

EAST BETHEL PLANNING COMMISSION MEETING
September 26, 2023

MEMBERS PRESENT: Vice Chair Sharon Johnson, Glenn Terry, Sherry Allenspach, Randy Plaisance, and Joe Reiter

MEMBERS ABSENT: Chair Tanner Balfany and Gabriel Hanschen

ALSO PRESENT: Jack Davis, City Administrator
Aaron Berg, Community Development Director
Bob DeRoche, City Council Liaison

1.0 Call to Order

Vice Chair Johnson called the Planning Commission regular meeting to order at 7:00 pm.

2.0 Adopt Agenda

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

3.0 Approve August 22, 2023 meeting minutes

Johnson asked any discussion?

Terry stated the Minutes were well written. Reiter agreed. Allenspach stated she had nothing.

Johnson referenced line 250 and asked Plaisance if City Council should be added. Plaisance requested staff review this from the video to get the actual wording.

Berg suggested holding this over to next month for approval for staff to verify this.

Johnson stated on line 408, it said the motion passed, but she believed the motion failed 3-4. Berg responded he would verify this also.

Johnson stated on line 646, change the word “sue” to “use”.

Berg suggested someone make a motion to table.

Commissioner Plaisance moved and Commissioner Allenspach seconded to table the Minutes to the next meeting. To the motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion passes. **Motion passes unanimously.**

4.0 Public Hearing: Variance Request – 185xx 3rd St NE Oak Grove

Berg reviewed staff’s report stating this property is located in the City of Oak Grove abutting the Bear Hollow subdivision in a Rural Residential zone of East Bethel. The property is approximately 40 acres and is located adjacent to the right of way on 3rd St NE. PID #36-33-24-14-0001. The applicant is looking to subdivide the property to build two single family homes. The City of Oak Grove has advised the applicant that permission from the City of East Bethel would be required prior to moving forward with a subdivision application.

Berg stated the East Bethel City Code Appendix A- Section 42 -7. A (2) – Rural Residential Development regulations require a minimum lot width of 200 feet at the public right of way.

Berg indicated the applicants parcel has 105.88 feet of frontage on 3rd St NE Right of Way and he is requesting a variance to the standard of 200 feet of frontage to a reduction of 52 feet in order to subdivide the property allowing for two (2) access points/ driveways through the East Bethel 3rd St NE Right of Way to the parcel located in Oak Grove.

Berg noted Sec. 4 - 10. – Variances stated: The Planning Commission shall not recommend approval of any variance application unless it finds that failure to grant the variance will result in practical difficulties on the applicant and, as may be applicable, all of the following hardship criteria have been met:

a. To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. “Practical difficulties,” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

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

- The first factor, a test of reasonableness, means that the landowner would like to use the property in a practical way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable. In this case:
 - With only 105.88 feet of frontage on the 3rd St NE Right of Way connected to the parcel it would be reasonable for a reduction to the standard of 200 feet.
- The second factor is that the landowner’s problem is due to circumstances unique to the property and not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees. In this case:
 - This property is unique in that it not only does not have any existing Right of Way from the Oak Grove side and it is also bisected diagonally by wetlands that limit access.
- The third factor is that a variance would not alter the essential character of the neighborhood. This factor is used to consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area. In this case:
 - Due to the city boundary and wetlands throughout the adjacent subdivision there are numerous irregular shaped parcels with varying lot frontages, including cul-de-sac lots with reduced front lot lines.

Berg stated staff requested the Planning Commission hold a public hearing, review the prepared resolutions, and make a recommendation of approval or denial to the City Council for a variance from

the standard of frontage at the Right of Way for the property located at 185XX 3rd St NE with the conditions in the attached Resolution.

Johnson opened the public hearing at 7:11 p.m.

Dave Wills, applicant, explained what his intentions were for the land.

Brad Clayton, 18421 3rd Street NE, stated he did not have an issue with the two lots and asked if Mr. Wills had any plans to develop behind the two homes and put in a street. Mr. Wills responded that was not in the plan right now, but he could not say if one would be put in in the future.

Mr. Clayton stated he had spoken with many people in the neighborhood and they did not have any issue with the two lots but were concerned about future development. Mr. Wills indicated he understood the concern and he had never thought of that.

Kurt Nelson, 18553 - 3rd Street NE, asked if there had been any precedence set for anything like this previously. He asked if they had to give a variance from East Bethel going into Oak Grove or another City. Johnson responded she would take all of the questions to be answered later.

Mr. Nelson asked if the variance was denied, could a single entrance to the property be used for both parcels. He asked if Mr. Wills had the right for one driveway to go in there with no variance. He noted because each parcel was approximately 5.5 acres each, could Mr. Wills take a parcel and sub-divide it after he received approval. He asked how would granting the variance benefit the City. He did not believe there was any benefit. He noted the tax base would increase, but the City would have to move snow and general road maintenance for Oak Grove residents. He indicated during construction the streets would "take a beating" for construction traffic. He stated there was tree removal, grading work, foundation digging, concrete work, building septic, well drilling, etc. He asked who would pay for the resurfacing of the streets due to the construction traffic. He noted that right now potholes and cracks were filled in the road, there was obviously a detriment for more construction traffic to come into that area.

Paul Karpinski, 18478 5th Street NE, asked on the East Bethel side, would emergency services be supported by Oak Grove. He asked if East Bethel would support the utilities. He asked what was the benefit for East Bethel.

Berg stated East Bethel Fire and Oak Grove Fire have a mutual aid agreement, so if these homes were built and there was an emergency call there, both Oak Grove and East Bethel would be responding simultaneously until Oak Grove arrives and calls East Bethel off. He indicated East Bethel would be responding because of that location and they both mutually aid respond to each other's border calls.

With respect to the driveways question, Berg responded the only control at this point that East Bethel has the right-of-way, so the variance conceivably could be for a reduction from 200 feet to 105.88 feet and one access could be permitted.

Plaisance clarified they would still have to approve a variance for just one driveway. Berg responded that was correct since there was a 200-foot requirement. He stated his educated guess was that 3rd Street/184th was not designed to give access to Oak Grove. He noted in terms of anything that happened beyond the right-of-way in East Bethel was totally Oak Grove's call. He indicated they could not control how that parcel got divided up beyond their right-of-way. He stated they do not permit multiple residents off the same driveway.

Berg stated if they were to grant one access through the right-of-way, whatever Oak Grove decides to give permissions for beyond the right-of-way was out of their control. He indicated they could do a split driveway where they share the entrance as it reached Oak Grove City limits and if it splits off into multiple driveways was out of their control. He stated what they had control over was the 105.88 feet of

the right-of-way, regardless of whether there was one driveway, two driveways, or no driveways. He indicated the snowplows were not going to be losing anything by allowing two or more accesses into Oak Grove as they would run by there anyway.

Berg stated regarding the question about if there had been a similar scenario and vice versa, he indicated there were a couple of examples north of this location in which they did have a shared portion of University that the City's Public Works Department plows. He noted there was also a subdivision in the City that could only be accessed by going through Oak Grove, and there were probably 20 plus homes in the subdivision that can only get to their homes by going through Oak Grove. He noted this type of situation was not unique. He stated he did not know if any variances were required in those situations though.

Plaisance pointed out that University Avenue was a shared street so there would not be any reason to request a variance off of University as East Bethel owned half of it anyway.

Berg noted with respect to the wetlands, unless the developer was willing to spend a lot of money to fill the wetlands in, he did not believe they would be able to subdivide. He indicated he also did not think they would be able to subdivide below 2 acres on the Oak Grove side due to how septic systems worked. He did not think it was a viable option to divide this into 5 or 6 multiples unless the developer was willing to spend money to fill in the wetlands, which was expensive.

Johnson stated there were also questions about the construction traffic on the roads and who would pay for it. Berg responded in terms of road cleanup, that would be East Bethel's responsibility to ask the construction company to do some of the cleanup, but ultimately it would be East Bethel's responsibility for repair and maintenance of the road.

Johnson asked if there would be a lot of damage done to the road from the construction traffic. Berg responded he did not believe there would be a lot of land clearing or earth moving, but there would be some wear and tear with the extra traffic which could lead to maintenance sooner than it should with regular traffic.

Andrea Nelson, 1855 3rd Street NE, stated she lived across the street from this development and was concerned about the trees that would be taken down due to the development and how this would change the aesthetics of the neighborhood. She expressed concern that the lights from the driveways would impact at least two homes in the neighborhood. She noted in other areas in the neighborhood the driveways had been offset to eliminate lighting concerns, but in this case the driveways would be directly facing their homes.

Dave Wills stated he did not believe Oak Grove had a 2.5 acre minimum and they did not allow split driveways either without a variance. He indicated what they were trying to put in were high end homes that would be nestled back in the trees. He noted he had 2 homes in the Parade of Homes in Ham Lake and Andover if anyone wanted to look at what they would be building. He stated they were not going to split into 2.5-acre lots because they did not support it. He stated there would be five acres with a lot of wetland.

Pat Kivi, 18497 3rd Street NE, asked when this development would start. Mr. Wills responded it would probably start in the spring.

Johnson asked Mr. Wills if he had thought about headlights coming into the neighbor's homes. Mr. Wills responded he did not know what to say about that and there were going to be driveways coming off of the homes. He indicated if someone proposed a solution, he would look at it.

Les Kivi, 18497 3rd Street NE, noted they already had oak wilt in the area and was concerned about the oak trees being disturbed in the spring and wanted as many oak trees as possible preserved. Mr. Wills

stated he had been a forester for the City of Eagan for 7 years and he had a degree in Natural Resource Management, so he cared about the trees, but some oak trees would probably need to be taken down, but they would do their best to help stop the spread of oak wilt.

Brian Perschbauer, 18531 3rd Street NE, noted all of the construction work would be directly across from their driveway and it would lose his appeal for living in the neighborhood, which was the reason they came to East Bethel to begin with.

Ms. Nelson asked what was the procedure now. Johnson explained the process. Berg stated this would go to the City Council on October 9 for the ultimate decision.

Mr. Nelson asked if he understood correctly that a variance was required whether this was one or two driveways and if the variance was granted, then they would no longer have any say on what happened with the two parcels. Berg responded that was correct.

Johnson closed the public hearing at 7:44 p.m.

Commissioner Reiter moved and Commissioner Allenspach seconded to open for discussion.

Johnson asked any discussion?

Reiter stated his main concern was that the City would not be able to collect any taxes on this because it was out of their jurisdiction in addition to the consumption of services without any type of compensation he believed would be subsidization of Oak Grove and Oak Grove properties. He did not think this was fiscally responsible.

Reiter indicated with respect to emergency services, while fire was joint between East Bethel and Oak Grove, he saw issues with potential consumption of Sheriff resources. He expressed concern about the distance that EMS would have to go to get this property also. He believed the emergency services would fall on East Bethel.

Reiter stated the addition of two houses to an existing neighborhood that was not expecting development was just wrong. He stated he asked Berg for information regarding easements and buffer zones and who was responsible for those. He noted he had an easement in front of his house and asked if he needed to maintain that and did he have any rights to that easement. Berg responded the easement was Reiter's to some degree, but Reiter provided the City and/or utility company the right to go into the ground or across overhead to do utility work in a right-of-way. He noted the city maintained the right-of-way, or the local municipal or local unit of government would maintain the shoulder of the road or the right-of-way. He indicated in this case, it was probably a ditch, but he did not know what the right-of-way distances were but it was probably 33 feet from the centerline on both sides of the road.

Reiter stated it was approximately 15 feet from the road to Oak Grove. Berg stated it was his assumption that it is East Bethel's right-of-way which reached from the road to the city limit line.

Johnson asked if there was any way that the excess would come from Oak Grove to make the property buildable. Berg responded it was staff's opinion that there could potentially be a path from Oak Grove through the wetlands across the high ground to potentially reach the property on the other side of the wetlands. He noted he had a conversation with the Anoka County Soil and Water and they indicated that this wetland was not classified as such that it could not be filled. He indicated the developer would have to purchase wetland credit based on how much fill was going to be needed to get across the peninsula/island to make the connection happen. He indicated he had discussed with the applicant a hypothetical possibility, which he outlined for the Commissioners, but he noted he was not an engineer and he did not know how much it would cost.

Johnson noted if the developer had the 200-feet there would not need to be a variance at all. Berg responded that was correct but he would need to apply for a driveway permit and go through that process.

Reiter asked if any of the other properties had a shorter frontage than 200-feet. Berg showed on the map which property had that situation.

Terry stated one of the qualifications for granting a variance was reasonable use of the property and if they were to grant a variance for one driveway, that would allow for reasonable use of the property. He indicated the developer wanting two lots was feasible, but not if East Bethel's does not grant a variance for two driveways, but they were not keeping the developer from reasonable use of the property; rather they were just not accommodating the developer's desire for that particular configuration. He stated there was a big difference between going from 200 feet to 52 feet versus whatever it was for one driveway.

Johnson stated the developer could go to Oak Grove and ask for a variance for a split driveway also. Berg noted the variance request in front of the Commission was only four, dividing that into two and there was no variance request for making it one. He indicated the applicant was requesting two accesses and that is not stopping him from it if this was denied to coming back next month asking for one.

Allenspach stated if the land was in East Bethel, the only thing that would change would be who was getting the property taxes and they would still be wrestling with the two driveways and the cars coming out of the driveways with the headlights aiming across the street and the houses that were already there. She indicated on the other hand, the property owner does have a right to use this property. She stated this was a hard decision.

Reiter requested Berg repeat his guidance that the suggested variances should not just be granted based on economic considerations. Berg responded that economic considerations alone do not constitute a practical difficulty.

Plaisance stated that was where they get to the point of substantial reasons not to approve the variance. He indicated the fact that he is in a different city to him was not a detriment to whether or not they would approve such a thing. He did not believe economic reasonableness should not be a factor. He noted the applicant could put in a road from the other side of Oak Grove and develop out his property from that side. He acknowledged the economic difference between the two was quite extreme though. He stated he did not want to approve the variance.

Johnson stated this was one of the hardest variances they had to make a decision on in years because she could see both sides. She indicated to her that they were in another city and they were going over a road was not important. She stated she liked people to be able to do what they want with their property, but she did agree with Plaisance.

By consensus, the discussion was closed.

Commissioner Reiter moved and Commissioner Plaisance seconded to deny the variance request. Johnson asked any discussion? To the motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion passes. **Motion passes unanimously.**

This item goes before City Council on October 9, 2023.

5.0 Ordinance Discussion: Mobile Food Units

Berg reviewed staff's report stating Appendix A. – Zoning – Sec. 01. – General Provisions of Administration "East Bethel Zoning Ordinance" permits Food Trucks to operate in Highway Commercial (B3), Central Business (B2), Light Industrial (I) and Mixed-Use Districts (MXU).

Berg noted the Code also provides the following definition:

Food truck: A mobile food unit (MFU) is a food and beverage service establishment that is a vehicle mounted unit, either motorized or trailered, and readily movable, without disassembling, for transport to another location. The unit can operate no more than 21 days annually at any one place unless it is operated at the site of and in conjunction with a permanent business licensed under Minnesota Statutes, chapter 157 or chapter 28A. All MFU must operate in compliance with the Minnesota food code.

Berg stated beyond the definition and allowable zoning districts permitting operation there are no defined parameters or licensing requirements for operation within the city limits of East Bethel.

Berg indicated at the July 25, 2023 Planning Commission City staff brought a proposed Mobile Food Vendors Ordinance for review and conversation. An informal recommendation at the conclusion was to revise Article V. - Peddlers and Solicitors to include Mobile Food Vendors in the definition, add a State Licensing requirement, and research an appropriate permit fee.

Berg revised how other local units of government permit Mobile Food Units.

Berg stated staff is recommending adding the Mobile Food Unit (MFU) definition, already contained in the Zoning Code, to Article V. Peddlers and Solicitors, Sec. 18-230. -Definitions. Additionally require MFU's to register/ provide a copy of their valid State of MN License or Anoka County Temporary Food Truck/ Trailer License with the City of East Bethel by amending Sec. 18-236.

Reiter noted basically the City was requesting them to provide their food safety stamp.

Terry noted they were not charging a fee.

Berg stated all fees were paid at the County level and they were just providing East Bethel proof that they have submitted to a compliance inspection and have a State license or County permit. He noted if there was ever an issue, staff would call the State Health Inspector prior to being issued a 21-day permit from the County.

Berg stated if a brick-and-mortar business in East Bethel had a food truck and a catering license, they could operate in their own parking lot and they would not be required to comply with a food truck ordinance. He indicated if this Ordinance was passed, then staff would contact the food trucks currently in the City to advise them of the Ordinance change and ask them to verify whether they have an Anoka County permit. He stated if they did not have a permit, they would be asked to obtain a permit in order to be in compliance with the City's Ordinance.

Johnson inquired about the 21-days. Berg responded the Anoka County permit said 21 days – it did not say 21 consecutive days. He stated he did not know how they handled that at the County level.

Terry questioned if the truck being in conjunction with a permanent business was too vague. He asked how would that be defined. Berg responded it would have to be the same ownership under the same food or alcohol license.

Johnson stated she was thinking the taco truck could stay where it was because they had an agreement with U Pull R Parts. Berg summarized Chapter 157 noting the taco truck would need to be in conjunction with a restaurant and not a salvage yard as those were two separate business requirements.

Johnson asked if Polar Parts could get a food license. Berg responded the City had a separate approval process for outdoor entertainment permits for private events with food trucks. He indicated an outdoor entertainment permit was completely different than the mobile food unit.

Reiter stated his issue was limiting them to 21 days. He noted the taco truck was good and a lot of people were starting to go there. He believed as the truck continued to get more people coming, they

would grow and potentially buy the property next door and open it as a Mexican food restaurant. However, he stated if they limit them to 21 days that would be restrictive, especially since they were there every day.

Reiter indicated if the taco truck was closer to some other restaurants and potentially competing with another nearby restaurant, then he could see regulating them, but this location was too far from anything and he did not think the clientele that went to that food truck was competing with any of the other City's restaurants.

Reiter stated he liked the idea of knowing they were food safe, but the 21-day limit was too restrictive.

Johnson did not believe they could cater an Ordinance to a taco truck, even though their tacos were good.

Allenspach stated the taco truck could go away for a couple of days and then come back.

Berg stated the 21-days was defined by State Statute and the County permit was 21-days, but it did not say 21-consecutive days so a truck could be at a site Monday through Friday, take the weekend off and come back for five more days. He indicated this extended them to 4 weeks. He indicated this was the cleanest way for staff to be able to handle this as well instead of doing background checks, licensing, collecting fees, revenue, etc. He noted all staff had to do was to verify that they have completed the food license portion and that they had been inspected.

Plaisance clarified East Bethel was just trying to come in line with Anoka County/State where there was a 21-day limit. Berg responded the unit can operate no more than 21 days annually at any one place unless it is operated at a site in conjunction with a permanent business license under Chapter 157.

Plaisance stated this seemed absurd to him and asked how would they keep track of how long a food truck was at a particular location. Berg responded they would need to fill the date, time, and address in on the application.

Plaisance asked if 21-days were up and everyone really liked the food truck, could it be kept there for another 21-days. He asked if the City was beholden to Anoka County. Berg responded in the application it did state that to discuss a plan review and license requirements if they intend on operating longer, or do not meet license eligibility. He guessed they would have some flexibility.

Plaisance stated he did not have any major objections to this other than to point out a few things. He believed the normal progression for someone who has started a food truck was to eventually turn it into a brick-and-mortar restaurant. He understood the reason for wanting to limit as to how long someone can stay at any one place, but he would not mind if the time was longer as he believed establishing themselves as a good food place was paramount to doing that. He noted that would also enable them to have the opportunity to make enough money with their food truck to be able to move into a brick-and-mortar business.

Plaisance indicated the other point was that they were allowing somebody to come in as a mobile food truck who is most likely not a resident or a business partner of the City and therefore everyday that the truck sat there was competition for businesses the City already had and who were paying taxes. He realized for the current businesses in the City, a food truck was not necessarily a direct challenge to them as a good truck was more of a fast food. He noted he wanted to point these out, but in general he did not have any major objections to following the State and County Regulations for food trucks.

Johnson stated she would like to see the time period extended so a food truck could be there seasonally, but she did not want to add an extra burden to staff either, which was a major concern for her. Reiter agreed.

Commissioner Terry moved and Commissioner Allenspach seconded to forward the Ordinance Amendment as written to Council for approval. Johnson asked any discussion?

Reiter stated he was going to vote against this, not because he disagreed, but because he wanted a food truck to be in an area for more than 21-days.

Plaisance suggested Reiter made a proposed amendment to the motion if he felt that way instead of voting against it.

Commissioner Reiter moved and Commissioner Plaisance seconded to make an amendment to extend this to a seasonal permit . Johnson asked any discussion?

Berg noted they did not have an original permit amount as the City does not permit it, but now the Commission wants to offer a seasonal permit. He asked the Commissioners what fee would they want for a seasonal permit.

Reiter noted Wyoming had a six to 12 month permit for \$150. He believed the term should be all they do and verify that they have a State health sticker, and if they do not verify that then they can apply. Staff could contact them once a year and they pay a nominal administrative fee of \$150.00.

Berg pointed out that the existing Code currently stated a mobile food unit was a beverage food and beverage service establishment that is vehicle mounted and cannot operate more than 21 days. He asked if the Commission was thinking of adding a seasonal or go back and start all over again for the third time on this Ordinance.

Reiter stated he was just trying to be collaborative. He indicated he was really opposed to making this change, but in the spirit of trying to find common ground that was what he was trying to do.

Johnson responded he agreed with Reiter's spirit on this, but she was going to vote against the amendment because she wanted to stay with whatever Anoka County had so they do not use staff time going through background checks and doing the enforcement.

Allenspach agreed and stated the original recommendation was what they needed to do to get the food trucks into East Bethel and not put additional stress on staff or anybody else.

Terry also agreed. He stated he would be happy to extend it if it would not shift everything that staff had to do.

Reiter retracted his amendment.

Plaisance asked since they were discussing seasonal licensing, what timeframe would that be (365 days a year, only summer months, etc.) and what type of food. He noted if they had a vendor who came to the ice arena to sell hot chocolate, then they were talking about the wintertime also. He stated if they were going to change this, they need to clarify the time.

Plaisance stated with respect to the cost for the license, this was something they could definitely put up for discussion, or this could be something that would be dealt with later. He noted they could also have zero for the license and only a bill of health would be required. Berg noted staff would still need to do the background checks.

Plaisance asked why would staff need to do the background checks if they just required a health certificate. Berg responded citizens would want to know if there was a registered sex offender operating a food truck in their parking lot and that would not be known without doing a background check. He stated they would be opening the City up to nefarious things to happen in that scenario.

Plaisance asked with that in mind, what difference would it make whether it was six months or 21 days. He noted under the current Ordinance, they could have someone who was a sex offender running a food

truck in the City. Berg responded that was why the Commissioners were looking at the Ordinance right now because somebody brought up that the current ordinance was unclear and there was no regulation. He indicated the County would do the background check and if they were going to ask for different licensing requirements than what the County did, then they have to come up with their own licensing process.

Plaisance indicated if they were required to have the 21-day license from Anoka County and then you can continue with the license for a certain amount of days/months after that expires, the County had already done the work for them. They would just continue to allow them to do their business within the City on a continuing basis for a certain amount of time. He acknowledged that person could be committing those crimes in the meantime, but he believed it would be really reduced. He indicated if they went on that perspective, whoever was going to work here, the City had to start with the 21-day licensing from Anoka County. He asked if that would work.

Terry stated he believed they would be violating the terms of the license if they granted an extension. He noted Anoka County gave a defined period of time for a license and then they would say they don't need to follow that anymore because the City would give them more time. He noted they were allowing the food vendor to violate the terms of their permit. Berg responded he did not think the 21-day permit from the County would be valid at that point.

Johnson noted they could apply for another one. Berg noted there was a statement if they wanted to discuss or review the plan, licensing requirements, or if they intend on operating longer to contact the County.

Plaisance stated he did not intend to add an amendment; he was just curious about what the possibilities were.

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

6.0 Updates

Council Liaison DeRoche updated the Commission on recent Council actions.

7.0 Adjournment

Commissioner Allenspach moved and Commissioner Terry seconded to adjourn at 8:41 pm.

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

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.