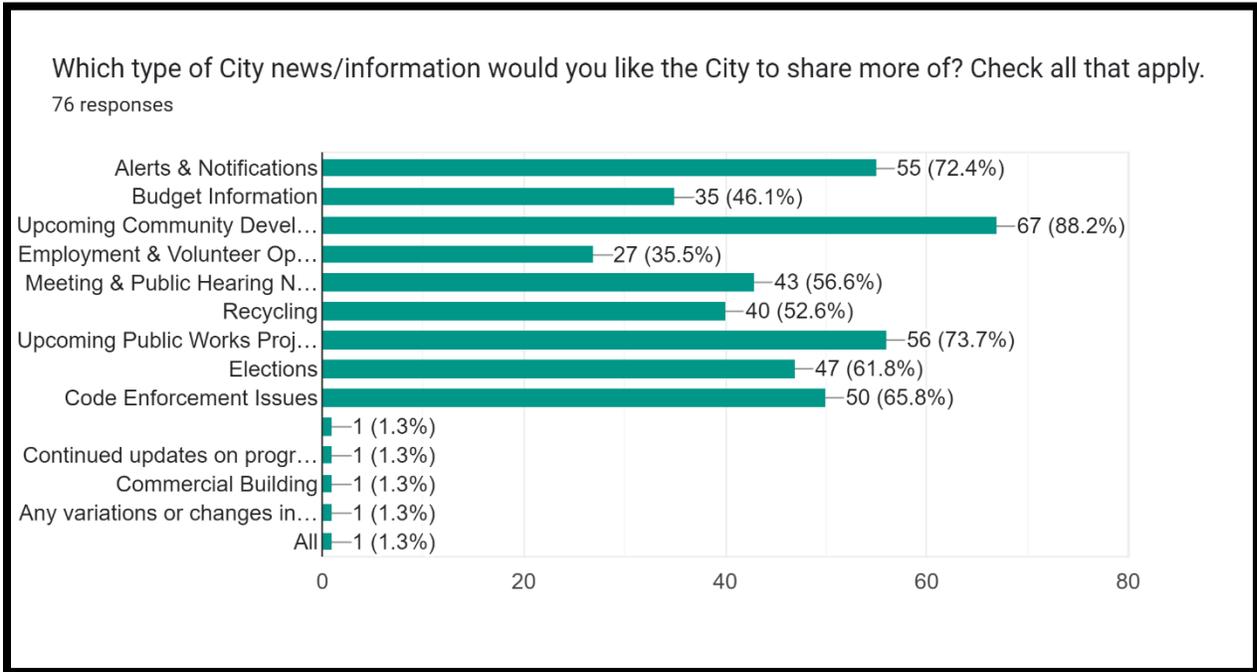
## Question #1



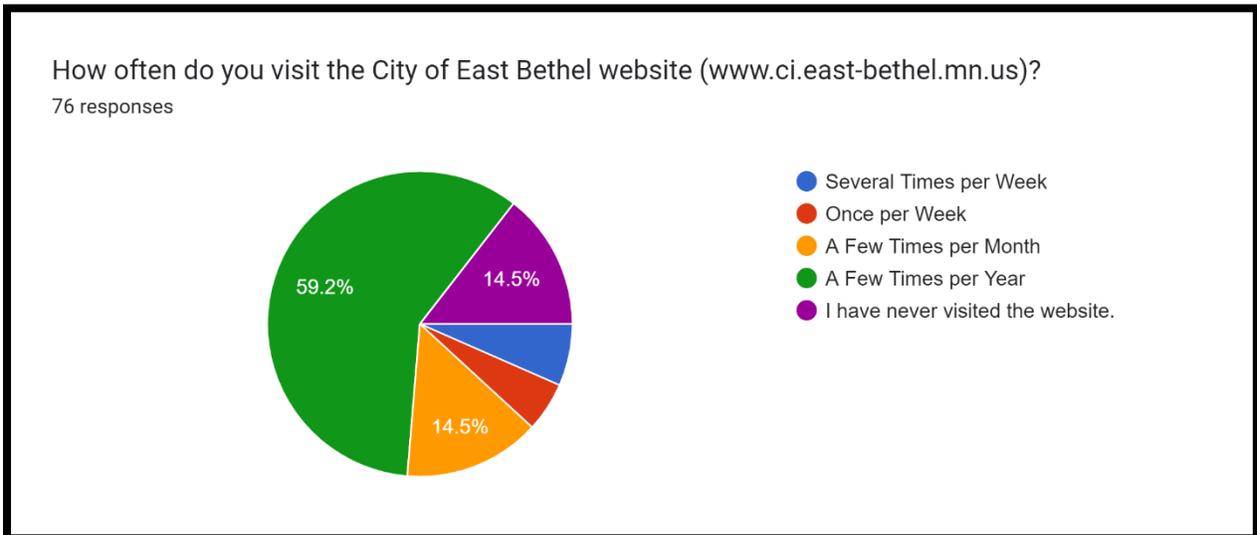
## Question #2



Question #3



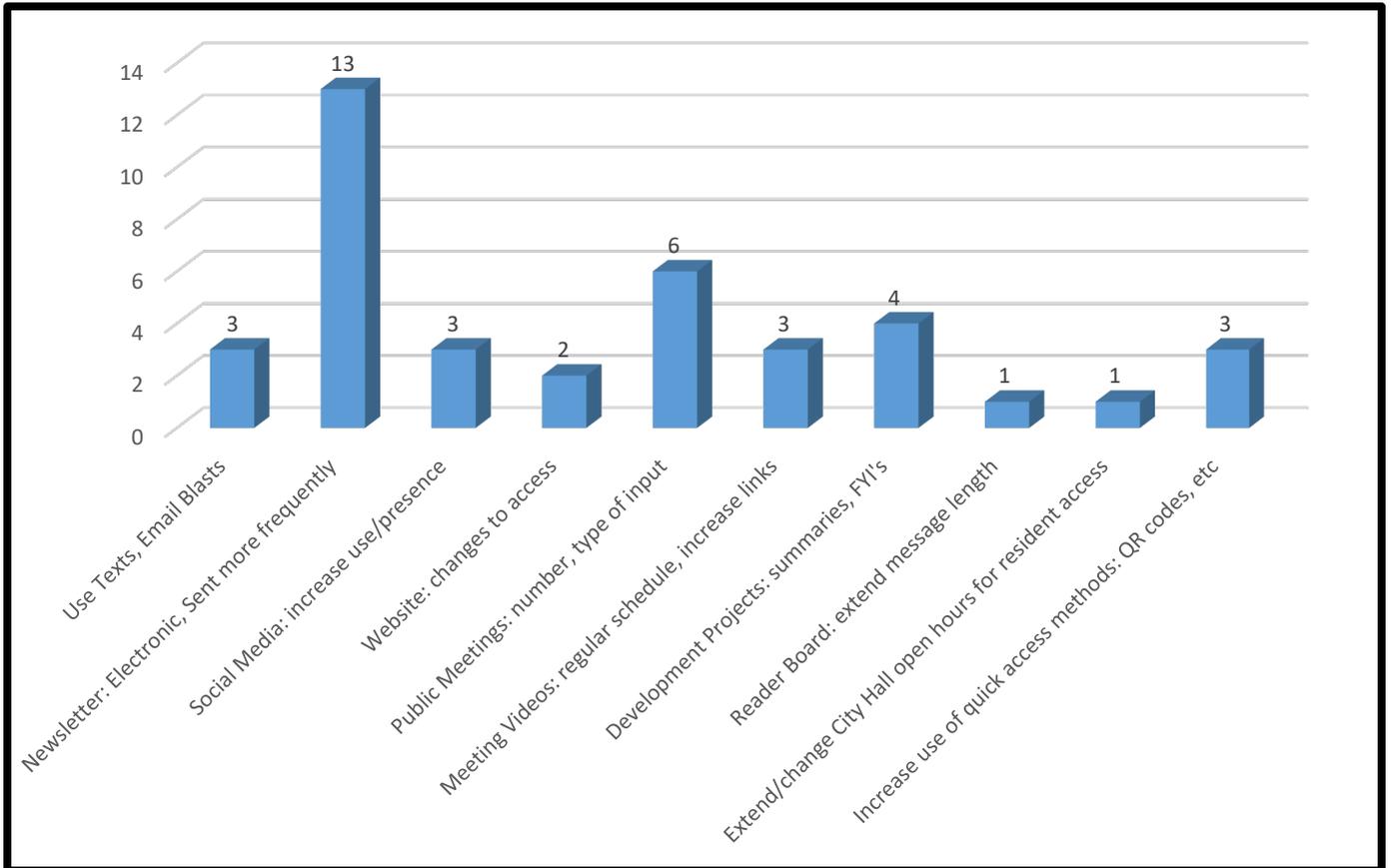
Question #4



Question #5 – Response Summary by Topic

As the City evaluates improvements to its current strategy, what suggestions do you have to help us improve our communication efforts?

45 responses



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



**Date:** June 5, 2023

**Agenda Item Number:** 9.0

**Agenda Item:** Code Enforcement Update

**Background Information:**

The following is an update on the status of the City's unresolved code enforcement cases:

1. **181 Bryant Lane** - The violations on this property are excessive junk throughout the yard, accessory storage container, illegal fence and vehicle violations. The violations with this owner have been continual over a period of least 15 years. The owner failed to show up for his pre-trial hearing and a warrant has been issued in this matter. The bench warrant is still outstanding.
2. **4631 Viking Blvd** - The owner has not made any progress to resolve the violation of working without permits on the home on this property. A MPCA Septic System Compliance Inspection is required before any building permits can be issued for the outstanding violations of working without permits. The City has offered the owner the following as a means to resolve this matter:
  - a.) Complete the SSTS Compliance Certification and any subsequent improvements that may be necessary to comply with the regulations of this requirement,
  - b.) Obtain the permits required for the work that was done without permits,
  - c.) Have the licensed contractors that performed the work sign off on their jobs, and/or\*
  - d.) Have a Certified Building Official approve and sign off on the unpermitted work that was done on the home (this approval must be obtained regardless of the licensed contractors sign off condition).

Issuance of citations are pending on this case upon the review of the property information and history provided to Council members. Councilperson Smith is working with the property owner on this matter.

3. **19419 E. Tri Oak Circle** - The owner pled guilty to working without building permits and received probation. Revocation of the probation is contingent on the meeting the conditions of the court. Mr. Kraft still remains in violation of impervious surface standards, number of accessory and number of accessory structures on the lot. These issues are a separate enforcement matter from the working without building permits. As to the other violations Mr. Kraft has been issued his third citation for non-compliance and his property will be re-inspected on June 5, 2023. Although the attachment to the garage was removed a few weeks ago, the slab that was poured for that attachment is still in place. If the inspection shows there has been no additional movement towards compliance, these outstanding violations will be turned over to his probation officer and the court.
4. **3233 227<sup>th</sup> Lane** - The property owners have been have been cited for allowing people to live in an accessory building and for illegal work done without the proper permits. Citations were first issued in

September 2021 and no progress has been made to resolve to the violations. As the owners have made no effort to resolve the violations, this case was given to the City Attorney for court resolution.

Pretrial has been delayed and the City recommended that no continuance of this issue be considered but the judge granted a brief continuance of the hearing to April 5, 2023. The defendants' attorney continues to represent that she is trying to schedule a meeting with the city to make a plan on the civil side of things. If there is no resolution at that hearing, it would be scheduled for trial. As with any court case at this stage, the final outcome will ultimately be up to the judge. Once the owners hired an attorney, continuances were granted with the stipulation that owners would obtain building permits for the work completed. The Building Official and the Electrical Inspector have met with the owners to schedule verification that work was done to code.

A meeting was held with Anoka County Sheriff's Office (ACSO) to determine what could be done regarding investigation of claims that structure was being used as habitable structure. The ACSO indicated that unless there was probable cause they couldn't enter the property to inspect.

5. **22879 Staples Street** - The property owners have been charged for ordinance violations relating to vehicles, junk and public nuisance.

This case was on the court docket for pretrial on March 1, 2023. The owner applied for a public defender but was denied by the court and is representing himself. He spoke with the City Attorney about resolving the case but was informed by the City Attorney that there could be no out of court resolution of the case until the violations are resolved to the satisfaction of the city. The City Attorney requested the court to set a jury trial date. The court proposed to set a June trial date, but given the age of the case, the City Attorney asked the court to schedule the jury trial on their next available opening. The court granted the request for April 19, 2023 but was continued beyond the April 19, 2023 date. As there has been no compliance progress at this date, Mr. DeWitt's case has now been set for the July court session for a trial.

6. **726 192<sup>nd</sup> Ave** - The ordinance violation on this property is for parking a commercial vehicle on a residential property. This matter has been on-going since 2018. This case was turned over to the City Attorney. An offer was made to the owner for resolution of the matter and if there is no progress on the offer of resolution, this will be moved to trial at the next hearing on August 16th, 2023.
7. **3111 182<sup>nd</sup> Ave** – The property owner has been issued 3 citations for operating a business out of his home without an IUP and excess vehicle violations. If there is no effort towards compliance by the next inspection is June 6<sup>th</sup>, 2023, this case will be turned over to the City Attorney for prosecution.