

**City of East Bethel  
City Council Agenda  
City Council Regular Meeting  
Date: July 8, 2024 at 7:00 p.m.**



The regular 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))

**7:00 PM**

**1.0 Call to Order**

**2.0 Pledge of Allegiance**

**3.0 Adopt Agenda**

**4.0 Presentations and Public Hearings**

- A. Public Hearing: Ordinance 2024-02, Updating Text for Minnesota State Fire Code Adoption (p. 3-7)

**5.0 Public Forum**

**6.0 Consent Agenda (p. 8)**

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

- A. Approve Bill List (p. 9-12)
- B. Minutes: June 24, 2024 City Council work meeting (p. 13-17)
- C. Minutes: June 24, 2024 City Council meeting (p. 18-26)
- D. Res. 2024-47 Declaring Surplus Property – Recycle Center Trailer (p. 27)
- E. Purchase of Equipment - Recycle Center Trailer
- F. Res. 2024-46 Appointing Election Judges for 2024 State Primary Election (p. 28)

**7.0 New Business - Commission, Association and Task Force Reports**

- A. Planning Commission
  - 1. Variance Request: 23558 Ulysses St NE – Wetland Setback (p. 29-39)
  - 2. IUP: Farm Animals – 22343 Sandy Drive NE (p. 40-49)
  - 3. Sec. 15 – Driveway Access and Standards (p. 50-53)
  - 4. Sec. 10-151 – IUP and acreage requirements for domestic farm animals; nondomestic animals prohibited (p. 54-57)
  - 5. Metes and Bounds Split: 516 217<sup>th</sup> Ave NE (p. 58-62)
- B. Economic Development Authority (None)
- C. Park Commission (None)

**8.0 Department Reports**

- A. Community Development
  - 1. Variance: 18164 Hwy 65 NE – Cedarwood Estates (p. 63-80)
- B. Engineer (None)
- C. City Attorney (None)

- D. Finance (None)
- E. Public Works (None)
- F. Fire Department (None)
- G. City Administrator

**9.0 Other**

- A. Staff Report
- B. Council Reports

**10.0 Adjourn**

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



**Date:** July 8, 2024

**Agenda Item Number:** 4.0 A

**Agenda Item:** Ordinance Amendment – Chapter 30, Article II Fire Code

**Background Information:**

Fire Department staff have reviewed and are recommending changes to the City Ordinance relating to Chapter 30, Fire Prevention and Protection, to correct outdated text and keep contemporary with Minnesota Stats §299F.011. The suggested revisions to the ordinance are included in the attachments for your review.

**Recommendation:**

Staff recommends Council consideration of the changes proposed for City Ordinance, Adoption of Minnesota Uniform Fire Code, Sections 30-39 through 30-46 as presented in the attached revision.

**Attachments:**

1. Red-line version of proposed amendment to Sections 30-39 through 30-46
2. Clean copy summary

**City Council Action:**

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

Second by:

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

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

**Sec. 30-39. Adoption of Minnesota ~~Uniform State~~ Fire Code.**

The Minnesota ~~Uniform State~~ Fire Code, as published by the International Code Council and adopted by the State Fire Marshal pursuant to Minnesota Statutes, section 299F.011, and as modified by Minnesota Rules, Chapter 7511 ~~one copy of which has been marked as the official copy and which is on file in the office of the city clerk-treasurer~~, is hereby adopted as the fire code for the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, except such portions as are modified or amended by section 30-46. Every provision contained in the fire code, except as modified or amended by this article, is hereby adopted and made a part of this article as if fully set forth herein. ~~A copy of the Fire Code is maintained in the Office of the Fire Marshal or designee for examination and use by the public.~~

(Ord. No. 111, § 1, 7-6-1977)

State law reference(s)—~~Uniform State~~ fire code adoption, Minn. Stats. § 299F.011.

**Sec. 30-40. Permits.**

Permits issued pursuant to the ~~Uniform State~~ Fire Code shall be valid for the time period stated in such permits, which period shall be determined at the time a permit is issued and shall be based on the nature of the permit and the needs of the applicant. In no event, however, shall a permit be valid for more than one year from the date it is issued.

(Ord. No. 111, § 2, 7-6-1977)

**Sec. 30-41. Enforcement.**

- (a) The fire marshal of the fire department serving the city, or a representative authorized by him, shall enforce the provisions of this chapter.
- (b) The fire marshal may detail such members of the fire department as inspectors as shall from time to time be necessary. The fire marshal may recommend the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

(Ord. No. 111, § 4, 7-6-1977)

**Sec. 30-42. Definitions.**

The following words, terms and phrases, when used in the ~~Uniform State~~ Fire Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Corporation counsel* means the attorney for the City of East Bethel.

*Jurisdiction* means the City of East Bethel.

(Ord. No. 111, § 4, 7-6-1977)

**Sec. 30-43. Storage of flammable or combustible liquids in outside aboveground tanks prohibited.**

- (a) The limits referred to in section 15.201 of the Minnesota ~~Uniform State~~ Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited shall be established pursuant to

the zoning ordinance of the city and such storage shall be allowed only as provided under the section dealing with the issuance of special use permits.

- (b) The limits referred to in section 15.601 of the Minnesota ~~Uniform State~~ Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, shall be established pursuant to the zoning ordinance of the city, set forth in Appendix A to this Code, and such plants shall be allowed only as provided under the section dealing with the issuance of special use permits.

(Ord. No. 111, § 5, 7-6-1977)

**Sec. 30-44. Bulk storage of liquefied petroleum gases prohibited.**

The limits referred to in section 20.105(a) of the Minnesota ~~Uniform State~~ Fire Code, in which bulk storage of liquefied petroleum gas is restricted, shall be established pursuant to the zoning ordinance of the city, set forth in Appendix A to this Code, and such storage shall be allowed only as provided under the section dealing with the issuance of special use permits.

(Ord. No. 111, § 6, 7-6-1977)

**Sec. 30-45. Storage of explosives and blasting agents prohibited.**

The limits referred to in section 11.106(b) of the Minnesota ~~Uniform State~~ Fire Code, in which storage of explosives and blasting agents is prohibited, shall be established pursuant to the zoning ordinance of the city, set forth in Appendix A to this Code, and such storage shall be allowed only as provided under the section dealing with the issuance of special use permits.

(Ord. No. 111, § 7, 7-6-1977)

**Sec. 30-46. Amendments.**

The Minnesota ~~Uniform State~~ Fire Code is amended and changed in the following respects:

Wherever in the code the words "chief" of the fire department or "fire chief" are used with reference to the enforcement of the code, inspection of premises for fire prevention purposes, or the removal or abatement of fire hazards, such designation shall be considered to mean "fire marshal" or "office of fire marshal."

(Ord. No. 111, § 8, 7-6-1977)

**CITY OF EAST BETHEL  
ANOKA COUNTY, MINNESOTA  
ORDINANCE NO. 2024-02**

**AN ORDINANCE AMENDING CHAPTER 30, ARTICLE II,  
OF THE EAST BETHEL CODE OF ORDINANCES  
REGULATING ADOPTION OF MINNESOTA UNIFORM FIRE CODE  
IN THE CITY OF EAST BETHEL**

**The City Council of East Bethel, Minnesota ordains:**

**Section 1.** CHAPTER 30, ARTICLE II, of the East Bethel Code of Ordinances is hereby amended to read as follows:

**Sec. 30-39. Adoption of Minnesota Uniform State Fire Code.**

The Minnesota State Fire Code, as published by the International Code Council and adopted by the State Fire Marshal pursuant to Minnesota Statutes, section 299F.011, and as modified by Minnesota Rules, Chapter 7511, is hereby adopted as the fire code for the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, except such portions as are modified or amended by section 30-46. Every provision contained in the fire code, except as modified or amended by this article, is hereby adopted and made a part of this article as if fully set forth herein. A copy of the Fire Code is maintained in the Office of the Fire Marshal or designee for examination and use by the public.

**Sec. 30-40. Permits.**

Permits issued pursuant to the State Fire Code shall be valid for the time period stated in such permits, which period shall be determined at the time a permit is issued and shall be based on the nature of the permit and the needs of the applicant. In no event, however, shall a permit be valid for more than one year from the date it is issued.

**Sec. 30-41. Enforcement.**

- (a) The fire marshal of the fire department serving the city, or a representative authorized by him, shall enforce the provisions of this chapter.
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**Sec. 30-46. Amendments.**

The Minnesota State Fire Code is amended and changed in the following respects:

Wherever in the code the words "chief" of the fire department or "fire chief" are used with reference to the enforcement of the code, inspection of premises for fire prevention purposes, or the removal or abatement of fire hazards, such designation shall be considered to mean "fire marshal" or "office of fire marshal."

**Section 2.** The ordinance amendments herein become effective 10 days after publication.

Passed by the City Council of East Bethel, Minnesota this 8<sup>th</sup> day of June, 2024.

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Kevin Lewis, Mayor

Attested:

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Matt Look, City Administrator

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



**Date:** July 8, 2024

**Agenda Item Number:** Item 6.0 A-F

**Requested Action:** Consider approving the Consent Agenda as presented

**Background Information:**

Item A – Approve Bills

Item B – June 24, 2024 City Council Work Meeting Minutes

Minutes from the June 24, 2024 City Council work meeting are attached for your review.

Item C – June 24, 2024 City Council Meeting Minutes

Minutes from the June 24, 2024 City Council meeting are attached for your review.

Item D – Resolution 2024-47, Declaring Surplus Property - Recycle Center Trailer

The 2000 Wabash 53’ recycle center trailer has reached the end of its useful service life. It has deteriorated to the point where it is no longer able to pass the annual commercial trailer inspection. The trailer will be auctioned on-line with the Minnesota State Surplus website Minnbid with the funds from the sale returned to the Recycling Operations Special Revenue Fund.

Item E - Purchase of Equipment –Recycle Center Trailer

The two 53’ semi-trailers at the East Bethel Recycle Center are used for the storage and transport of recycled cardboard and appliances. The trailers were purchased with funding from the Anoka County Recycling Grant. With only one trailer in working condition, the volunteers who staff the recycle center are having to spend exponentially more time handling recyclables. Without replacing the existing trailer, the center will have to reduce what materials it can take for East Bethel residents.

Staff have researched options for replacing the 53’ foot recycling trailer and have looked at new and used options. Staff recommends the purchase of a used 2013 trailer from Dahlke Trailer Sales for \$14,441.09. Funding for this purchase is provided for in the Recycling Operations Special Revenue Fund which receives all of its funding from the Anoka County Recycling Grant and revenues generated from recycled materials.

Item F – Res. 2024-46, Appoint Election Judges for 2024 State Primary Election

Minnesota Statutes 204B.21, subd. 2, requires that the City Council appoint election judges for each election. The appointments for this year’s State Primary Election must be completed at least 25 days prior to the election, which is Friday, July 19<sup>th</sup>. We have attached a list of election judges for your approval. We are awaiting scheduling confirmation from some of the judges listed. Substitutions may be made if these judges become unavailable. Judges for this list have been recruited by the Election Coordinator and additional names have been provided by the respective major political parties.

**Fiscal Impact:** As noted above

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

**City Council Action:**

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

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

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

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



**City of East Bethel**  
**July 8, 2024**  
**Payment Summary**

Payments for Council Approval						
Bills to be approved for payment						\$34,282.04
Electronic Payroll Payments						\$38,818.90
Payroll City Staff - June 20, 2024						\$47,719.86
Total to be Approved for Payment						\$120,820.80
Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Arena Operations	Electric Utilities	062124	Connexus Energy	615	49851	\$572.50
Arena Operations	Information Systems	B240618J	Anoka County Treasury Dept	615	49851	\$75.00
Arena Operations	Telephone	07 2024-1	T MOBILE	615	49851	\$29.36
Building Inspection	Information Systems	2051	Metro-Inet	101	42410	\$952.54
City Administration	Information Systems	B240618J	Anoka County Treasury Dept	101	41320	\$75.00
City Administration	Information Systems	2051	Metro-Inet	101	41320	\$1,044.15
City Administration	Office Equipment Rental	531812618	US Bank Equipment Finance	101	41320	\$315.00
City Administration	Office Supplies	IN4576535	Innovative Office Solutions	101	41320	\$32.89
City Administration	Professional Services Fees	M29287	TimeSaver Off Site Secretarial	101	41320	\$428.38
City Administration	Travel Expenses		LOOK, MATT	101	41320	\$44.15
Finance	Information Systems	2051	Metro-Inet	101	41520	\$952.54
Finance	Sales Tax Remittance	06 2024	Minnesota Revenue	101		\$227.00
Fire Department	Clothing & Personal Equipment	INV-50237	Alex Air Apparatus 2 Inc	101	42210	\$221.86
Fire Department	Conferences/Meetings	12920	MN Fire Serv Cert Board	101	42210	\$378.00
Fire Department	Conferences/Meetings	12952	MN Fire Serv Cert Board	101	42210	\$252.00
Fire Department	Electric Utilities	062124	Connexus Energy	101	42210	\$610.20
Fire Department	Electric Utilities	062124	Connexus Energy	101	42210	\$119.63
Fire Department	Electric Utilities	062124	Connexus Energy	101	42210	\$92.86
Fire Department	Electric Utilities	062124	Connexus Energy	101	42210	\$7.75
Fire Department	General Operating Supplies	2957	MY TRUSTED CARPET CLEANERS	101	42210	\$275.00
Fire Department	General Operating Supplies	8648608	Plunkett's Pest Control	101	42210	\$298.48
Fire Department	Information Systems	B240618J	Anoka County Treasury Dept	101	42210	\$75.00
Fire Department	Information Systems	2051	Metro-Inet	101	42210	\$2,733.79
Fire Department	Motor Vehicles Parts	1539-275518	O'Reilly Auto Stores Inc.	101	42210	\$12.38
Fire Department	Safety Supplies	94957319	Henry Schein, Inc.	101	42210	\$26.45
Fire Department	Telephone	13864340214107	Midcontinent Communications	101	42210	\$213.60
Fire Department	Telephone	07 2024 - 2	T MOBILE	101	42210	\$99.68
Fire Department	Telephone	07 2024-1	T MOBILE	101	42210	\$29.36
Fire Department	Telephone	9966921419	Verizon	101	42210	\$560.14
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	37047	Menards - Forest Lake	101	41940	\$32.48
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	1539-275732	O'Reilly Auto Stores Inc.	101	41940	\$143.63
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	61824	Patton Heating and Air	101	41940	\$291.00
General Govt Buildings/Plant	Electric Utilities	062124	Connexus Energy	101	41940	\$168.69
General Govt Buildings/Plant	Electric Utilities	062124	Connexus Energy	101	41940	\$952.68
General Govt Buildings/Plant	Electric Utilities	062124	Connexus Energy	101	41940	\$16.77
Park Capital Projects	Bldg/Facility Repair Supplies	506569	Central Wood Products	407	40700	\$1,819.60
Park Capital Projects	Bldg/Facility Repair Supplies	506583	Central Wood Products	407	40700	\$1,819.60
Park Maintenance	Bldg/Facility Repair Supplies	16571	Menards Cambridge	101	43201	\$45.95
Park Maintenance	Bldg/Facility Repair Supplies	337337	S & S Industrial Supply	101	43201	\$10.37
Park Maintenance	Clothing & Personal Equipment	4196877630	Cintas Corporation	101	43201	\$33.69



**City of East Bethel**  
**July 8, 2024**  
**Payment Summary**

Park Maintenance	Clothing & Personal Equipment	4197499621	Cintas Corporation	101	43201	\$33.69
Park Maintenance	Electric Utilities	062124	Connexus Energy	101	43201	\$26.80
Park Maintenance	Electric Utilities	062124	Connexus Energy	101	43201	\$215.85
Park Maintenance	Electric Utilities	062124	Connexus Energy	101	43201	\$20.30
Park Maintenance	Electric Utilities	062124	Connexus Energy	101	43201	\$122.48
Park Maintenance	Electric Utilities	062124	Connexus Energy	101	43201	\$31.59
Park Maintenance	Electric Utilities	062124	Connexus Energy	101	43201	\$29.23
Park Maintenance	Electric Utilities	062124	Connexus Energy	101	43201	\$36.58
Park Maintenance	Information Systems	2051	Metro-Inet	101	43201	\$22.90
Park Maintenance	Other Equipment Rentals	MP251513	LRS	101	43201	\$310.00
Park Maintenance	Other Equipment Rentals	MP251514	LRS	101	43201	\$430.00
Park Maintenance	Other Equipment Rentals	MP251516	LRS	101	43201	\$80.00
Park Maintenance	Other Equipment Rentals	MP251517	LRS	101	43201	\$150.00
Park Maintenance	Other Equipment Rentals	MP251518	LRS	101	43201	\$80.00
Park Maintenance	Other Equipment Rentals	MP251520	LRS	101	43201	\$80.00
Park Maintenance	Other Equipment Rentals	MP251521	LRS	101	43201	\$80.00
Park Maintenance	Other Equipment Rentals	MP251522	LRS	101	43201	\$80.00
Park Maintenance	Park/Landscaping Materials	99703	Bjorklund Companies, LLC	101	43201	\$772.48
Planning and Zoning	Information Systems	2051	Metro-Inet	101	41910	\$635.03
Planning and Zoning	Legal Notices	1002413	ECM Publishers, Inc.	101	41910	\$114.95
Planning and Zoning	Legal Notices	1003371	ECM Publishers, Inc.	101	41910	\$66.55
Planning and Zoning	Legal Notices	1003372	ECM Publishers, Inc.	101	41910	\$66.55
Planning and Zoning	Legal Notices	1003373	ECM Publishers, Inc.	101	41910	\$66.55
Recycling Operations	Electric Utilities	062124	Connexus Energy	226	43235	\$65.44
Recycling Operations	Other Equipment Rentals	MP251519	LRS	226	43235	\$80.00
Recycling Operations	Professional Services Fees	07 2024	Cedar East Bethel Lions	226	43235	\$1,300.00
Recycling Operations	Professional Services Fees	07 2024	Cedar East Bethel Lions	226	43235	\$419.72
Sewer Operations	Electric Utilities	062124	Connexus Energy	602	49451	\$109.16
Sewer Operations	Electric Utilities	062124	Connexus Energy	602	49451	\$265.44
Sewer Operations	Professional Services Fees	0001175384	Metropolitan Council Env Svcs	602	49451	\$6,071.09
Street Maintenance	Bldg/Facility Repair Supplies	36792	Menards - Forest Lake	101	43220	\$23.99
Street Maintenance	Bldg/Facility Repair Supplies	0210655	Zahl Petroleum Maintenance Co.	101	43220	\$149.54
Street Maintenance	Bldg/Facility Repair Supplies	0210656	Zahl Petroleum Maintenance Co.	101	43220	\$17.73
Street Maintenance	Bldgs/Facilities Repair/Maint	4196877630	Cintas Corporation	101	43220	\$9.19
Street Maintenance	Bldgs/Facilities Repair/Maint	4197499621	Cintas Corporation	101	43220	\$9.19
Street Maintenance	Cleaning Supplies	36496	Menards - Forest Lake	101	43220	\$33.50
Street Maintenance	Clothing & Personal Equipment	4196877630	Cintas Corporation	101	43220	\$33.68
Street Maintenance	Clothing & Personal Equipment	4197499621	Cintas Corporation	101	43220	\$33.68
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$32.92
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$43.52
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$35.07
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$5.25
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$115.81
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$170.12
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$11.53
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$5.25
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$5.25



**City of East Bethel**  
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**Payment Summary**

Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$5.25
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$5.25
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$5.25
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$40.74
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$75.75
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$5.25
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$5.25
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$5.25
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$5.25
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$5.25
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$5.25
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$5.25
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$107.31
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$5.25
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$556.80
Street Maintenance	Electric Utilities	062124	Connexus Energy	101	43220	\$478.50
Street Maintenance	Equipment Parts	117934369	Fleet Pride	101	43220	\$21.67
Street Maintenance	Equipment Parts	117991292	Fleet Pride	101	43220	\$13.75
Street Maintenance	Equipment Parts	117991293	Fleet Pride	101	43220	\$7.80
Street Maintenance	Equipment Parts	1539-274509	O'Reilly Auto Stores Inc.	101	43220	\$146.50
Street Maintenance	Information Systems	2051	Metro-Inet	101	43220	\$627.40
Street Maintenance	Motor Vehicles Parts	093P16489	BOYER TRUCKS-ST MICHAEL	101	43220	\$81.05
Street Maintenance	Safety Supplies	9168519198	Grainger	101	43220	\$261.28
Street Maintenance	Safety Supplies	1539-277275	O'Reilly Auto Stores Inc.	101	43220	\$139.74
Street Maintenance	Shop Supplies	181171	Metro Products, Inc.	101	43220	\$109.97
Street Maintenance	Small Tools and Minor Equip	541201173248612	Capital One Trade Credit	101	43220	\$94.99
Street Maintenance	Telephone	07 2024-1	T MOBILE	101	43220	\$29.36
Water Utility Operations	Electric Utilities	062124	Connexus Energy	601	49401	\$351.31
Water Utility Operations	Electric Utilities	062124	Connexus Energy	601	49401	\$1,442.31
Water Utility Operations	Electric Utilities	062124	Connexus Energy	601	49401	\$307.53
Water Utility Operations	Information Systems	2051	Metro-Inet	601	49401	\$297.65
Water Utility Operations	Information Systems	2062	Metro-Inet	601	49401	\$346.13
						<b>\$34,282.04</b>



# City of East Bethel

July 8, 2024

## Payment Summary

Electronic Payroll Payments		
Payroll	PERA	\$10,237.24
Payroll	Federal Withholding	\$7,401.41
Payroll	Medicare Withholding	\$2,252.56
Payroll	FICA Tax Withholding	\$8,665.04
Payroll	State Withholding	\$3,561.37
Payroll	MSRS/H.S.A./HCSP	\$6,701.28
		<b>\$38,818.90</b>

# DRAFT MINUTES: NOT YET APPROVED

## EAST BETHEL CITY COUNCIL WORK MEETING

June 24, 2024

The East Bethel City Council met on June 24, 2024, at 6:00 p.m. for the regular City Council Work meeting at City Hall.

MEMBERS PRESENT: Kevin Lewis Brian Mundle Bob DeRoche  
Tim Miller Jim Smith

ALSO PRESENT: Matt Look, City Administrator  
Aaron Berg, Community Development Director  
Nate Ayshford, Public Work Director

### 1.0 – White Pines General Store Presentation

Berg presented background information on White Pines General Store. He noted as presented at the last meeting, White Pines General Store was looking for alternative sources of revenue to use the empty lot next door to the store, which included short-term rental manufactured homes. He indicated this was not an approved use and there would need to be a number of things within the City Code that would need to be modified, adopted, or changed in order to make this a possibility. He reviewed what needed to be changed such as zoning and where a manufactured home could be located in the City, etc. He stated right now the zoning was B-1. He noted the City would need to overhaul the Rental Property Code to include short-term licensing inspections also. He indicated the City also did not allow for a shared septic system as well as there would be parking issues. He did not know if this idea would be the best use for this lot.

DeRoche expressed concern that more people would also want to do this. Berg responded that was a possibility once the City opened that door. He believed the City already had a couple of Airbnb rentals that did not meet the City's zoning Code, but they had not received any complaints about them to do any Code enforcement.

Berg indicated they would also need to come up with a system for more frequent inspections as short-term rentals would be turning over more frequently than long-term rentals. He stated there were a lot of hurdles with this proposal and it would get very involved.

Lewis stated he did not see this as being a big sales point on Coon Lake Beach. Berg responded with a lack of a swimming beach or a public access, he didn't know if that would be a draw for vacation rentals in that particular neighborhood.

Mundle noted they already had a campground on the north side for that purpose. Lewis stated they also had a regional park at the east end of the lake.

Look stated staff would share those comments with the petitioner and if they wanted to pursue this, they would come to a future Council work meeting to discuss it.

### 2.0 – Whispering Aspens Pond Treatment

1 Look stated this was brought up at a recent Council meeting Open Forum regarding odors associated  
2 with Whispering Aspens pond. He indicated staff had done some research on this and the challenges  
3 with the treatment of this pond.

4 Ayshford stated the background on this was in the Council packet, along with the estimated cost. He  
5 noted this pond received storm water from the development and the residents were concerned  
6 about algae growth. He indicated in the past, the City had treated that because on the north section  
7 there used to be a sewage treatment plant for that development and after the water was treated, it  
8 would go into that pond, which might be what helped some of the sediment loads. He indicated the  
9 City had treated it in the past, but once the plant was closed down, the pond was no longer treated.

10 Ayshford asked if this were something the City should be treating and if so, the City had another 150  
11 stormwater ponds and how would the City decide which ones of those would get treated.

12 Ayshford stated there were different options for treatment also, such as chemical treatment, a  
13 powered aquifer aerator, a wind powered aerator, or a fountain.

14 Lewis asked if there was any natural means of treating the pond. Ayshford responded he did not  
15 know of any, but he was open to suggestions.

16 Ayshford noted one thing they had discovered was that northeast of this pond, there was another  
17 larger pond that drained into this pond and that water was being held back by a beaver dam. He  
18 stated they were working with a trapper to get that opened up so they get more flow coming through  
19 there. He noted this was a wetland area that drained and all of the storm sewer from the  
20 development drained to this pond also.

21 Ayshford asked the Council if this was something they wanted to pursue.

22 Lewis stated if they cleaned this pond, it would open up a "can of worms" for the other 149 ponds  
23 and there would not be anything left in the budget if all of the ponds were treated.

24 DeRoche asked if this was a new issue and did it ever go away. Ayshford responded this occurred  
25 every year and it was an algae bloom from phosphorus (i.e., fertilizer, grass clippings, etc.).

26 Mundle stated this pond was unique as it was specifically designed to work with the wastewater  
27 treatment plant and in the past the pond had been treated, but once the sewage treatment plant was  
28 decommissioned, it lost the design flow through it. He did not know of another pond in the City that  
29 had those circumstances.

30 Miller asked if the pond was on City land. Ayshford responded it was. He noted most ponds were  
31 falling on drainage and utility easement, so the City doesn't actually own the property around it. He  
32 stated if it were an outlot, sometimes the City would own it.

33 DeRoche stated he believed nature should take its course.

34 Lewis requested they revisit this after the beaver dam was taken down to see how the flowage was at  
35 that point.

36 Ayshford asked if this might be something the development would want to pay for. He indicated with  
37 that specific development, they would have a way to build that with the sewer and water in there.  
38 He noted this was an option discussed at the Park Commission.

39 Smith asked why was the City mowing around the pond. Ayshford responded it used to be part of the  
40 treatment plan operation and they have just always mowed it. He noted it has been that way long  
41 before he started working at the City.

1 Mundle noted this is considered one of the City parks in the development.

2 Smith stated he did not understand why the City owned this pond when in other developments the  
3 City didn't own them. Ayshford stated the City did not own the pond itself, but the City did have a  
4 large drainage utility easement over it.

5 Griffin Munson (?sp) stated he was surprised the City still mowed around the pond and asked if it  
6 would be a good idea to just stop mowing around it. He indicated if they kept the grass high, it would  
7 discourage people from swimming. Mundle stated nobody swam in that pond.

8 Ayshford stated mowing only took 15 minutes and they needed to mow around the edge to keep the  
9 weeds off of the road.

10 Smith asked if there were documents that said the pond was a part of the City parks. Ayshford  
11 responded they were platted as outlots and the City owns those outlots. He noted one of the outlots  
12 had playground equipment on it, and that was considered a City park. He acknowledged he did not  
13 know if this was ever designated as an official park, but it was City public property. He believed this  
14 might be a legal question for the City's attorney as to what the actual title was.

15 Look believed there were two different issues – whether the City did or did not own the pond and  
16 whether the City treats or does not treat the pond. He noted there was a significant cost in  
17 treatment and then there would be other requests for neighborhood ponds to be treated.

### 18 3.0 – Commercial Kennel Ordinance Revision

19 Look noted the City has had some requests in the past to bring commercial kennels into residential  
20 districts where an individual wanted to operate an at home business where they watch a number of  
21 dogs for people. He noted the Planning Commission had rejected those requests previously and now  
22 the City had another one coming before them. He stated this issue centered on Ordinance revisions  
23 and who had the ability to revise an Ordinance.

24 Berg stated the City did not permit commercial kennels or overnight boarding in residential districts.  
25 He noted the City had received complaints about Pet Sitting which included them boarding animals  
26 overnight. He noted Pet Sitting was sent an Ordinance violation notice and Pet Sitting had hired an  
27 attorney (Mark Luther) who asked how they could propose an Ordinance revision.

28 Berg indicated residents could request an Ordinance revision only of the Zoning Code, or a zoning text  
29 amendment, or a rezoning of their property and not a general ordinance revision. He stated Mr.  
30 Luther and his client have proposed an Ordinance change to a Ordinance Section 10 which changes  
31 the definition of a private kennel and allowed for boarding. He asked if the Council was interested in  
32 that Ordinance revision.

33 Attorney Mark Luther stated he represented Anita Jones. He noted Minnesota Statute Chapter 340,  
34 7.10 said that a kennel was a place where there was breeding, sale, or sporting purposes where dogs  
35 are kept. He stated this did not apply to his client as she was not breeding dogs, selling dogs, and did  
36 not do sporting purposes of dogs. He stated his client just wanted to have a pet sitting service. He  
37 indicated they were not asking for a zoning change and they were not asking for a variance. He  
38 indicated they were asking for the definition of a private kennel under the Ordinance that a private  
39 kennel could hold more than two or more dogs, as long as the dogs are owned by the owner to a  
40 private kennel, it would be allowed where you could have dogs that are not necessarily owned by the  
41 owner of the kennel.

42 Look believed the City could be more restrictive than State law on these matters, but he could check  
43 with the City Attorney on this.

1 Lewis expressed surprise that the State was so restrictive.

2 Anita Jones, Jewel Street, stated she did not have kennels in her home and she was doing boarding  
3 out of her home.

4 Lewis asked what was Ms. Jones's definition of the word 'kennel.' Ms. Jones responded that her  
5 meaning of the word kennel was when dogs were put in an enclosed kennel. She noted she was at  
6 her home and a dog was only put in a kennel for safety reasons, but otherwise the kennels were put  
7 down and the dogs were allowed to run free in her home. She has a fenced in area outside. She  
8 indicated she did not allow barking dogs outside and if they start barking, they go into the house. She  
9 stated she did not want her neighbors to be upset about barking dogs and she tried to keep any  
10 barking to a minimum.

11 Lewis stated a primary concern was noise because dogs will bark, and the other is fear of aggressive  
12 dogs. Ms. Jones noted all dogs had a meet and greet first and the dog owners had to read and sign  
13 her policies which included a trial overnight. She indicated if a dog showed aggression in her care,  
14 the dog's owner was called.

15 Ms. Jones stated she had spoken with her neighbors and one of her neighbors didn't even know she  
16 was boarding dogs and her other neighbor said they might have heard dogs barking a few times over  
17 the last seven years.

18 Berg stated the City's definition of a commercial kennel means any place where a person accepts  
19 dogs from the general public and keeps such dogs for the purposes of boarding. He noted  
20 commercial kennels were not allowed in residential neighborhoods.

21 Mundle asked for the definition of a private kennel. Berg responded that a private kennel was any  
22 place where more than 2 dogs over 4 months of age were kept or harbored, provided that such  
23 animals are owned by the owner or lessee of the premises on which they are kept or harbored.

24 Mundle stated kennel was not a literal meaning that they have kennels at an establishment.

25 Lewis asked if there was a requirement that they have to be in an enclosed structure for noise  
26 purposes. Berg responded under the commercial kennel ordinance, there were requirements but not  
27 under the private kennel license.

28 Smith asked what kind of complaint had the City received. Berg responded staff had a documented  
29 written complaint in which the complainant provided a photo ID, and a verified address. He stated it  
30 was a legitimate complaint.

31 Look stated while they had an applicant who was very responsible, the City could potentially have  
32 other kennels that were not as responsible at some point.

33 Look indicated staff was looking for direction from the Council if they were interested in moving  
34 ahead with crafting an ordinance revision for commercial kennel and residential kennel.

#### 35 **4.0 – B-Rock Auto Continued Operation**

36 Look stated according to neighbors, B-Rock Auto appears to be continuing operation of an  
37 automobile repair shop out of his home. He asked if Council wanted to pursue the route of  
38 prosecution.

39 Berg noted B-Rock Auto had been given a year to find another location to relocate their business, but  
40 that did not happen and he had come to the City for another year extension, which had now expired.  
41 He asked if the Council wanted to move forward with prosecution.

1 Lewis stated it was difficult to enforce the Codes when the value of resident's property depended on  
2 Codes being abided by, but the Codes were there to protect the value of peoples property. He  
3 acknowledged complaints had been received and this had been a persistent problem. He believed  
4 the people who lived in that residential neighborhood had a right to have the Zoning Code be  
5 enforced.

6 Mundle believed the City had been very fair with giving a year to relocate and then giving a year  
7 extension.

8 Miller stated he agreed with what was said and it was a shame when they have businesses that run  
9 into issues like this with complaints, but he believed the City had been more than generous for the  
10 last two years. He hoped another business in the City could step up if they had some property to rent  
11 to help this business out.

12 DeRoche stated he felt the same way.

### 13 **Other**

14 Lewis stated a few weeks ago they had a presentation from The Anoka County Election Integrity Task  
15 Force. He indicated he had spoken with them since their presentation and the maximum cost to pay  
16 election judges to go through and recount the ballots would be \$2,800. He noted people would know  
17 that other people had actually looked at the votes. He stated he wanted to approve this and  
18 requested it be put on a City Council meeting agenda.

19 Mundle requested they have somebody from the County give a presentation that would explain and  
20 address the concerns that this group brought up.

21 Look stated staff could look into this. He believed there had been a new State law though that said  
22 once the ballots were cast and counted that evening, they went under lock and key. He noted it  
23 might be impossible to get the ballots to recount them.

24 Lewis stated he would speak with the group and see what their read was on this.

### 25 **5.0 – Adjourn**

26 Meeting adjourned at 6:57 p.m.

27 Submitted by:

28 Kathy Altman

29 *TimeSaver Off Site Secretarial, Inc.*

30

# DRAFT MINUTES: NOT YET APPROVED

## EAST BETHEL CITY COUNCIL MEETING

June 24, 2024

The East Bethel City Council met on June 24, 2024, at 7:00 p.m. for the regular City Council meeting at City Hall.

**MEMBERS PRESENT:** Kevin Lewis Brian Mundle Bob DeRoche  
Tim Miller Jim Smith

**ALSO PRESENT:** Matt Look, City Administrator  
Eric Larson, City Attorney  
Rodney Sanow, Fire Chief

### 1.0 Call to Order

The June 24, 2024, City Council meeting was called to order by Mayor Lewis at 7:00 p.m.

### 2.0 Pledge of Allegiance

The Pledge of Allegiance was recited.

### 3.0 Adopt Agenda

**Mundle stated I'll make a motion to adopt tonight's agenda. DeRoche stated I'll second.** Lewis asked any discussion? Mundle moved Item No. 5 Public Forum after Item 6. To the motion, all in favor say aye. **All in favor.** Lewis asked any opposed? That motion passes. **Motion passes unanimously.**

### 4.0 Presentations and Public Hearings

#### 4.0 A Anoka County Sheriff's Report

Lieutenant Derek Peters presented the May 2024, Sheriff's Report, stating the Sheriff's Department had responded to 449 calls for service including 2 thefts, 1 criminal sexual conduct, 8 assaults, 4 damage to property, 11 PI accidents, 29 PD accidents, 76 medical, 38 animal complaints, 15 alarms, 3 felony arrests, 7 gross misdemeanor arrests, 21 misdemeanor arrests, 1 domestic assault, 2 warrant arrests, 100 traffic stops, and 26 traffic arrests.

**Informational; no action required.**

#### 4.0 B Fire Department Monthly Report

Fire Chief Sanow presented the May 2024 report and noted that they responded to 96 calls, of which 76 were medical, 10 crashes, 2 alarms, 3 burning/smoke, and 5 other.

Mundle inquired about the fire danger. Sanow responded it still happened, but it was low.

**Informational; no action required.**

### 6.0 Consent Agenda

Item A: Approve Bills

Item B: Approve Meeting Minutes May 29, 2024 City Council Work Meeting

Item C: Approve Meeting Minutes, June 10, 2024 City Council Work Meeting

Item D: Approve Meeting Minutes, June 10, 2024 City Council Meeting

Item E: Amendment to Personnel Policy – Section 7.3 Earned Safe and Sick Time

- ~~Item F: Approval for Advertisement of Seasonal Employee Positions – Ice Arena~~
- ~~Item G: Res 2024-42 Designation of Surplus Property – Ice Arena Turf~~
- ~~Item H: Res 2024-43 Fee Schedule Amendment – Ice Arena Advertisement Fees~~
- ~~Item I: Software Purchase – Ice Arena~~
- ~~Item J: Security System Update – Ice Arena~~
- Item K: Cannabinoid Edibles Vendor License Application – Kwik Trip #1171
- Item L: Set Budget Work Session Date
- Item M: Klondike Drive Chloride Application Quote

Smith requested to pull Items F, G, H, I, and J. **Mundle stated I'll make a motion to approve Consent Agenda as amended. Smith stated I'll second.** Lewis asked any discussion? To the motion, all in favor say aye. **All in favor.** Lewis asked any opposed? That motion passes. **Motion passes unanimously.**

- 6.0 F Approval for Advertisement of Seasonal Employee Positions – Ice Arena**
- 6.0 G Resolution 2024-43 Designation of Surplus Property – Ice Arena Turf**
- 6.0 H Resolution 2024-43 Fee Schedule Amendment – Ice Arena Advertisement Fees**
- 6.0 I Software Purchase – Ice Arena**
- 6.0 J Security System Update – Ice Arena**

Smith stated all of the items he pulled were charges that he did not know anything about when they decided they were going to have the City take over the management of the Ice Arena.

Lewis asked if these were included in the numbers for start-up costs. Look stated this was part of the dollar amount that would be transferred from the user fees to the General Fund to cover these costs.

Smith asked if the costs were due to the City taking over the Ice Arena. Look responded they were.

Smith asked if Gibson already had that covered in their contract. Look responded the City paid Gibson and Gibson ended up paying for a lot of the costs out of their contract and now the City would be bearing the costs.

Smith inquired about the hiring of a seasonal employee of which he was not aware. He asked if the City had somebody on staff that could do this. Look noted a staff member would manage the Ice Arena, but these were the seasonal employees that currently worked there right now that would be transitioned over as City employees and paid the same or a similar amount.

Lewis asked if the seasonal employee would receive benefits. Look responded they would be part-time employees with no benefits.

**Smith stated I'll make a motion to approve Consent Agenda Items F, G, H, I, and J. DeRoche stated I'll second.** Lewis asked any discussion? To the motion, all in favor say aye. **All in favor.** Lewis asked any opposed? That motion passes. **Motion passes unanimously.**

**5.0 Public Forum**

Lewis stated he had received four emails from residents with three of them being identical to which he had responded. This is the email text he used in reply to three (identical) resident emails expressing concerns about the proposed Justice Center being located (or even being discussed, apparently!) in East Bethel. He read into the record how he responded, as follows:

*"I'm replying without copying other Council Members to avoid any Open Meeting violation.*

*The only thing that has been proposed is that we DISCUSS the matter of locating a new Anoka County "Justice Center" in East Bethel. That's it.*

1 *And, my personal opinion as a 28-year resident of East Bethel is that there would be little appetite*  
2 *for such a development, regardless of its potential positive economic impact. I have shared this*  
3 *opinion with our City Administrator. Understand that his responsibilities include being aware of*  
4 *potential economic development opportunities for our City and bringing them to the attention of*  
5 *the City Council, which he did at our Work Meeting Monday evening. I have assured him that our*  
6 *Quality of Life is highly prized among East Bethel residents and that all development opportunities*  
7 *that come up must be evaluated within the context of impact on that Quality of Life, including*  
8 *access to natural spaces and "Quiet Enjoyment" of our properties.*

9 *I hope this speaks to your concerns. Thanks for reaching out to me to share them."*

10 Lewis noted in any situation like this they needed to drill down on the facts which was what was  
11 being discussed and what they were discussing was not just a jail, but a justice center which would  
12 include a courthouse(s) and satellite lawyer offices, approximately 1,000 employees, and a \$350 to  
13 \$500 million dollar building construction. He noted this was a major project and it absolutely  
14 required the Council's discussion and attention. Otherwise, they would be delinquent in doing their  
15 responsibilities if they did not look at this or discuss it.

16 Lewis stated discussion did not equal action and they were two different things. He stated in the  
17 Minutes of the Work Meeting and in the newspaper article it was noted that resident input would be  
18 required prior to any action. He noted that was Council's intent all along and there was no effort to  
19 make a decision without getting resident input. He stated that was a mistake or a lie. He stated  
20 Council had even discussed putting it on the ballot in November.

21 Lewis stated everyone on the Council had been in the City long enough to know how the water/sewer  
22 deal happened and a similar situation was not going to happen on their watch, which was to ignore  
23 what the residents want. He stated the Council knew better than to do this and this would not be  
24 Council's approach. He acknowledged the residents might not like the Council's approach to all  
25 things, but at least the residents would be involved in this one.

26 Lewis reviewed the rules of the Open Forum.

27 James Linder, 19423 East Tri Oak Circle, stated he had been trying for five weeks to get access to view  
28 some public records from the city. He noted he had sent in the request five weeks ago and came to  
29 the Council meeting two weeks ago, but nobody had gotten back to him. Look responded staff was  
30 working on that request today to get it finished up. He noted it was an extremely large file and it  
31 would not be something that could be emailed. He indicated based on the size and time in compiling  
32 all of this, which was in excess of 30 staff hours, this was not a small request. He stated staff would  
33 arrange with Mr. Linder to bring in his laptop and the City would provide him a thumb drive to view  
34 this information, but if Mr. Linder wanted anything printed out there would be charges associated  
35 with those copies. He indicated staff should have this available to Mr. Linder within the next couple  
36 of days.

37 Donald Sivigny, 20010 Madison Street, stated the citizens had no clue that the discussion of a jail was  
38 going on and there was a lot of misinformation happening. Lewis noted this was a recent  
39 development. Mundle stated the Council had only discussed this once.

40 Look stated the law changed as of the end of the Legislative Session.

41 Mr. Sivigny stated there were a lot of concerns by citizens regarding this. He indicated he  
42 remembered the sewer/water situation as well as the mental health facility. He noted the citizens

1 still remembered those. He stated people didn't want to live next to a facility like this. Mundle and  
2 DeRoche stated there had been no discussions regarding any site locations.

3 DeRoche suggested Mr. Sivigny read the Minutes of Council's last Work Session and Council meeting  
4 for the correct information.

5 Mr. Sivigny did not believe the residents had the whole story and maybe Council didn't even have the  
6 whole story. He stated the residents believed the location was going to be at the intersection of  
7 Highways 65 and 22. DeRoche pointed out that the City did not own that property.

8 Mr. Sivigny noted the City had eminent domain and he believed this was talked about by the City staff  
9 that eminent domain could be used to take that property. He noted Oak Grove did it. He stated they  
10 did not want this in the community. He noted people were living by the water tower and schools  
11 were nearby, along with the Senior Center right there. He indicated East Bethel was in the most  
12 northern part of the County and if they looked at the County's crime statistics, the majority of the  
13 crimes committed in Anoka County were in Columbia Heights, Fridley, and in southern Spring Lake  
14 Park. He asked what would happen to these individuals when they got out of jail.

15 Mr. Sivigny stated when his wife asked what would happen to the individuals when they were let out  
16 of jail, she was informed that they would need to figure out a way to transport them back. He asked  
17 who was paying for that. He noted there was no bus structure and when someone was let out of jail  
18 at 3:00 a.m. there was nothing for them to do but wander around. He believed crime would go up  
19 with this facility and that was shown by statistics. He noted Federal prisoners would also be housed  
20 in the jail.

21 Mr. Sivigny stated this would be urbanizing the character of the City and this is against what the  
22 citizens wanted.

23 Mr. Sivigny asked Lewis if he had received any emails from residents who wanted the jail in the City.  
24 Lewis responded he had not and that was the reason he had read his response to the emails he had  
25 received. He noted he was on the same page as Mr. Sivigny.

26 Mr. Sivigny stated if they wanted to put this facility somewhere in the County, it should go into  
27 Andover as they had the new Sheriff's and 911 facility. He noted the County also owned additional  
28 property in that area. Lewis noted what was driving this was the cost of land in Andover, which was  
29 considerably more. He stated as County residents, everyone would pay for the jail, whether it was in  
30 East Bethel or not.

31 Mr. Sivigny stated there would also be an increase in traffic with additional accidents occurring.

32 Mr. Sivigny stated in the Council Work Meeting, it was noted that they needed to get the citizens  
33 involved, which was a good thing and he believed they needed to let the citizens know in a public  
34 form/meeting setting that the City was discussing this. He requested the City tell residents that this  
35 was only in discussions, that no decisions had been made, no site had been chosen, and the Council  
36 was open to feedback from the residents. He stated if they wanted to build the trust of the residents,  
37 the City needed to start getting them involved. He recommended a non-slanted survey be sent out  
38 to the residents. He stated if this came from City staff the residents would say it was slanted one way  
39 and it was important to get the residents involved. Lewis noted it was Look's responsibility and job to  
40 bring this to the Council as the Council had to know about any potential development, even if the  
41 Council did not like the development it still had to be brought to the Council's attention.

1 Mr Sivigny agreed it was the City's Administrator's job to bring a potential development to the  
2 Council, but right now the residents had very little trust as to what came out of the City offices. Lewis  
3 stated he understood.

4 Mr. Sivigny stated past developments have left a very bad taste in the citizen's mouths. DeRoche  
5 noted for the record he had voted against the sewer/water project. Lewis noted DeRoche was the  
6 only member of the City Council at that time who did that, and that was the reason DeRoche was on  
7 the Council now, because they knew he had integrity.

8 DeRoche noted once Cambria came in, that property was zoned for that type of a facility and the City  
9 could not refuse them because if the City had refused Cambria, they would have a multi-million-dollar  
10 lawsuit against the City. He noted he was not on the Council when that property had been rezoned,  
11 but once it was rezoned the CUP went with the property. He did not believe any Councilmembers  
12 were on the Council when Cambria came in.

13 Mr. Sivigny stated nobody knew what happened previously because the Council and Mayor did things  
14 behind the scenes and that was the implication of what was happening now. He noted people were  
15 not trusting their government and that was a bad thing for the City. Lewis hoped with the Council  
16 being open tonight would help with respect to this.

17 Mr. Sivigny requested the City reach out and tell the citizens what was going on and not keep things  
18 behind the scenes. Lewis agreed they could not run a local government that way.

19 DeRoche stated it was great to see this many people at a Council meeting and the Council did not  
20 know what everyone in the City was thinking. He noted that was why the Public Forum was put back  
21 into the Council meetings.

22 Mr. Sivigny requested the Council provide the facts to the citizens. He noted when he was searching  
23 for tonight's agenda, he had to contact the staff to find out where on the website it was located. He  
24 stated it needed to be easier than it was to locate information such as this. He stated the citizens had  
25 not been informed about this potential project. Lewis indicated this was a new thing that just came  
26 up and the Council had not been sitting on it or keeping it to themselves.

27 Mr. Sivigny stated everyone he had spoken to questioned why the County would be interested in  
28 putting this in the most northern most City in the County because every police car would need to  
29 drive up here. Lewis stated the Work Meeting Minutes said that he (Lewis) had pointed out that  
30 normally County seats were located in the center of a County, which would be Andover. He stated  
31 this was frustrating, but it was part of the job to be accused of things that were untrue or to have  
32 words put in their mouths, but it was part of the job of being a Councilmember.

33 Mr. Sivigny stated he was not here accusing the Council of anything, but the citizens wanted more  
34 information and when they try to find it, they run into roadblocks like he did today.

35 DeRoche stated the newspaper did not interview the Mayor or the Councilmembers and it did not  
36 matter if it was true or not. Mr. Sivigny stated the City should talk to the newspaper if they were not  
37 giving the correct information.

38 Look thanked the audience for the civil conversation and indicated this was a very unusual law that  
39 had changed and it had created a significant problem for the Anoka County Sheriff. He stated the jail  
40 that they currently had in the County was at capacity and so they were sending people out to other  
41 jails and communities which was costly and dangerous. He indicated the challenge they were having  
42 was that the Judges when they were hearing a case and they knew the jail was full the people would  
43 be released because there was nowhere to put them, which he believed made the community less

1 safe because of that. He noted they were incarcerating the worst of the worst and that was filling up  
2 the jails.

3 Look stated they had had a conversation at the County which was strictly a conversation where they  
4 looked at some hypotheticals and unfortunately, the newspaper article was misleading. He stated  
5 the one thing that was discussed at the Work Session was that the public needed to be involved, that  
6 this could potentially go on a ballot, and that there would also have to be a public campaign on this to  
7 give the pros and cons. He believed at that point people could look at the upside, the downside, and  
8 see if it were even worth considering. He stated this would be a longer process than the five-minute  
9 article that was written by ABC Newspaper to sell the newspaper. He indicated the newspapers  
10 jumped the gun and created this problem. He believed the newspaper was a "social media arsonists"  
11 in that they were just trying to burn it down. He believed East Bethel was pro law enforcement and  
12 they enjoyed that although they see some numbers going up, there was a great job being done in  
13 keeping the numbers down as much as possible. He believed the City wanted to support the Sheriff  
14 in any way that they could and while this might not be an option, there were other options the City  
15 could support them with.

16 Look stated this was a conversation and just a conversation. He noted there had been some positive  
17 conversations on social media though from people who thought this might be a good idea, but he  
18 recognized the audience members tonight were not in favor of this idea. He believed once all of the  
19 information was out there, both the pros and cons, people could make their decisions at that point.  
20 He believed there could be a civil conversation that the community could weight on.

21 Lewis stated he was appreciative of the comments that were made tonight.

22 Mr. Sivigny believed it did not make any fiscal sense to move the jail to East Bethel. Lewis agreed and  
23 he thought East Bethel was being used as a "stalking horse" to get Anoka to agree to what they have  
24 so far resisted because it did not make any sense to move the jail. He noted this would put heat on  
25 Anoka to knock it off and agree to do it, which was his personal opinion only.

26 Mr. Sivigny stated the Minutes said there would be more Police presence in the City, but that Police  
27 presence would be for transporting purposes, and they would not be coming into the City to patrol or  
28 enforce the laws in East Bethel. He stated he supported the Police Officers 100 percent for  
29 everything they did and he believed the City was very much for law enforcement, but this did not  
30 make fiscal or security sense. He asked who would be paying for this also. He thanked the Council  
31 for letting him speak.

32 Michelle Sivigny, stated she was a Deputy at the Anoka County jail and she was fully aware of the  
33 issues. She noted it had been said a lot of the Judges might not sentence the inmates because there  
34 was not enough room in the jail, which was not true. She stated when they were sentenced, then  
35 they went to prison and very seldom did anyone do 15 to 30 days at the jail. She stated when they  
36 were full, inmates were sent to Sherburn and Sherburn would send inmates to them when they were  
37 full. She indicted they had Federal inmates and it depended on the dynamics of the jail. She  
38 indicated the Judges would not base their decision on room at the jail.

39 Look stated as Chair of the County Board he was dealing with budgetary factors as it related to this  
40 and they would never say that on record, but that in fact was happening and it still happened. He  
41 noted inmates were released on their own recognizance.

42 Suzanne Erkel, Okinawa Street, stated residents having to give their address to their homes when  
43 their homes could be vandalized if they said something someone did not like was not a good idea.  
44 She stated the City had addresses on the sign-in sheet, which should be good enough. Lewis noted

1 Ms. Erkel had not given her address on the paper he had. Ms. Erkel acknowledged she had not given  
2 her address on the paper because she was in a hurry, but the City had her address as she had given it  
3 many times.

4 Ms. Erkel noted the Met Council forced a lot on the City. She asked how could the City and Council  
5 be assured that the State or the Met Council or somebody else would not force the jail on the City  
6 because it had been brought up. She noted the Council could vote against it, but then the City could  
7 be sued if it were not accepted. Lewis stated one of his biggest surprises he had as a resident was  
8 when he got involved in this and learned from people who were on the inside, such as DeRoche, he  
9 found out that the Met Council actually recommended a delay of 7 to 9 years on the water/sewer  
10 project and it was the City's staff and Council who were the proponents of it. He noted that was the  
11 biggest shock to him because for years he thought it was the Met Council who had forced it on the  
12 City and that was not correct. He stated that really infuriated him.

13 Erkel asked for reassurance that this jail would not be forced upon the City because it had been  
14 brought up. Lewis stated he could not assure her of anything with the type of State government they  
15 had.

16 Erkel stated she wanted to discuss B-Rock as she was on the Council at that time. She indicated when  
17 she was on the Council, there was a roomful of people who were in support of this business and there  
18 was one resident who did not like it because he had recently retired and didn't want the business in  
19 the neighborhood. She did not believe this took down anyone's property values and the business had  
20 been there for many years. She believed with the variance, they had to go through State inspections  
21 and they had been in the City for a long time and it was their livelihood. She did not believe that  
22 because this company was granted a variance, the City did not need to grant all variances like this.

23 Lewis asked if Erkel was a neighbor to this business. Erkel responded she was not, but she had been  
24 by there and had spoken with the neighbors who complained about the person who had complained.  
25 Lewis stated the Council did not want to do this, but zoning laws existed for a reason. He  
26 recommended the neighbors get the one complainant to relent, then the entire matter would go  
27 away and the City would not pursue it if the complaint were withdrawn as the City was complaint  
28 based.

29 Erkel stated she wanted to give her opinion and requested the Council double think this one.

30 Erkel asked if the Sheriff's report could be put on the website under its own spot as people did not  
31 see it and everyone did not watch the Council meetings. She stated everyone needed to be aware of  
32 what was going on and what they need to watch for.

33 DeRoche asked if this would be a privacy issue. Look responded the basic data the City received and  
34 read was all public and it could be posted. Lewis noted they could have a link to the packet page that  
35 had the data also.

36 Larson stated since there was once spokesperson who spoke on behalf of a lot of the people in the  
37 audience, he recommended everyone print their name and give it to staff so the City could ensure  
38 they had a record of who was in support of what the spokesperson said.

## 39 **7.0 New Business. Commission, Association, and Task Force Reports**

40 No reports given.

## 41 **8.0 Department Reports**

### 42 **8.0 A Community Development**

1 None.

2 **8.0 B Engineer Report**

3 None.

4 **8.0 C City Attorney**

5 None.

6 **8.0 D Finance**

7 None.

8 **8.0 E Public Works**

9 None.

10 **8.0 F Fire Department**

11 None.

12 **8.0 G City Administrator Report**

13 Look gave an update on urbanizing the City. He noted the City was starting to get more requests on  
14 commercial spots and some of the interested parties were common/retail/fast food businesses.

15 Look stated tomorrow there was a County Board meeting at 9:30 a.m. which he would be attending.

16 Look noted the League of Minnesota Cities Conference would be attended by himself and Berg.

17 Look stated he had a good recent conversation with the new Met Council Administrator about the  
18 Met Council plant and the efficient operation of it, along with some of the options that were on the  
19 table regarding the debt.

20 Look stated the City was continuing to have issues with the audio/video equipment in the Council  
21 Chamber and at some point, the City was going to need to look at getting new equipment. He  
22 indicated the software was no longer supported and it was difficult for the staff to continue to do  
23 band aids and workarounds, etc. He stated staff was doing the best they could with the current  
24 system but wanted to bring this to the Council's attention that the audio/video should be changed  
25 out for more current, state-of-the-art equipment that could be serviced more easily.

26 DeRoche stated previously the City had spent over \$250,000 for audio/video equipment and he did  
27 not think it worked any better than the previous equipment. Look believed \$250,000 might be high,  
28 but he would not be surprised if it came in at \$50,000.

29 **9.0 – Other Items**

30 **9.0 A Staff Report**

31 None.

32 **9.0 B Council Reports**

33 Mundle wished everyone a happy and safe Fourth of July.

34 Mundle requested Council reconsider broadcasting their Work Meetings again. He noted without  
35 that, there were only rumors and the Minutes did not come out until they had their next meeting. He  
36 noted if the meeting where they discussed the jail was broadcasted, the residents could have  
37 watched it and seen what was actually said by the Council. He stated any future conversation the  
38 Council had about the jail should absolutely be broadcast.

39 DeRoche suggested whatever would go on a Work Session agenda be put on a regular Council  
40 meeting agenda like it used to be.

1 Mundle stated Work Meetings always used to be broadcast. DeRoche stated he was referring to  
2 awhile ago when the Work Meetings were a part of the Council agenda.

3 Lewis asked if they had only discussion items with no action. DeRoche stated on a normal night, they  
4 would still get out at 9 or 9:30 p.m. He noted if it were that critical, they could call a special meeting.

5 DeRoche stated last weekend there was an event on Coon Lake where someone was pulling an inter-  
6 tube around and kept deliberately trying to run over the geese. He stated unfortunately a goose was  
7 killed and if someone saw this "kind of crap," they needed to get the boat numbers so they could be  
8 tracked down. He believed the DNR and Sheriff's Department were involved in this incident.

9 **10.0 Adjourn**

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

12 Meeting adjourned at 8:08 PM.

13 Submitted by:

14 Kathy Altman

15 *TimeSaver Off Site Secretarial, Inc.*

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

**RESOLUTION NO. 2024-47**

**RESOLUTION DESIGNATING SURPLUS PROPERTY**

**WHEREAS**, the City of East Bethel owns trailers for the operation of the East Bethel Recycle Center; and

**WHEREAS**, the 2000 Wabash 53' trailer has come to the end of its useful service life as a reliable and dependable piece of equipment; and

**WHEREAS**, the City of East Bethel will sell the 2000 Wabash trailer at auction to recover the remaining value of the vehicle.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT:** the 2000 Wabash trailer is hereby declared as surplus property and direction to dispose of the property is hereby authorized.

Adopted this 8th day of July, 2024 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

\_\_\_\_\_  
Kevin Lewis, Mayor

ATTEST:

\_\_\_\_\_  
Matt Look, City Administrator

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

**RESOLUTION NO. 2024-46**

**RESOLUTION APPOINTING ELECTION JUDGES  
FOR THE 2024 STATE PRIMARY ELECTION**

WHEREAS, a State Primary Election will be held on August 13, 2024 in the State of Minnesota, County of Anoka, City of East Bethel; and

WHEREAS, Minnesota Statute 204.B.22 requires that the City Council appoint election judges for the 2024 State Primary election;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA: that the rate of pay of election judges be set at \$11.00 per hour for Election Judges, \$11.50 for Assistant Head, Technology, and Absentee Ballot Judges, and \$11.75 for Head Election Judges;

BE IT FURTHER RESOLVED, that the following individuals are appointed as election judges or alternates for the City of East Bethel for the 2024 State Primary Election:

- |                   |                  |                  |                   |
|-------------------|------------------|------------------|-------------------|
| Victoria Beech    | Vicky Hughes     | Karen Mortenson  | Brian Peterson    |
| Melanie Boschaert | Jeri Johnson     | Andie Munn       | Randolph Peterson |
| Jennifer Carlson  | Pam Kolodziej    | Jessica Oman     | Tammy Peterson    |
| Wendy Forslund    | Denise Lachinski | Kristie Sherrard | Tricia Quale      |
| Robert Haig       | Radja Lohse      | Gary Shubert     | Thomas Rice       |
| Margaret Hanson   | Lisa Malley      | Ashley Sinclair  | Mark Zimmerman    |

BE IT FURTHER RESOLVED, that the Elections Coordinator is authorized to make substitutions to the above roster of judges as necessary to maintain the required minimum and fill vacancies if needed.

Adopted this 8<sup>th</sup> day of July, 2024 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

\_\_\_\_\_  
Kevin Lewis, Mayor

ATTEST:

\_\_\_\_\_  
Matt Look, City Administrator

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



**Date:** July 8, 2024

**Agenda Item Number:** 7.0 A1

**Agenda Item:** Variance Request – Setback reduction from the Shoreland Overlay standard for the placement of an in ground pool – 23558 Ulysses St NE – Everything Outdoors, LLC.

**Background Information:** Everything Outdoors, LLC, on behalf of Dan Graff, is requesting a variance to reduce the Shoreland Overlay setback standard for the placement of an in ground pool. This property is located in an R-2 Single Family and Townhome Residential Zoning District, in the West Side Estates Subdivision and in the Coopers Lake - Shoreland Overlay.

**Zoning Appendix A. General Regulations – Section 57. Shoreland Overlay (SL) District** classifies wetlands into multiple categories and are consistent with the criteria found in Minnesota Regulations, part 6120.3300, and the Protected Waters Inventory Map for Anoka County, Minnesota. Additionally, each classification has a required setback from the Ordinary High Water Level (OHWL). Coopers Lake has been classified as a Natural Environment with a 150 foot structural setback.

The residence was constructed in 2006 and was placed 161.22 feet from the OHWL, as identified on a Certificate of Survey dated May 5<sup>th</sup>, 2004. According to survey there is 87.60 feet of distance between the rear of the house and the rear lot line. Elevations identified on the survey show that there is a 12 foot elevation change (steep drop off) between the rear lot line and the edge of the OHWL. This area between the rear lot line and Coopers Lake is owned by the City of East Bethel and included in the John E. Anderson Park.

The property owners have proposed placing an in ground pool with concrete apron in the rear yard within the 150 foot Shoreland Overlay setback. The required rear yard setback in an R2 Zoning District, without the shoreland overlay component, is 10 feet. The proposed placement is 21 feet from the rear property line however it is approximately 94 feet from the nearest point of the identified OHWL.

**Section 57. Shoreland Overlay (SL) District. Sub. 6. Administration.**

**A. Compliance.** *The use of any shoreland of public waters, the size and shape of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste removal systems, the grading and filling of any shoreland area, the cutting of shoreland vegetation, and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations. In cases where standards conflict with the standards of the base zoning districts, the more restrictive standard will prevail.*

**C. Notification to the Department of Natural Resources.** *1). Copies of all notices of any public hearing to consider variances, amendments, or conditional uses under local shoreland management controls shall be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings.*

**D. Variances.** *1). Variances may only be granted in accordance with Minnesota Statutes. No variance may be granted for prohibited uses.*

2). *When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall be sent to the department of natural resources and include the city council's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.*

A Public Hearing Notice and email copy was sent to the North Metro representative of the MN DNR. On June 26, 2024, City Staff received a call from Wes Saunders-Pearce, North Metro Area Hydrologist, who after reviewing the information supports the Planning Commission's recommendation of denial as this variance request is a significant reduction in setback. Additionally, the MN DNR generally supports the ordinance restrictions in local Shoreland Overlay code.

**Sub. 8. - Shoreland overlay district standards. C. Placement, design, and height of structures. 2).**  
**Placement of structures on lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.**

The extent of pool regulation ordinances is very limited to Sec. 10, Sub 36.

- SECTION 10. - GENERAL DEVELOPMENT REGULATIONS - 36. - Swimming pools, permanent and portable.**
- A. *A building permit is required for swimming pools exceeding a depth of 24 inches and exceeding a capacity of 5,000 gallons.*
  - B. *Swimming pools may be required to be enclosed by a fence as regulated in Section 25, Fence Regulations of this Code.*
  - C. *All swimming pools and their accessories must be located a minimum of ten feet from all side and rear property lines abutting other lots, and may not extend into the minimum front yard setback.*
  - D. *The noise generated by equipment when operating must satisfy the requirements of Section 34, Environmental Regulations.*

The 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:

- ***A swimming pool is identified as an allowable Accessory Use in an R2 Zoning District.***
  - ***The variance request to place an in ground pool in a Shoreland Overlay Setback may not be reasonable.***
- 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 located in the Coopers Lake - Shoreland Overlay with specific setback requirements and the primary residence was constructed within 10 feet of the setback requirements from the OHWL.*
  - *The primary residence was constructed over 475 feet from the front lot line, 17 feet from the North property line and 23 feet from the South property line. This placement limits the buildable area available side and rear yard for any accessory construction.*
  - *There are terraced elevations throughout the property, both front and rear yard.*
  - *The Subsurface Sewage Treatment System (SSTS) and Well are located in front of the house.*
- 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:

- *The proposed location of the in ground pool is the rear yard and not visible from the roadway.*
- *The primary residence was constructed over 475 feet from the front lot line.*
- *Standing tree growth along the property lines screen the rear yard from neighboring properties.*
- *The degree of the requested variance is significant (58% of the Shoreland Overlay Setback) and would be a radical departure from the scheme of the City's land use controls.*

**Planning Commission:** At the June 25, 2024, the Planning Commission a Public Hearing was held at which there was no public comment. After a review of the application material and hearing from the applicant the Planning Commission, by a 5-0 vote recommended denial of the variance request.

**Recommendation:** City Council should review the request, consider the Planning Commission's formal recommendation and approve or deny the variance request to the standard Shoreland Overlay setback from 150 feet to 94 feet, for the placement of an in ground pool at 23558 Ulysses St NE., as presented in Resolution 2024-45.

**Attachments:**

1. Resolution 2024-45 Denial of Variance.
2. Location Map
3. Aerial Map
4. Survey
5. Septic Design
6. Proposed Site Location

**City Council Action:**

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

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

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

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

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

**RESOLUTION NO. 2024-45**

**RESOLUTION DENYING THE VARIANCE APPLICATION  
OF LAND USE APPLICATION BY EVERYTHING OUTDOORS, LLC,  
ON BEHALF OF DAN AND DIANA GRAFF  
FOR A SHORELAND OVERLAY SETBACK VARIANCE**

**WHEREAS**, Everything Outdoors, LLC, on behalf of Dan and Diana Graff, have applied for a Shoreland Overlay setback variance for the placement of an in ground pool located at 23558 Ulysses Street NE in East Bethel; and

**WHEREAS**, the subject property is located in an R-2 Single Family and Townhome District under the City's current zoning ordinance; and

**WHEREAS**, the subject property is also located in the Coopers Lake Shoreland Overlay (SL) District; and

**WHEREAS**, the required Shoreland Overlay setback distance in this district is 150 feet; and

**WHEREAS**, the applicants variance request is to reduce the 150 foot standard to 94 feet; and

**WHEREAS**, there is sufficient room on the applicants' property for a pool to be built in another area of the property without a requirement for variances.

**WHEREAS**, Sec. 57. Shoreland Overlay (SL) District. Sub. 6. Administration requires that; *In cases where standards conflict with the standards of the base zoning districts, the more restrictive standard will prevail.*

**WHEREAS**, Sec. 57. Shoreland Overlay (SL) District. Sub. 8. Shoreland Overlay District Standards requires that; *When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.*

**WHEREAS**, the MN DNR supports the administration and enforcement of local Shoreland Overlay ordinances; and

**WHEREAS**, there is sufficient room on the applicants' property for a pool to be built in another area of the property without a requirement for variances.

**WHEREAS**, the Planning Commission, by a 5 – 0 vote has recommended denial of the variance request; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA**, the requested variance is denied for the following reasons:

1. The City Council makes the following findings of fact in regard to this matter:
  - A. The subject property is classified Rural Residential and also is in a Shoreland Overlay District under the City's Zoning Ordinance.
  - B. The City's Zoning Ordinance requires a 150 foot Shoreland Overlay setback for this property.
  - C. A pool is identified as an Accessory Use in a R2 Zoning District.
2. The strict enforcement of the City's setback requirements in this case will not cause the applicants undue hardship because of circumstances unique to this property:
  - A. This property can be put to reasonable use as there is sufficient room on the applicants' property for an in ground pool to be built in another area of the property under the conditions allowed by the City's official controls without a setback variance.
3. The plight of the landowners in this case is partially due to circumstances created by the previous landowners.
  - A. The primary residence was constructed over 475 feet from the front lot line, 17 feet from the North property line and 23 feet from the South property line.
  - B. The primary residence was constructed 161 feet from the Ordinary High Water Level (OHWL) of Coopers Lake, limiting the available buildable area available for any accessory construction.
  - C. There are terraced elevations throughout the property, both front and rear yard.
  - D. The Subsurface Sewage Treatment System (SSTS) and Well are located in front of the house.
4. The variance, if granted, would alter the essential character of the locality because the setback would be significantly less than those permitted or authorized throughout the City.
  - A. The degree of the requested variance is significant (58% of the Shoreland Overlay Setback) and would be a radical departure from the scheme of the City's land use controls.
  - B. **Section 57. Shoreland Overlay (SL) District. Sub. 6. Administration** requires that; *In cases where standards conflict with the standards of the base zoning districts, the more restrictive standard will prevail.*
  - C. **Section 57. Shoreland Overlay (SL) District. Sub. 8. Shoreland overlay district standards. C. Placement, design, and height of structures. 2).**

**Placement of structures on lots** states: *When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.*

Adopted this 8th day of July, 2024, by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

\_\_\_\_\_  
Kevin Lewis, Mayor

ATTEST:

\_\_\_\_\_  
Matt Look, City Administrator

# 23558 Ulysses St NE - Location Map

Item 7.0 A.1, Attachment 2



-  Parcels
-  City Mask

1 inch equals 359 feet



# 23558 Ulysses St NE - Aerial Map

Item 7.0 A.1, Attachment 3



-  Parcels
-  City Mask

1 inch equals 272 feet

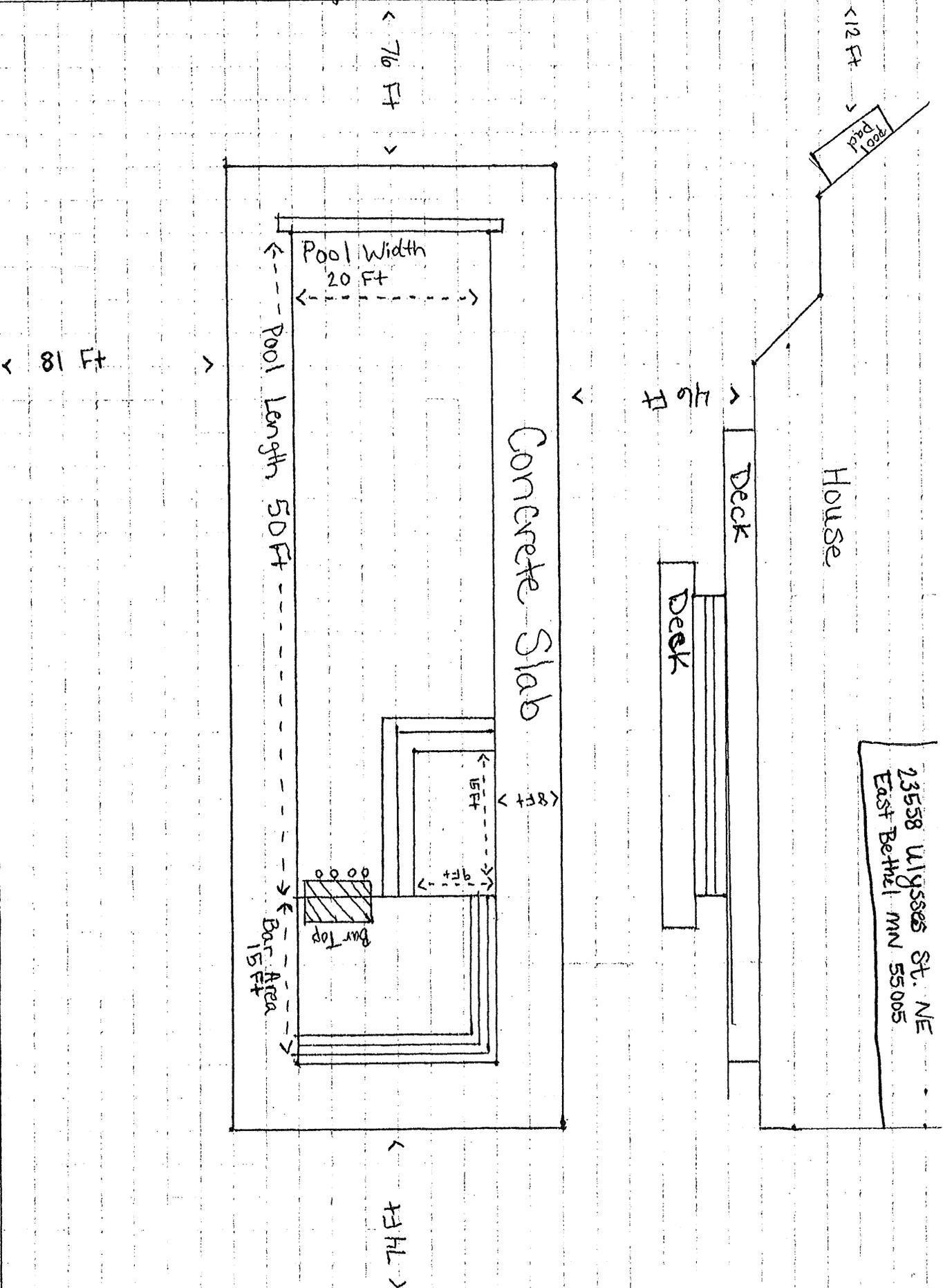






North Property Line

Cooper Lake  
West Property Line



23558 Ulysses St. NE  
East Bethel MN 55005

South Property Line

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



**Date:** July 8, 2024

**Agenda Item Number:** 7.0 A2

**Agenda Item:** Interim Use Permit – Keeping of Farm Animals – 22343 Sandy Drive NE

**Background Information:** Jon and Petra Fager, the owners of 22334 Sandy Drive NE. are requesting an IUP for the keeping of 1 alpaca/ llama and 9 sheep/ goats or 11 sheep/goats. The property is reported to be 5.6 acres and is located in a R2 – Single Family and Townhouse Residential zoning district.

**Chapter 10., Article V, Section 10-151 (g)** requires that a minimum of one fenced acre of pasture land plus any indicated fraction thereof must be provided for each animal unit described as described in Sub. (h). (See attachment 5)

Although the applicant’s property is 5.6 acres after mapping out required setbacks there is approximately 4.41 acres of possible pasture land with some areas of tree cover. Staff calculations would afford the applicants 1 alpaca/ llama and 6 sheep/goats or 7 sheep/ goats based on the 4.41 acres.

**Sec. 10-150. Definitions.** Pasture land means land with vegetation coverage used for grazing livestock. Pasture growth can consist of grasses, shrubs, deciduous trees or a mixture, not including wetlands.

This property does not have any fencing as of the date of application. The applicants intend on using an electric fence rotating the pasture land throughout their available pasture space. Appendix A., Section 25-1 B. (Barbed wire and electrical fences are prohibited, except on lots with an approved interim use permit for use in keeping and confining farm animals, livestock or for crop protection.)

The proposed pasture land areas, farm animal shelter will be required to meet all setbacks as required by **Chapter 10, Article V, Sec. 10-152**. There is an existing barn proposed to be utilized as a shelter for the animals.

**Planning Commission:** At the June 26, 2024, Planning Commission meeting a Public Hearing which there was no public comment. After a review of the application material and hearing from the applicant the Planning Commission, by a 5-0 vote recommended approval of the IUP for (1) one Alpaca/ Llama and (6) six Sheep/Goats or without an Alpaca of Llama, (7) Sheep/ Goats for a period of (1) one year. At the conclusion of (1) one year, the applicants would need to reapply for the IUP and recommend it be renewed for a period of a minimum of (5) five years.

**Recommendation:** City Council should review the request, consider the Planning Commission’s formal recommendation and approve the IUP for the keeping of keeping of farm animals at 22343 Sandy Drive NE, with conditions, as presented in Resolution 2024-44.

**Attachments:**

1. Resolution 2024-44, Approving IUP for Farm Animals
2. Location Map
3. Aerial Map
4. Proposed Pasture Area

- 5. Section 10-151. Sub. (h)
- 6. IUP DRAFT Agreement

**City Council Action:**

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

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

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

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

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

**RESOLUTION NO. 2024-44**

A RESOLUTION **GRANTING** AN INTERIM USE PERMIT FOR THE KEEPING OF FARM ANIMALS ON PROPERTY LOCATED AT 22334 SANDY DRIVE NE, EAST BETHEL, MINNESOTA (PIN: 05-33-23-41-0002).

THAT PRT OF W1/2 OF SW1/4 OF NE1/4 OF SE1/4 OF SEC 5 TWP 33 RGE 23 LYG ELY OF ELY R/W LINE OF SANDY DR, TOG/W THAT PRT OF S1/2 OF NW1/4 OF SD SE1/4 LYG ELY OF SD ELY R/W LINE, SUBJ TO EASE OF REC

**WHEREAS**, the property owners of 22334 Sandy Drive NE requested an interim use permit for keeping of Farm Animals, and;

**WHEREAS**, the Planning and Zoning Commission held a public hearing on June 25, 2024; and,

**WHEREAS**, the Planning and Zoning Commission finds the request:

- 1. This property is zoned (R2) Single Family and Townhome Residential and the keeping of farm animals is considered an Interim Use within this district.

**WHEREAS**, the Planning and Zoning Commission recommends to the City Council approval of the interim use permit.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of East Bethel hereby approves the interim use permit to allow the keeping of (\_\_\_\_) Alpaca/ Llama and (\_\_\_\_) sheep/ goats on property located at 22334 Sandy Drive NE with the following conditions:

- 1. An Interim Use Permit Agreement must be signed and executed by the applicant and the City.
- 2. Applicants must comply with City Code Section 10. Article V. Farm Animals.
- 3. The IUP shall be valid for a term of \_\_\_\_\_ years, expiring on July 15th, \_\_\_\_\_, at which time the applicant will be required to re-apply for an IUP.
- 4. Permit shall expire when:
  - a. The property is sold, or
  - b. Noncompliance of IUP conditions
- 5. Property owner shall have thirty (30) days to remove the approved domestic farm animals upon expiration of the IUP.
- 6. A minimum acreage of fence pasture must be established and approved by city staff before any approved farm animals are permitted on the property.
- 7. Property may be inspected and evaluated annually by city staff.

Adopted this 8<sup>th</sup> day of July, 2024 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

\_\_\_\_\_  
Kevin Lewis, Mayor

ATTEST:

\_\_\_\_\_  
Matt Look, City Administrator

# 22343 Sandy Dr NE - Location Map

Item 7.0 A.2, Attachment 2



-  Parcels
-  City Mask

1 inch equals 719 feet



# 22343 Sandy Dr NE - Aerial Map

Item 7.0 A.2, Attachment 3



-  Parcels
-  City Mask

1 inch equals 543 feet



# 22343 Sandy Dr NE - Pasture Area

Item 7.0 A.2, Attachment 4



-  Parcels
-  City Mask

1 inch equals 136 feet



(h) The following equivalents will apply when determining the animal units defined below:

Animal	Animal Units Per Acre
1 swine	0.4
1 goose or duck	0.2
1 goat or sheep	0.5
1 turkey	0.10
1 bovine	1.4
1 equine	1.0
pheasant/quail	0.01
1 emu or ostrich	1.0
1 alpaca or llama	1.0

IUP-24-04

CITY OF EAST BETHEL  
ANOKA COUNTY, MINNESOTA  
INTERIM USE PERMIT (IUP) AGREEMENT

Dated: July 8, 2024

Property Owner/Applicant: Jon and Petra Fager

Parcel Location: 22343 Sandy Dr. NE  
Anoka County  
East Bethel, MN 55011

Parcel Number: 05-33-23-41-0002

Present Zoning District: R2 - Single Family and Townhouse Residential

IUP REQUEST: to allow for an interim use permit to allow the keeping of (\_\_\_\_) Alpaca/ Llama and (\_\_\_\_) sheep/ goats on property located at 22334 Sandy Drive NE, East Bethel, Minnesota 55011.

PLANNING COMMISSION ACTION

A public hearing was held by the Planning Commission of the City of East Bethel on June 25, 2024, at which all persons interested were given an opportunity to be heard. The Planning Commission recommended approval of the IUP with conditions.

CITY COUNCIL ACTION

The City Council considered the matter at its meeting on July 8, 2024 and approved the IUP with conditions.

CONDITIONS AND REQUIREMENTS

The granting of this IUP is subject to the following conditions and requirements:

1. An Interim Use Permit Agreement must be signed and executed by the applicants and the city.
2. Applicants must comply with City Code Section 10. Article V. Farm Animals.
3. The IUP shall be valid for a term of \_\_\_\_\_ years, expiring on July 15th, \_\_\_\_\_, at which time the applicant will be required to re-apply for an IUP.
4. Permit shall expire when:
  - a. The property is sold
  - b. Noncompliance of IUP conditions



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



**Date:** July 8, 2024

**Agenda Item Number:** 7.0 A3

**Agenda Item:** Sec. 15. – Driveway Access and Standards

**Background Information:** At the May 13th, 2024 City Council Meeting there was discussion to revisit and revise the Driveway Access Standards Ordinance.

City Council directed staff to review the ordinance and provide a recommendation to address the concerns.

City Staff have reviewed Sec. 15. Driveway access and standards and have provided a recommended change to address the concerns. The proposed change was presented to the City Council at the May 23, 2024 Work Meeting and the direction was to follow the cities established ordinance revision process and have the Planning Commission review.

**Planning Commission:** On June 25, 2024, the Planning Commission held a Public Hearing which there was no public comment. After a review of the application material the Planning Commission, by a 5-0 vote recommended approval of the revision of Sec. 15. – Driveway Access Standards as presented in Ordinance 24-03.

**Recommendation:** City Council should review the Ordinance revision, consider the Planning Commission’s formal recommendation and approve the revision to Sec. 15. – Driveway Access Standards as presented in Ordinance 24-03.

**Attachments:**

1. Ordinance 24-03, Sec. 15. – Driveway Access Standards
2. Sec. 15. – Driveway Access and Standards. - Redline Version

**City Council Action:**

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

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

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

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

## 15. Driveway access and standards.

### A. Access requirements.

- 1) Properties in the R1, R2, and CL districts are allowed one access point from a public street.
- 2) Properties in the RR and A districts are allowed two access points from a public street; however, properties located on municipal state aid streets, major thoroughfares, and major streets are allowed one access point from a public street.

### B. Surface and drainage.

- 1) Off-street parking areas and driveways in the R-1, R-2, CL, B-1, B-2, B-3, I, MXU and conditional uses in the RR districts shall be constructed of a bituminous or concrete surface.
- 2) ~~In all residential zoning districts, a~~ Driveways located on an improved street, **in a platted subdivision**, require a bituminous or concrete driveway extending from the street a minimum of 75 feet or to the garage apron, whichever is less. Driveway width shall be a minimum of 12 feet wide and cannot exceed 24 feet in width at the right-of-way. A turn-around, located entirely on a residential lot, will be required for driveways that directly access a street with a posted speed limit greater than 45 miles per hour.
- 3) **Driveway access to properties located in non-plated RR Zoning Districts shall be improved through the public right of way to the property line. Other jurisdictional requirements may be required in addition to city driveway access standards.**
- 4) **Where permitted, second driveways shall be constructed and improved to current standards at the time of construction.**
- 5) **Driveways must meet a minimum setback of five (5) feet from abutting lots.**
- ~~3) 6)~~ Parking spaces for heavy equipment that would damage bituminous or concrete surfaces are exempt from the paving requirement.
- ~~4) 7)~~ In all residential districts, driveways created on an unimproved street after the adoption of [ordinance 28, second series, adopted Dec. 21, 2010] are required to meet the paving requirements of this section no later than one year after subsequent improvements of the street are completed, with either a bituminous and/or concrete surface.
- ~~5) 8)~~ All new driveways over 150 feet must conform with the fire apparatus access road standards as adopted in City Code section 30-39 and set forth in the Minnesota ~~Uniform~~ **State** Fire Code as amended from time to time.

(Ord. No. 2020-03, 3-9-2020; Ord. No. 2021-06, 10-11-2021)

**CITY OF EAST BETHEL  
ANOKA COUNTY, MINNESOTA  
ORDINANCE NO. 2024-03**

**AN ORDINANCE AMENDING APPENDIX A - ZONING,  
SECTION 10 – 15 OF THE EAST BETHEL CODE OF ORDINANCES  
REGULATING DRIVEWAY AND ACCESS STANDARDS  
IN THE CITY OF EAST BETHEL**

**The City Council of East Bethel, Minnesota ordains:**

**Section 1.** SECTION 10 – 15. of the East Bethel Code of Ordinances is hereby amended to read as follows:

*B. Surface and drainage.*

- 1) Off-street parking areas and driveways in the R-1, R-2, CL, B-1, B-2, B-3, I, MXU and conditional uses in the RR districts shall be constructed of a bituminous or concrete surface.
- 2) Driveways located on an improved street, in a platted subdivision, require a bituminous or concrete driveway extending from the street a minimum of 75 feet or to the garage apron, whichever is less. Driveway width shall be a minimum of 12 feet wide and cannot exceed 24 feet in width at the right-of-way. A turn-around, located entirely on a residential lot, will be required for driveways that directly access a street with a posted speed limit greater than 45 miles per hour.
- 3) Driveway access to properties located in non-plated RR Zoning Districts shall be improved through the public right of way to the property line. Other jurisdictional requirements may be required in addition to city driveway access standards.
- 4) Where permitted, second driveways shall be constructed and improved to current standards at the time of construction.
- 5) Driveways must meet a minimum setback of five (5) feet from abutting lots.
- 6) Parking spaces for heavy equipment that would damage bituminous or concrete surfaces are exempt from the paving requirement.
- 7) In all residential districts, driveways created on an unimproved street after the adoption of [ordinance 28, second series, adopted Dec. 21, 2010] are required to meet the paving requirements of this section no later than one year after subsequent improvements of the street are completed, with either a bituminous and/or concrete surface.
- 8) All new driveways over 150 feet must conform with the fire apparatus access road standards as adopted in City Code section 30-39 and set forth in the Minnesota State Fire Code as amended from time to time.

Passed by the City Council of East Bethel, Minnesota this 8<sup>th</sup> day of July, 2024.

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Kevin Lewis, Mayor

Attested:

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Matt Look, City Administrator

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



**Date:** July 8, 2024

**Agenda Item Number:** 7.0 A4

**Agenda Item:** Sec. 10-151. Domestic Farm Animals

**Background Information:** At the May 13th, 2024 City Council Meeting there were multiple resident complainants regarding roosters lodged at the Public Forum.

City Council directed staff to review the ordinance and provide a recommendation to address the residents' concerns.

City Staff have reviewed Sec. 10-151 and have provided a recommended change. The proposed change was presented to the City Council at the May 23, 2024 Work Meeting. Council direction was to follow the cities established ordinance revision process and have the Planning Commission review.

**Planning Commission:** On June 25, 2024, the Planning Commission held a Public Hearing which there were (2) two residents who spoke. One (1) was in favor of prohibiting roosters completely and the other recommended the city consider some incremental allowable number based on acreage. After discussion the Planning Commission recommended included a provision prohibiting roosters on any lots in a platted subdivision. By a 4-1 vote the Planning Commission recommended approval of the revision of Sec. 10 -151. – Interim Use Permit (IUP) and acreage requirements for domestic farm animals; nondomestic animals prohibited as presented in Ordinance 24-04.

**Recommendation:** City Council should review the ordinance revision information, consider the Planning Commission's formal recommendation and approve, deny or recommend a modification to Ordinance 24-04, revising Sec. 10 -151. – Interim Use Permit (IUP) and acreage requirements for domestic farm animals; nondomestic animals prohibited.

**Attachments:**

1. Ordinance 24-04, Sec. 10 -151. – Interim Use Permit (IUP) and acreage requirements for domestic farm animals; nondomestic animals prohibited.
2. Sec. 10 -151. – Interim Use Permit (IUP) and acreage requirements for domestic farm animals; nondomestic animals prohibited. - Redline Version

**City Council Action:**

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

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

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

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

**CITY OF EAST BETHEL  
ANOKA COUNTY, MINNESOTA  
ORDINANCE NO. 2024-04**

**AN ORDINANCE AMENDING APPENDIX A - ZONING,  
SEC. 10-151. INTERIM USE PERMIT (IUP) AND ACREAGE REQUIREMENTS  
FOR DOMESTIC FARM ANIMALS; NONDOMESTIC ANIMALS PROHIBITED  
OF THE EAST BETHEL CODE OF ORDINANCES REGULATING ROOSTERS  
IN THE CITY OF EAST BETHEL**

**The City Council of East Bethel, Minnesota ordains:**

**Section 1.** SECTION 10 - 151. (3) Chickens: Sub. O. of the East Bethel Code of Ordinances is hereby amended to read as follows:

- O. Roosters are prohibited on lots smaller than 1.5 acres or on any lots in a platted subdivision; no more than 1 rooster is permitted on all other parcels.

Passed by the City Council of East Bethel, Minnesota this 8<sup>th</sup> day of July, 2024.

\_\_\_\_\_  
Kevin Lewis, Mayor

Attested:

\_\_\_\_\_  
Matt Look, City Administrator

**Sec. 10-151. Interim use permit (IUP) and acreage requirements for domestic farm animals; nondomestic animals prohibited.**

- (a) Nondomestic animals are not allowed to be kept within the city.
- (b) An IUP is required for the keeping of domestic farm animals as regulated by this article in the city, with the exception of chickens as addressed in section 10-151(j)3. The procedure for the issuance of an IUP will be in accordance with the City Code.
- (c) No animal regulated by this article can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three acres. Provided further, that if 80 percent of the lots within a platted subdivision are larger than three acres, an IUP for keeping a regulated animal may be issued for any of those lots larger than three acres.
- (d) Upon the transfer of the title of a parcel for which parcel an IUP is in effect on the effective date of this article, the new owner may apply for an IUP for the keeping of such animals if the existing permit is in effect and in good standing at the time the title to the property is transferred.
- (e) Meeting the acreage requirements set out in this section does not in and of itself entitle an applicant to an IUP.
- (f) IUPs in existence on the effective date of this article for parcels not in compliance with these acreage requirements will be allowed to continue but only as legal, nonconforming uses.
- (g) It is a requirement for all IUPs issued under this article that a minimum of one fenced acre of pasture land plus any indicated fraction thereof must be provided for each animal unit described below as the animal equivalent for the animal to be kept pursuant to the IUP.
- (h) The following equivalents will apply when determining the animal units defined below:

Animal	Animal units per acre
1 swine	0.4
1 goose or duck	0.2
1 goat or sheep	0.5
1 turkey	0.10
1 bovine	1.4
1 equine	1.0
1 pheasant/quail	0.01
1 emu or ostrich	1.0
1 alpaca or llama	1.0

- (i) Animals may graze within shoreland and bluff impact zones provided permanent vegetation is maintained and a plan has been submitted that is consistent with the technical guides of the Anoka Conservation District.
- (j) *Exceptions.*
  - (1) Youth development organizations may apply for an IUP in accordance with section 10.157. The IUP shall cover individual groups and members of the youth development organization; IUP application fees shall be waived. The IUP shall expire five years from the approval date at which time the organization must reapply for the IUP. In conjunction with the organization's approved IUP, individual members shall comply with the following:
    - a. Each member of the organization must complete a youth development project permit application prior to farm animals being kept on the property. The permit will be reviewed by city staff within two weeks of submittal of a completed application.

- b. It is a requirement for all permittees to have a minimum of one acre of pasture land to accommodate the farm animals.
  - c. Permittee must comply with all other farm animal regulations set forth in the code.
  - d. Approved farm animals must be removed from the property within 30 days of the expiration of the permit.
  - e. In the event a permittee would like to keep the farm animals after the expiration of the project permit, an individual IUP must be applied for and approved. The permittee must meet requirements of the code.
- (2) The use of the property shall be single-family residential:
- a. The property shall contain one detached single-family structure.
- (3) Chickens:
- a. Chickens shall not be permitted on vacant properties or those containing multi-family residential buildings including duplexes, townhomes and apartments;
  - b. Chickens shall not be kept inside the principal structure;
  - c. No person shall slaughter chickens in an area of the property visible to the public or adjoining properties;
  - d. Chicken coops and attached exercise pens shall be provided for all chickens;
  - e. Coops and pens shall be fully enclosed and constructed of durable weather resistant materials;
  - f. The floor area of the coop shall be a minimum of two sq. ft. in area per chicken;
  - g. [Reserved.]
  - h. Coops and pens shall meet all setback requirements required of accessory structures;
  - i. Coops and pens shall be located in rear yards only;
  - j. Coops less than 200 sq. ft. in area are not considered accessory structures. Coops larger than 200 sq. ft. in area shall meet all accessory structure requirements of the city code including those pertaining to location, size, number, height, use and design;
  - k. Chickens shall be kept in coops and/or pens at all times unless in fully fenced-in back yards;
  - l. All food stored for chickens shall be kept in rodent proof containers stored inside coops or other buildings. All premises in which chickens are kept or maintained, including coops and pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All manure shall be collected and properly disposed of on a regular basis;
  - m. Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by the city code of city of East Bethel;
  - n. No more than 12 chickens can be kept on lots smaller than one-half acre;
  - o. Roosters are prohibited on lots smaller than 1.5 acres **or on any lots in a platted subdivision; no more than 1 rooster is permitted on all other parcels.**
  - p. [Reserved.]

(Ord. No. 13, Second Series, 10-7-2009; Ord. No. 49, Third Series, 5-20-2015; Ord. No. 2020-06, 9-28-2020; Ord. No. 2023-02, § 1, 3-27-2023)

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



**Date:** July 8, 2024

**Agenda Item Number:** 7.0 A5

**Agenda Item:** Metes and Bounds Parcel Split – 516 217th Ave NE – Keith Gallagher

**Background Information:** On June 10, 2024, Keith Gallagher, submitted an application for a Metes and Bounds split of a 20 acre parcel of land, located at 516 217th Ave NE, PID: 07-33-23-31-0001, into three (3) parcels. The first parcel, will contain the original single family home and will be divided off as a 10 acre lot. The remaining 10 acres will be subdivided equally into two (2) five (5) acre lots. The property proposed for the division is zoned Rural Residential and per City Code, Appendix A, Zoning, Section 42, the minimum lot size for any division is 2 acres.

To be eligible for using metes and bounds divisions as outlined in Appendix A, Zoning, Section 12, the following conditions must be met:

- 1.) The parcel must be a minimum of five acres.
- 2.) The parcel must have a minimum road front of 300 feet.
- 3.) The parcel must contain 23,000 square feet of buildable area as defined in other portions of this ordinance.
- 4.) Appropriate road, public utility, and drainage easements, as outlined in Ordinance 151 as amended, must be dedicated to the city.
- 5.) Park and trail dedication fees as adopted by the city council by resolution must be paid at the time of city certification of parcel division.

This request meets the minimum requirements for a metes and bounds parcel split by city code.

**Planning Commission:** On June 25, 2024, the Planning Commission reviewed the petition for a metes and bounds parcel split to ensure it satisfies the requirements of City Code, Appendix A, Zoning, Section 12. By a 5 – 0 vote the Planning Commission made a recommendation to the City Council to approve the parcel split with conditions as identified in Resolution 2024-41.

**Recommendation:** City Council should review the request, consider the Planning Commission’s formal recommendation and approve the metes and bounds parcel split with conditions as identified in Resolution 2024-41.

**Attachments:**

1. Resolution 2024-41, Approval of Metes and Bounds Parcel Split at 516 217th Ave NE.
2. Location Map
3. Aerial Map
4. Certificate of Survey

**City Council Action:**

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

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

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

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

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

**RESOLUTION NO. 2024-41**

**APPROVING THE METES AND BOUNDS SPLIT FOR THE ADMINISTRATIVE  
SUBDIVISION OF THE PROPERTY LOCATED AT 516 217<sup>th</sup> AVE NE,  
EAST BETHEL, PIN 07-33-23-31-0001, LEGALLY DESCRIBED AS:**

**N 20 AC OF SW1/4 OF SEC 7 TWP 33 RGE 23, EX RD SUBJ TO EASE OF REC**

**WHEREAS**, the property owners requested approval of an administrative subdivision, Metes and Bounds Split, of PIN: 07-33-23-31-0001, a 20 acre parcel, to create one (1) 10 acre parcel and two (2) 5 acre parcels, as show in EXHITIB A; and

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

**WHEREAS**, City Staff reviewed the request and recommends the City Council approve the administrative subdivision; and

**WHEREAS**, as a result of the review, the East Bethel Review Committee supports the administrative subdivision since all city codes are in compliance; and

**WHEREAS**, the City Council has determined the administrative subdivision does not affect the health, safety and welfare of the City of East Bethel; and

**WHEREAS**, the administrative subdivision is in alignment with RR Zone – Land Use and the 2040 Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of East Bethel hereby approves the administrative subdivision to create one (1) 10 acre parcel and two (2) new 5 acre parcels, with the following conditions:

1. The property owners are responsible for filing the Metes and Bounds subdivision with Anoka County Property and Tax Division.
2. Park dedication fees of \$2,000 for each of new lot shall be paid prior to the release of city approval for filing.
3. The administrative subdivision is approved as shown on Exhibit A.
4. Building permits are required prior to any construction on newly created parcels.

Adopted this 8<sup>th</sup> day of July, 2024 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

ATTEST:

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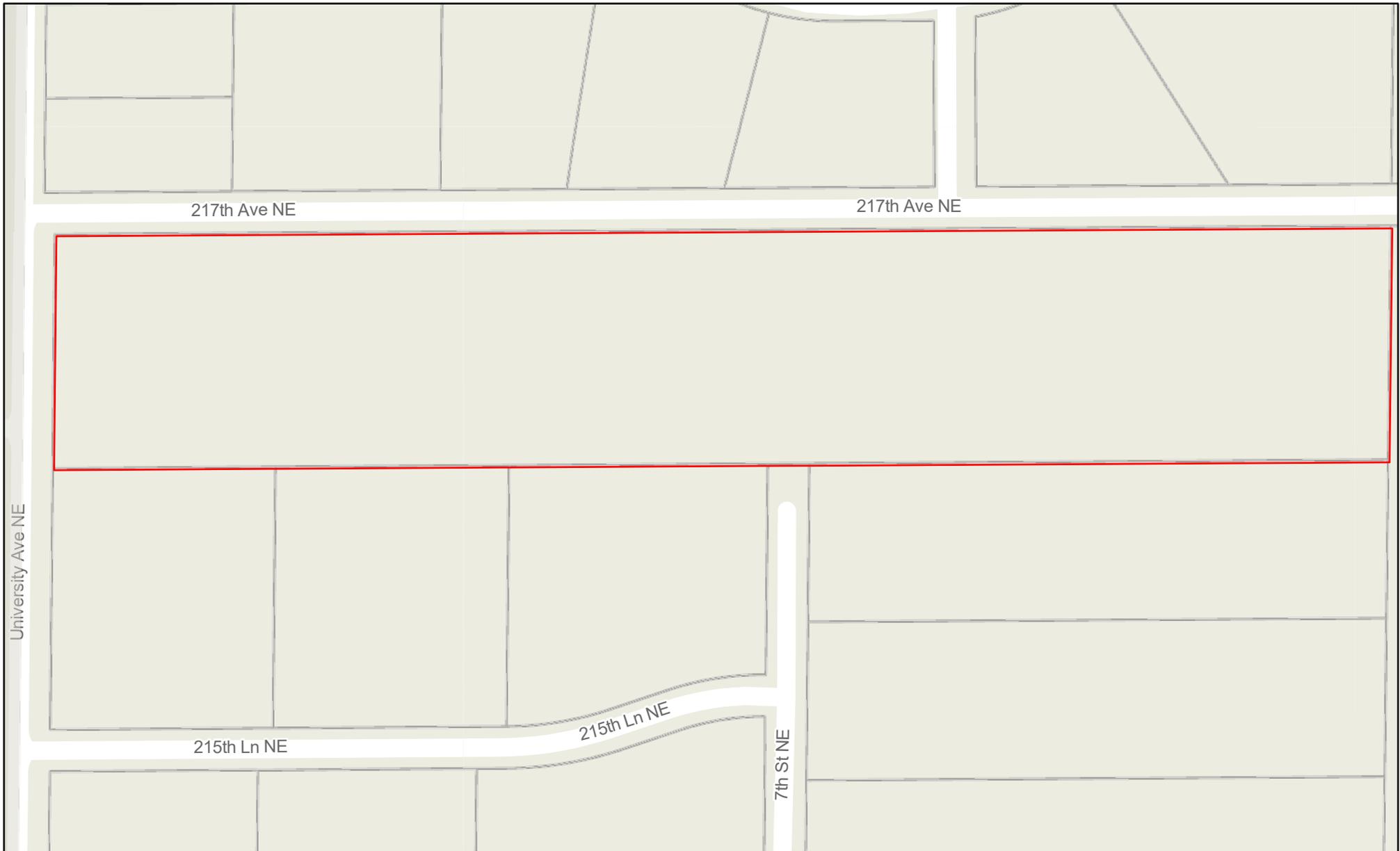
Kevin Lewis, Mayor

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Matt Look, City Administrator

# 516 217TH AVE NE - Location Map

Item 7.0 A.5, Attachment 2

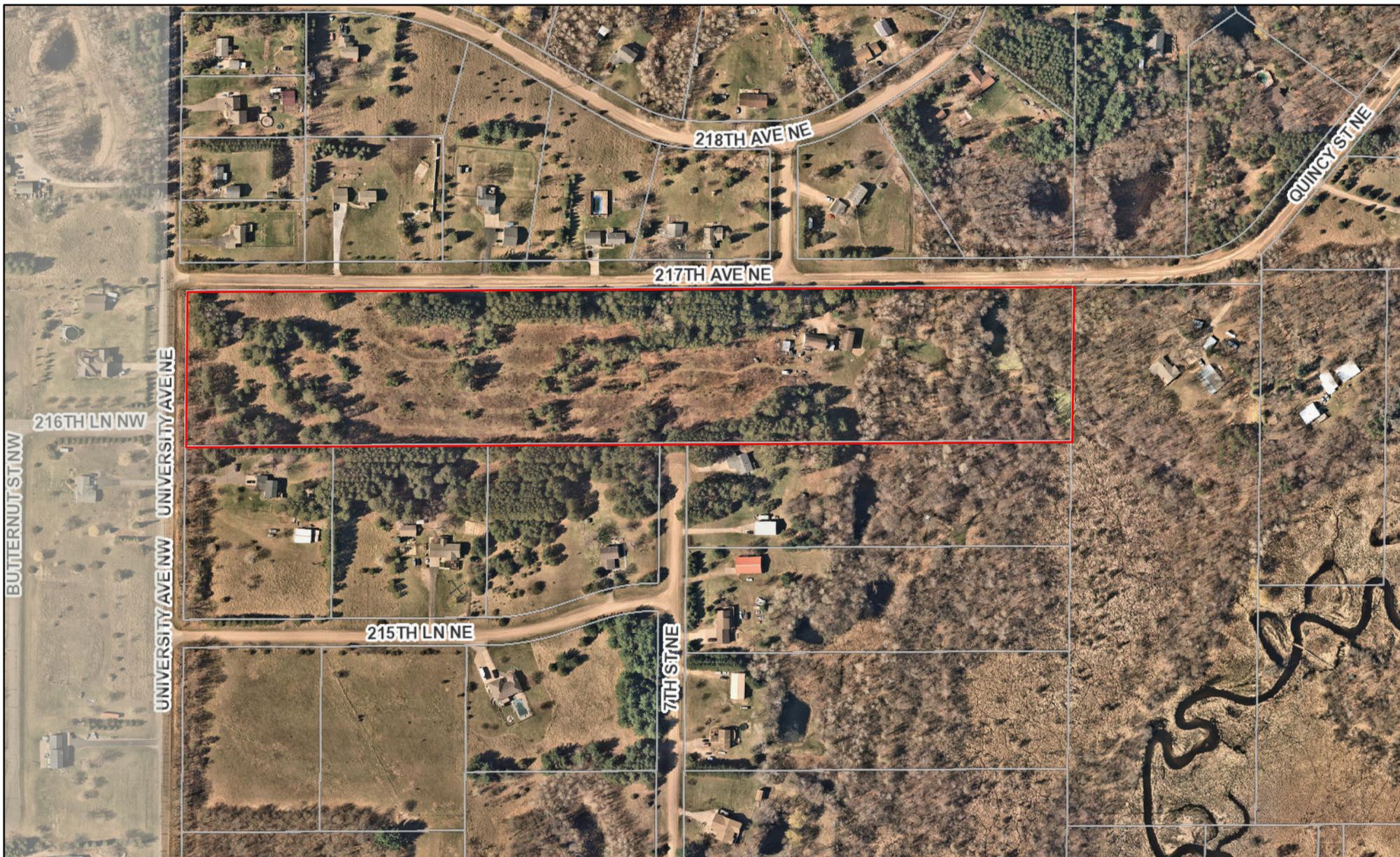


1 inch equals 299 feet



-  Parcels
-  City Mask

# 516 217TH AVE NE - Aerial Map



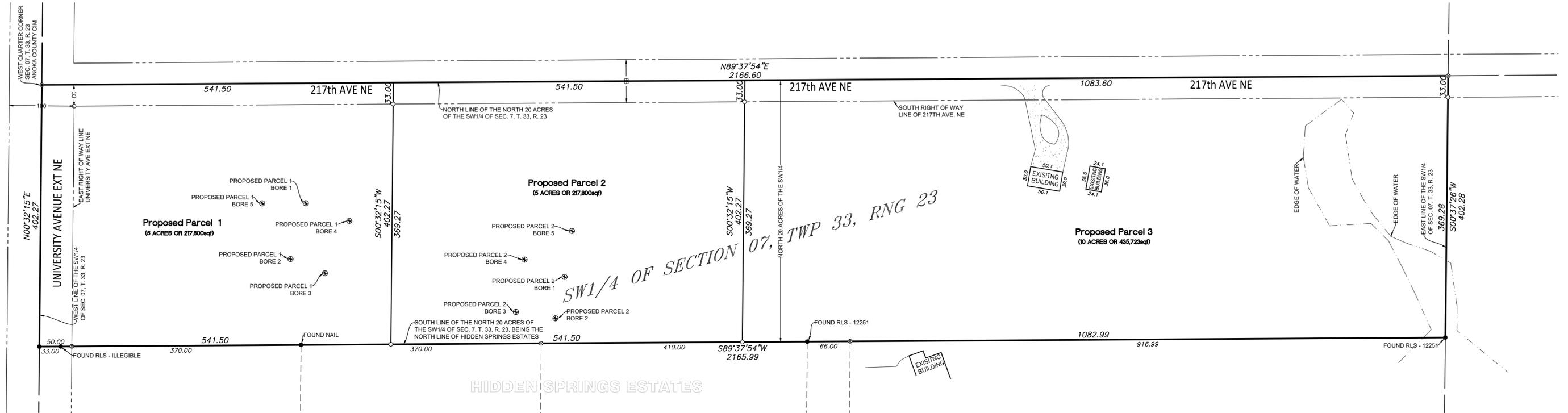
1 inch equals 453 feet

-  Parcels
-  City Mask



# CERTIFICATE OF SURVEY

SECTION 07, TOWNSHIP 33 NORTH, RANGE 23 WEST  
 ANOKA COUNTY, MINNESOTA



**PARENT TRACT LEGAL DESCRIPTION**

THE NORTH 20 ACRES OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION SEVEN (7), TOWNSHIP THIRTY-THREE (33), RANGE TWENTY-THREE (23), SUBJECT TO THE EXISTING TOWN ROAD AS IT IS NOW LAID OUT AND TRAVELLED ALONG THE NORTH LINE THEREOF, AND FURTHER SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD, IF ANY.

**PROPOSED LEGAL DESCRIPTION - PARCEL 1**

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 07, TOWNSHIP 33 NORTH, RANGE 23 WEST, ANOKA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 07, BEING THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 37 MINUTES 54 SECONDS EAST ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 07, A DISTANCE OF 541.50 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 15 SECONDS WEST PASSING THROUGH AN IRON AT 33.00 FEET, A DISTANCE OF 402.27 FEET; THENCE SOUTH 89 DEGREES 37 MINUTES 54 SECONDS WEST, A DISTANCE OF 541.50 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 15 SECONDS EAST, A DISTANCE OF 402.27 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5.0 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD, IF ANY.

**PROPOSED LEGAL DESCRIPTION - PARCEL 2**

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 07, TOWNSHIP 33 NORTH, RANGE 23 WEST, ANOKA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 07; THENCE NORTH 89 DEGREES 37 MINUTES 54 SECONDS EAST ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 07, A DISTANCE OF 541.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE NORTH 89 DEGREES, 37 MINUTES, 54 SECONDS EAST, A DISTANCE OF 541.50; THENCE SOUTH 00 DEGREES 32 MINUTES 15 SECONDS WEST PASSING THROUGH AN IRON AT 33.00 FEET, A DISTANCE OF 402.27 FEET; THENCE SOUTH 89 DEGREES 37 MINUTES 54 SECONDS WEST, A DISTANCE OF 541.50 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 15 SECONDS EAST, A DISTANCE OF 402.27 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5.0 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD, IF ANY.

**PROPOSED LEGAL DESCRIPTION - PARCEL 3**

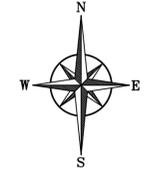
THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 07, TOWNSHIP 33 NORTH, RANGE 23 WEST, ANOKA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 07; THENCE NORTH 89 DEGREES 37 MINUTES 54 SECONDS EAST ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 07, A DISTANCE OF 1083.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE NORTH 89 DEGREES, 37 MINUTES, 54 SECONDS EAST, A DISTANCE OF 89 DEGREES, 37 MINUTES, 54 SECONDS EAST, A DISTANCE OF 1083.60; THENCE SOUTH 00 DEGREES 37 MINUTES 26 SECONDS WEST PASSING THROUGH AN IRON AT 33.00 FEET, A DISTANCE OF 402.28 FEET; THENCE SOUTH 89 DEGREES 37 MINUTES 54 SECONDS WEST, A DISTANCE OF 1082.99 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 15 SECONDS EAST, A DISTANCE OF 402.27 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 10.0 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD, IF ANY.

**LEGEND**

- IRON MONUMENT FOUND
- IRON MONUMENT SET WITH CAP NO. (57991)
- ⊙ COMPUTED POSITION
- ⊙ FOUND CAST IRON MONUMENT
- ⊕ SOIL BORING
- PROPERTY BOUNDARY
- PROPOSED LOT LINES
- - - EXISTING LOT LINE/ADJOINERS
- - - EDGE OF WATER
- - - RIGHT-OF-WAY
- ▨ GRAVEL SURFACE



SCALE  
1" = 80'

BEARINGS ARE BASED ON NAD83(2011)  
ANOKA COUNTY COORDINATE SYSTEM

NORTHWESTERN SURVEYING AND ENGINEERING, INC. PREPARED THIS SURVEY WITHOUT THE BENEFIT OF CURRENT TITLE WORK. THE PROPERTY SHOWN IS BASED ON A LEGAL DESCRIPTION PROVIDED BY YOU THE CLIENT OR A GENERAL REQUEST AT THE APPROPRIATE COUNTY RECORDER'S OFFICE. EASEMENTS, SITE RESTRICTIONS OR ADJOINING DEED CONFLICTS MAY EXIST WHICH AFFECT SUBJECT PROPERTY AND ARE NOT SHOWN BY THIS SURVEY. WE RESERVE THE RIGHT TO REVISE THE SURVEY UPON RECEIPT OF A CURRENT TITLE COMMITMENT OR TITLE OPINION.



NANCY GALLAGHER  
 PART OF THE SW 1/4  
 SEC 07-T33N-R23W  
 ANOKA COUNTY, MN

JOB#	24632	DRAWN BY	MMB
FILENAME	24632 GALLAGHER LS_SURV		
REV#	DESCRIPTION	DATE	
1	PRELIMINARY	06/12/2024	

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 MATTHEW M. BOWSTAD (LIC. NO. 57991) DATE: 06/05/2024

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



**Date:** July 8, 2024

**Agenda Item Number:** 8.0 A.1

**Agenda Item: Variance Request** – General Regulations – for a variance to setback and lot standards for placement of manufactured homes, on sites 17 and 125, at the property located at 18164 Highway 65 NE — Continental Communities.

**Requested Action:** Consider a variance request for the placement of manufactured homes on Lot 17 and Lot 125.

**Background Information:** On June 10, 2024 variance request information was presented to the City Council for the placement of manufactured homes on lots 17 and 125 in the Cedarwood Estates Manufactured Home Park. At the conclusion of the presentation and discussion City Council requested additional information regarding the Sewage Treatment Plant and permits issued since November of 2021.

A February 17, 2022 MPCA Audit Report is attached.

An October 2017 Facility Evaluation Report by Bolton & Menk, Inc. is attached.

A summary of the Manufactured Home Placements since Nov. 2021 is also attached.

An East Bethel Community Development Internal Memo regarding Setbacks in regard to a placement on Lot 45 is also attached.

**The proposed placements** - Lot 17 is an interior lot with a reported width of 30 feet and a length of 80 feet. The newly proposed home is 16' X 76' home. The placement is 5 foot 9 inches from the curb face, 21 feet from the home to the rear, 21 feet from the home to the right and 27 feet from the home to the left. (Attachment 9)

Lot 125 is a corner lot at the intersection of Cedarwood Rd NE and Linden PL NE with the possible dimensions of 50' X 90', however lot lines cannot be established. The newly proposed home is a 16' x 76' home and was placed on the lot 6 foot 5 inches off of the curb face of Cedarwood Drive NE. There is 29 feet of distance between the new home and the home to the east however there is 14 feet 5 inches of distance between this and the home to the north. Additionally, this is a corner lot so the side yard placement off of the curb face of Linden PI NE is 30 feet.

These placements do not meet the criteria set forth to allow for the structures to be placed on the lots, so variances would be required.

Consideration of a variance requires the consideration of 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:
  - *The placement of a new manufactured home on a lot in an existing manufactured home park is reasonable.*
  - *Placing a manufactured home with the dimensions larger than a previous non-conforming home is not be reasonable.*
  - *Expansion of a non-conformity is prohibited by East Bethel Ordinance Sec 05. & Minn. Stat. § 462.357, subd. 1e.*
  - *Placing a manufactured home within 30' of another manufacture home may not be reasonable.*
  
- 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.
  
- In this case:
  - *Continental Communities purchased the property in its existing form and design.*
  - *Due to the lack of CUP and non-conforming/ illegal non-conforming status of the entire property, the existing lot dimensions in Cedarwood Estate cannot be expanded to accommodate placements of manufactured homes within existing setbacks.*
  - *Sec. 38-44. – Existing Manufactured Home Parks contains provisions that allow “other variances may be approved by the city council if strict compliance with said provisions of this article would be an undue hardship upon the park owner.”*
  
- 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:
  - *There are 150 + manufactured homes in the park of which all would not meet Sec. 38-25. - Lot standards.*
  - *The encroachment in setbacks vary on each lot as a result of the inconsistent lot dimensions.*
  - *A variety of manufactured home dimensions have been placed on lots throughout the history of the park.*

**Planning Commission:** On May 28, 2024, the Planning Commission held a Public Hearing. Aside from a representative of Continental Communities, there was no public comment. After a review of the application material and hearing from the applicant the Planning Commission, after a lengthy discussion, by a 7-0 vote recommended denial to the City Council to the variance requests to reduce the lot standards and setback distances to allow the existing placements of Manufactured Homes on Lot 17 and Lot 125.

One item of concern raised by the planning commission was risk associated with fire. The National Fire Protection Association 501A - Standard for Fire Safety Criteria for Manufactured Home Installations, Sites and Communities states in **Sec. 6.2.1 Fire Separation Separation Requirements. Sec. 6.2.1.1 Fire separation distances shall comply with the jurisdiction’s adopted building code, local rules, or regulations.**

**Recommendation:** City Council should review the additional information requested, consider previously discussed historical information as well as the Planning Commission’s formal recommendation and approve, provide a modified approval or deny the variance requests to reduce the lot standards and setback distances to allow the placement of Manufactured Homes on Lot 17 and Lot 125.

**Attachments:**

1. Location Map
2. Aerial Map
3. Feb 17, 2022 MPCA Audit Report
4. Bolton & Menk, Inc. 2017 Facility Evaluation Report
5. Summary of Manufactured Home Placements since Nov. 2021
6. February 28, 2022 MEMO regarding Lot #45

**City Council Action:**

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

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

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

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

# 18164 Highway 65 - Location Map

Item 8.0 A.1, Attachment 1



-  Parcels
-  City Mask

1 inch equals 359 feet



# 18164 Highway 65 - Aerial Map

Item 8.0 A.1, Attachment 2



-  Parcels
-  City Mask

1 inch equals 271 feet





520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300  
800-657-3864 | Use your preferred relay service | [info.pca@state.mn.us](mailto:info.pca@state.mn.us) | Equal Opportunity Employer

February 17, 2022

Daniel Van Voorhis  
2015 Spring Road Suite 600  
Oak Brook, IL 60523-3907

RE: Village Green North Mobile Home Park  
SDS Permit No. MN0052132  
WW DSA-Offsite Desk Audit

Dear Daniel Van Voorhis:

Enclosed is the WW DSA-Offsite Desk Audit Report (Report) that resulted from an inspection of the Village Green North Mobile Home Park (Regulated Party) on February 4, 2022, by Haley Anderson of the Minnesota Pollution Control Agency (MPCA). Non-compliant requirements identified at the time of inspection are listed on page 6 of the Report

Corrective actions and deadlines are listed on page 7-8 of the Report.

Please be aware, this correspondence does not preclude the MPCA from taking further action in response to non-compliance identified.

If you have any questions, please contact me at 651-757-2037 or 800-657-3864 and by email at [haley.e.anderson@state.mn.us](mailto:haley.e.anderson@state.mn.us).

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads 'Haley Anderson' in a cursive script.

*This document has been electronically signed.*

Haley Anderson  
Environmental Specialist  
Municipal Division

HA;jg

Enclosure

cc: Jesse Osborne, Village Green North Mobile Home Park (w/enclosure)  
Activity ID INS20220001 @ 3536



## Water Quality Point Source Program

### WW DSA-Offsite Desk Audit Report

#### Facility information:

Facility name: Village Green North Mobile Home Park

Permit number: MN0052132

Address: 18164 Highway 65 NorthEast, Cedar, Minnesota 55011

SIC code: 6515 - Operators of Residential Mobile Home Sites

Permit expiration date: 03/31/2027

Facility design flow: 0.05 million gallons per day (MGD) average wet-weather (AWW)

EPA facility type classification: EPA Minor (Minor: <1.0 MGD AWW Design; Major: >1.0 MGD AWW Design)

Type of flow: Domestic

#### Geographic information:

MPCA region: MPCA Metro Region

County: Anoka

Basin: Upper Mississippi River, Upper Portion

Major watershed: Rum River

Receiving water: Unnamed ditch (Branch 3 Lateral 2)

#### Those present during the inspection:

Jesse Osborne, Contract Operator

#### MPCA representatives:

Haley Anderson, Environmental Specialist

#### Inspection information:

Inspection date: February 4, 2022

Inspection category: Routine Inspection

Inspection type: WW DSA-Offsite Desk Audit

#### Facility components:

- Activated Sludge - extended aeration
- Collection system (gravity and/or pressure)
- Disinfection (chlorination)
- Effluent Disposal - Rapid Infiltration Basin
- Secondary Clarification
- Solids Handling - Storage Tank

#### Treatment plant operators:

Name	Email	Phone	Class	Expiration
------	-------	-------	-------	------------

If any of the above Treatment plant operators, including their associated contact information are inaccurate, please submit those edits to Tracy Finch ([tracy.finch@state.mn.us](mailto:tracy.finch@state.mn.us)) and Andrea Ebner ([andrea.ebner@state.mn.us](mailto:andrea.ebner@state.mn.us)).

**Facility contacts:**

<b>Name</b>	<b>Relationship</b>	<b>Phone</b>	<b>Email</b>
Sherry Saxon	is 24-Hour emergency contact - Secondary for	630-645-8109	<a href="mailto:sherrysaxon@continentalcommunities.com">sherrysaxon@continentalcommunities.com</a>
Jesse Osborne	is Wastewater Permit Contact for is 24-Hour emergency contact-Primary for is DMR recipient for is Online Subscriber for is consultant for	651-403-0782	<a href="mailto:Jesse@storgeworldmn.com">Jesse@storgeworldmn.com</a>
Kevin Carlson	is Online Subscriber for	612-695-4248	<a href="mailto:kcarlson@edenprairie.org">kcarlson@edenprairie.org</a>
Larry Cirrincione	is Wastewater Billing Contact for	630-645-8112	<a href="mailto:larry_cirrincione@continentalcommunities.com">larry_cirrincione@continentalcommunities.com</a>
Daniel Van Voorhis	is responsible official for owns	630-645-0310	<a href="mailto:daniel_vanvoorhis@continentalcommunities.com">daniel_vanvoorhis@continentalcommunities.com</a>

If any of the above contacts are inaccurate, please submit the appropriate form to [NPDES.PCA@state.mn.us](mailto:NPDES.PCA@state.mn.us):

- To remove an Online Subscriber contact, please submit an [e-Services: Request to remove account holder authorization](#) (wq-wwprm7-100b)
- For all other contact updates, please submit a [Permit contact change form](#) (wq-wwprm7-72)

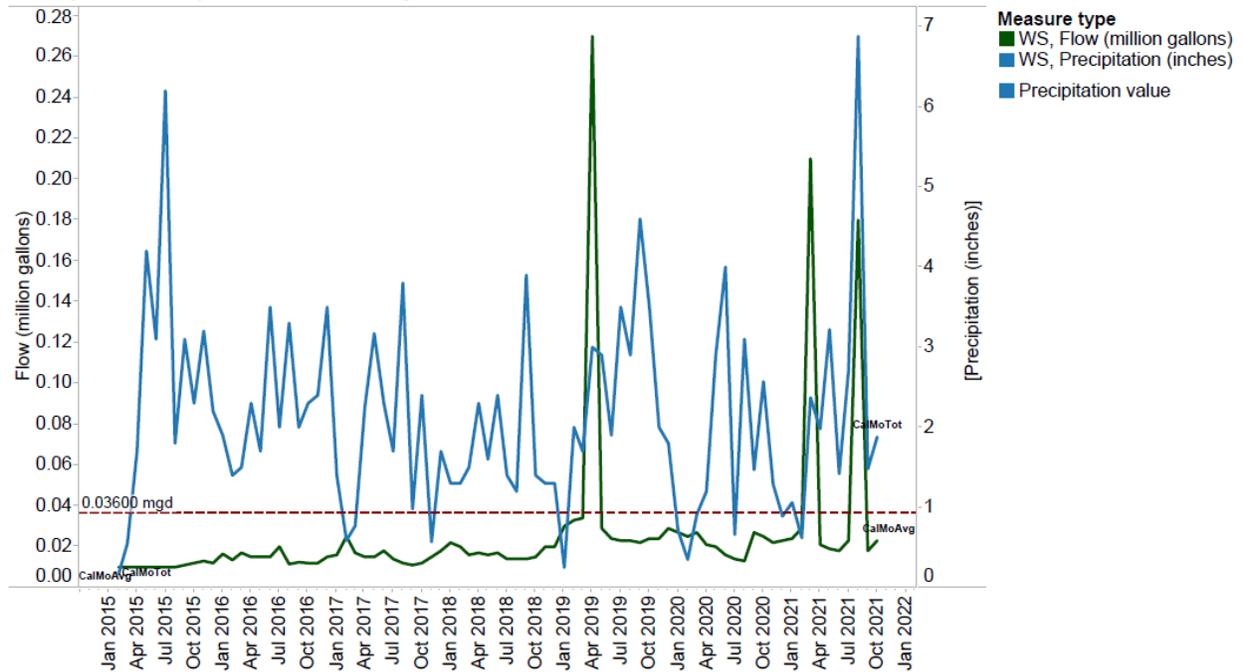
**Inspection Summary**  
May 2015 – February 2022

A WW DSA-Offsite Desk Audit was conducted on February 4, 2022 by Haley Anderson of the Minnesota Pollution Control Agency (MPCA) to determine the compliance of Village Green North Mobile Home Park (Regulated Party) with the terms and conditions of its National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit.

**Key:** A = Advisory    C = Compliant    NC = Non-Compliant    NI = Not Inspected    NA = Not Applicable

Compliance status	Requirement and notes
	<b>Overall physical condition of the plant</b>
	<b>Comments:</b> Plant is in good, working condition. Extra parts are kept on hand in case of emergency.
<input type="checkbox"/> NC <input checked="" type="checkbox"/> C <input type="checkbox"/> A	<b>Adequate Operation &amp; Maintenance to achieve permit compliance</b> <ul style="list-style-type: none"> <li>• <b>Certified Operator</b></li> <li>• <b>Maintenance schedule - daily, weekly, and monthly</b></li> <li>• <b>Chemical additives/Bioaugmentation approved</b></li> </ul>
	<b>Comments:</b> Weekly maintenance performed.
<input type="checkbox"/> NI <input type="checkbox"/> NA	<b>Inflow &amp; Infiltration (I&amp;I)/collection system</b> <ul style="list-style-type: none"> <li>• <b>Number of lift stations:</b> One lift station <ul style="list-style-type: none"> <li>○ <b>Alarm System:</b> Visual/audio</li> </ul> </li> <li>• <b>Miles of sanitary sewer:</b> <ul style="list-style-type: none"> <li>○ <b>Inspection/cleaning program frequency:</b> Jet once per year</li> <li>○ <b>I&amp;I ordinance in effect – If yes, is it enforceable:</b> None</li> </ul> </li> </ul>
	<b>Comments:</b> No I&I issues. Jesse checked seals on manholes summer 2021
	<b>Flow data (<a href="#">compare design flow to actual flow</a>)</b> <ul style="list-style-type: none"> <li>• <b>Design Flow:</b> 0.05 MGD</li> <li>• <b>Actual Flow (3-4 yr. avg):</b> 0.019 MGD or 39 % of design flow</li> </ul>

Monthly Flow & Precipitation values for Village Green North Mobile Home Park



Compliance status	Requirement and notes
<input type="checkbox"/> NC <input checked="" type="checkbox"/> C <input type="checkbox"/> A	<b>Equipment calibration - Flow instrument calibration methods</b> <ul style="list-style-type: none"> <li>Flow equipment (pump run times, meters, etc.)</li> </ul>
<b>Comments:</b>	
<input type="checkbox"/> NC <input checked="" type="checkbox"/> C <input type="checkbox"/> A	<a href="#">Releases/Incidents</a> prohibited
<b>Comments:</b>	

Compliance status	Requirement and notes
<input type="checkbox"/> NC <input type="checkbox"/> C <input type="checkbox"/> A <input checked="" type="checkbox"/> NA	<b>Release follow-up:</b> <ul style="list-style-type: none"> <li>Take all reasonable steps to immediately end release</li> <li>Notify Duty Officer immediately</li> <li>Recover as rapidly and thoroughly as possible</li> </ul>
<input type="checkbox"/> NC <input type="checkbox"/> C <input type="checkbox"/> A <input checked="" type="checkbox"/> NA	Release sampled and results submitted within 30 days
<input type="checkbox"/> NC <input checked="" type="checkbox"/> C <input type="checkbox"/> A	Nuisance conditions prohibited
<b>Comments:</b>	
<input type="checkbox"/> NI	Sampling methods/lab certification
<input type="checkbox"/> NC <input checked="" type="checkbox"/> C <input type="checkbox"/> A	Representative sampling (Sample type, location, timing)
<input type="checkbox"/> NC <input checked="" type="checkbox"/> C <input type="checkbox"/> A	Additional sampling (If yes – reported on Discharge Monitoring Reports (DMRs) and Sample Values)
<input type="checkbox"/> NC <input checked="" type="checkbox"/> C <input type="checkbox"/> A	<b>Certified lab analyzes samples or field parameters in-house and calibrations compliant</b> <ul style="list-style-type: none"> <li>Certified laboratory name:</li> </ul>
<b>Comments:</b>	

Compliance status	Requirement and notes
	<p><b>Field parameter analysis: potential of hydrogen (pH)</b></p> <ul style="list-style-type: none"> <li>• Instrument manufacturer and model:</li> <li>• Calibration procedure and records</li> <li>• Minimum of two point calibration</li> <li>• Buffers current (e.g., not expired)</li> <li>• Calibrated each day of sample</li> </ul>
	<p><b>Comments:</b></p>
	<p><b>Field parameter analysis: Dissolved Oxygen (DO)</b></p> <ul style="list-style-type: none"> <li>• Instrument manufacturer and model:</li> <li>• Calibration procedure and records</li> <li>• Calibration frequency: /</li> </ul>
	<p><b>Comments:</b></p>
	<p><b>Field parameter analysis: Specific conductance</b></p> <ul style="list-style-type: none"> <li>• Instrument manufacturer and model:</li> <li>• Calibration procedure and records</li> <li>• Calibration frequency: /</li> </ul>
	<p><b>Comments:</b></p>
	<p><b>Field parameter analysis: Total Residual Chlorine (TRC)</b></p> <ul style="list-style-type: none"> <li>• Instrument manufacturer and model:</li> <li>• Calibration/verification procedure and records</li> <li>• Checked against standard at least monthly/quarterly</li> </ul>
<input type="checkbox"/> NC <input checked="" type="checkbox"/> C <input type="checkbox"/> A <input type="checkbox"/> NA	<p><a href="#">Method detection limit and reporting limit established</a></p>
	<p><b>Comments:</b></p>
<input type="checkbox"/> NC <input checked="" type="checkbox"/> C <input type="checkbox"/> A	<p><a href="#">Sample preservation</a> and procedures</p> <ul style="list-style-type: none"> <li>• Sample type (e.g., Comp. vs. Grab) compliant with Limits &amp; Monitoring</li> <li>• Holding times (e.g., pH, TRC, DO within 15 min., etc.)</li> <li>• Thermal preservation adequate (<math>\leq 6^{\circ}</math>Celsius)</li> <li>• Composite samples refrigerated during sample collection if applicable</li> <li>• Thermometers (Sample Fridge, etc. checked annually with National Institute of Standards and Technology)</li> </ul>
	<p><b>Comments:</b> Kept in cooler in refrigerator, pH taken on site</p>
<input type="checkbox"/> NI	<p><a href="#">DMRs/sample values/annual reports</a></p>
<input type="checkbox"/> NC <input checked="" type="checkbox"/> C	<p><b>Timeliness</b></p> <ul style="list-style-type: none"> <li>• Reports (Required reports submitted on time)</li> <li>• <a href="#">Permit application submitted on time</a></li> <li>• Sample Values submitted on time</li> <li>• <a href="#">DMRs submitted on time</a></li> </ul>
	<p><b>Comments:</b></p>
Compliance status	Requirement and notes
<input type="checkbox"/> NC <input checked="" type="checkbox"/> C <input type="checkbox"/> A	<p><b>Completing Reports (DMRs, etc. complete and submitted on MPCA approved forms)</b></p> <p><a href="#">Accuracy</a> (e.g., Lab data match all DMR values and frequency)</p>
<input type="checkbox"/> NC <input checked="" type="checkbox"/> C	<p><a href="#">Frequency of sampling</a> (as required by permit, no missed samples)</p>

**DMR parameters**

Type of parameter	Total required	Missing	Percent missing	Limit violations	Percent violations
All parameters	1095	0	0.00%	2	0.18%

Compliance status	Requirement and notes
<input checked="" type="checkbox"/> NC <input type="checkbox"/> C	<b>Permit limit compliance:</b> Fecal sample taken too close to edge of weir. Chorine was increased to combat future fecal issues.

Station	DMR monitoring period	Parameter	Limit	Reported value
WS 002	10/01/2021 - 10/31/2021	Fecal Coliform, MPN or Membrane Filter 44.5C in organisms per 100 milliliter - calendar month geometric mean	200	3572
WS 002	10/01/2020 - 10/31/2020	pH in standard units - calendar month minimum	6.0	5.5

Compliance status	Requirement and notes
<input checked="" type="checkbox"/> NC <input type="checkbox"/> C <input type="checkbox"/> A <input type="checkbox"/> NA	<b>Permit limit violation follow-up</b>

**Comments:** No comments on DMRs after violation

<input type="checkbox"/> NI	<b>Record keeping</b>
-----------------------------	-----------------------

<input type="checkbox"/> NC <input checked="" type="checkbox"/> C <input type="checkbox"/> A	<b>Maintain records for at least three years and with following:</b> <ul style="list-style-type: none"> <li>Place, date, time of sample/measurement</li> <li>Date of analysis</li> <li>Name of person performing sample/measurement, etc.</li> <li>Analytical techniques, procedures, and methods used</li> <li>Results of analysis</li> </ul>
--	--

**Chain of Custody (COC) forms (completely filled out, available, etc.)**

**Comments:** COC sent via email

	<b>Pretreatment</b> <b>Significant industrial users:</b> <ul style="list-style-type: none"> <li>Agreement in place and up to date</li> <li>Inspection frequency: /</li> <li>Sampling frequency: /</li> <li>Trucked-in waste accepted? If yes, sampled appropriately?</li> </ul>
--	--

**Comments:** None

<input type="checkbox"/> NC <input type="checkbox"/> C <input type="checkbox"/> A <input checked="" type="checkbox"/> NA	<b>Stabilization pond operation</b> <b>Bypass structures – all structures capable of bypassing kept locked</b>
---	---

**Comments:** Once per week mowing during growing months. No current issues with burrowing animals. In the past, rodents and burrowing animals were removed from the property.

Compliance status	Requirement and notes
<input type="checkbox"/> NC <input checked="" type="checkbox"/> C <input type="checkbox"/> A	<b>Pond observations – Pond system inspected weekly and records kept of the following:</b> <ul style="list-style-type: none"> <li>• <b>Water depth; Aquatic plant coverage; Floating mats and Ice cover; Odors; Condition of dikes; and presence of rodents (muskrats, burrowing animals)</b></li> </ul>
<input type="checkbox"/> NC <input checked="" type="checkbox"/> C <input type="checkbox"/> A	<ul style="list-style-type: none"> <li>• <b>Daily precipitation records</b></li> </ul>

**Other/Additional comments:**

**Alleged violations/Corrective actions (Provided as indicated below):**

- See below:

Violation number	Requirement (e.g., Minn. R., Permit condition)	Description of noncompliance	Corrective action	Timeline (e.g., immediately, within 10 days)
1	<p><b>SDS Permit MN0052132, Chapter 5, Part 5.13.73</b></p> <p><b>Effluent Violations.</b> If sampling by the Permittee indicates a violation of any discharge limitation specified in this permit, the Permittee shall immediately make every effort to verify the violation by collecting additional samples, if appropriate, investigate the cause of the violation, and take action to prevent future violations. If the Permittee discovers non-compliance that does not explicitly endanger human health, public drinking water supplies, or the environment, the non-compliance shall be reported during the next reporting period to the MPCA with its Discharge Monitoring Report (DMR). If no DMR is required within 30 days, the Permittee shall submit a written report within 30 days of the discovery of the noncompliance. This description shall include the following information:</p> <ul style="list-style-type: none"> <li>a. a description of the event including volume, duration, monitoring results and receiving waters;</li> <li>b. the cause of the event;</li> <li>c. the steps taken to reduce, eliminate and prevent reoccurrence of the event;</li> <li>d. the exact dates and times of the event; and</li> <li>e. steps taken to reduce any adverse impact resulting from the event.</li> </ul> <p>[Minn. R. 7001.150, 3(K)]</p>	<p>During the February 4, 2022 DSA desk audit, the MPCA documented that comments were not left on DMRs following noncompliance</p>	<p>Immediately begin providing information, including items a-e, when noncompliance occurs</p>	<p>Immediately</p>

2	<p><b>SDS Permit MN0052132, Limits and Monitoring</b></p> <p>The Permittee must comply with the limits and monitoring requirements below</p>	<p>During the February 4, 2022 DSA desk audit, the MPCA documented one fecal coliform exceedance 10/2021 of 3572 with a limit of 200, and one pH exceedance 10/2020 of 5.5 with a limit of 6.</p>	<p>Immediately begin complying with permit limit requirements</p>	<p>Immediately</p>
---	--	---	---	--------------------

Subject item	Parameter	Discharge limitations						
		Quality /Conc. avg.	Quality /Conc. max.	Quality/ Conc. units	Frequency	Sample type	Effective period	Notes
WS 002	Fecal Coliform, MPN or Membrane Filter 44.5C	200 calendar month geometric mean		organisms per 100 milliliter	twice per month	Grab	Jan-Dec	
WS 002	pH		9.0 calendar month maximum	standard units	twice per month	Grab	Jan-Dec	

Address questions and submittals requested above to:

Haley Anderson  
 Minnesota Pollution Control Agency  
 520 Lafayette Road North  
 Saint Paul, MN 55155-4102  
 651-757-2137  
[haley.e.anderson@state.mn.us](mailto:haley.e.anderson@state.mn.us)

## I. Introduction

This Facility Evaluation Report has been prepared by Bolton & Menk, Inc. on behalf of the Village Green North Manufactured Home Community. The community is located at 18164 Hwy. 65 N.E. in Cedar, MN. It owns and operates a package-style wastewater treatment facility that serves its residents. This Facility Evaluation Report has been prepared in response to SDS Permit No. MN0052132 (Appendix A), Chapter 4, Paragraph 5.10.21 which states:

*“Within two (2) years after permit issuance [April 19, 2019], the Permittee shall work with a Professional Engineer to complete a facility evaluation and submit a Facility Evaluation Report (Report) to the MPCA for review and approval. The Report shall include, but is not limited to:*

- a. An evaluation of the treatment system components, operations, performance, conditions, etc.;*
- b. A list of recommended improvements based on the facility evaluation. This may include improvements to facility infrastructure, operations and maintenance, data collection, safety features, etc.;*
- c. A list of proposed actions the Permittee will take to address the improvement items; and*
- d. A detailed schedule for completing the proposed actions to address the improvement items.”*

An inspection of the facility was performed October 19, 2017. This report summarizes the findings.

## II. Facility Description

The Village Green North Mobile Home Park wastewater treatment facility is located at 18164 Highway 65 NE, Cedar, Minnesota 55011, Anoka County. A location map is provided as Figure 1. The facility does not have a surface water discharge.

The facility consists of one aeration tank, two final clarifiers operated in sequence, one chlorine contact tank, and a 4.1-acre seepage basin. The aeration tank, final clarifiers, and chlorine contact tank are located in a corrugated metal structure. Waste solids are pumped to an on-site below-grade concrete tank and periodically transported to another wastewater treatment facility for stabilization and disposal. Four groundwater monitoring wells are associated with the Facility.

The Facility is designed to treat an average influent flow of 30,000 gallons per day, with a 5-day carbonaceous biological oxygen demand (CBOD<sub>5</sub>) strength of 348 mg/L. It is a Class C facility.



**SUMMARY - CEDARWOOD ESTATED MANUFACTURED HOME PERMITIS - 11/2021 - 3/2024**

Permit #	Date	Lot #	Front Setback	Rear Setback	Left Side	Right Side
21-01110	11/18/2021	106	18'	15'	35'	30'
22-00132	3/14/2022	63	20'	19'	28'	28'
22-00133	3/14/2022	45	15'	26'	15'	15'
22-00253	4/29/2022	2	15'	44'5"	25'	25'
22-00478	7/13/2022	22	30'	13'	30'	30'
22-00713	8/23/2022	146	30'	10'	30'	30'
22-00714	8/23/2022	142	30'	10'	30'	30'
22-00769	8/24/2022	103	30'	10'	30'	30'
22-01020	11/1/2022	17	5'9"	21'	27'	21'
22-01021	11/1/2022	20	10'	21'	22'	23'
22-01022	11/1/2022	25	15'	8'	16'	20'
22-01023	11/1/2022	47	10'	25'	24'	10'
22-0124	11/1/2022	49	6'	18'	22'	25'
22-01025	11/1/2022	115	5'	15'	25'	28'
22-01026	11/1/2022	125	6'5"	14'5"	30'	29'
22-01098	11/9/2022	10	21'	20'	34'	18'
22-01206	12/29/2022	139	10'	22'	22'	14'
23-00084	2/8/2023	141	15'	19'	12'	25'
23-00085	2/8/2023	85	15'6"	14'	18'	22'
23-00086	2/28/2023	46	10'	15'	30'	23'
23-00133	2/28/2023	144	16'	50'	16'	22'
23-00172	3/22/2023	128	20'	27'	54'	23'
23-00399	5/23/2023	118	16'	26'	20'	?
24-00023	1/11/2024	175	10'	10'+	20'	14' +
24-00059	2/8/2024	100	10'	18'	22'	13'
<b>Average Distance:</b>			<b>15' 6"</b>	<b>19'</b>	<b>25' 5"</b>	<b>22' 9"</b>

< - - See 2/28/2022 Memo

< - - Variance Request

< - - - Variance Request

? = Vacant Lot

**Front Setback** = Distance between sidewalk and front of home.  
**Rear Setback** = Distance between rear of homes, not lot lines.  
**Left Side or Right Side** = Distance between homes, not lot lines.

# Memo



**FILE COPY**

To: Steve Lutmer, Building Inspector

From: Stephanie Hanson, Community Dev. Director

A handwritten signature in black ink, appearing to read "Stephanie Hanson", is written over the printed name in the "From:" line.

Date: February 28, 2022

Re: Village Green, Lot 45, Manufactured Home Setback

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After discussion with Fire Chief Mark DuCharme and City Administrator Jack Davis, it's been determined that the proposed setback of 15 feet between homes is sufficient for the placement of a new structure on Lot 45. There are many other homes within Village Green with equal to or less than a 15 foot setback.

Attached is the site plan of the property.