

# EAST BETHEL CITY COUNCIL MEETING

July 8, 2019

The East Bethel City Council met on July 8, 2019, at 7:00 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT:            Steve Voss                      Tim Harrington                Suzanne Erkel  
   Randy Plaisance                Tom Ronning

ALSO PRESENT:                Jack Davis, City Administrator  
   Pat Sweeney, City Attorney  
   Eric McDermott, Zoning Administrator  
   Craig Jochum, City Engineer

## 1.0 – Call to Order

The July 8, 2019, City Council meeting was called to order by Mayor Voss at 7:00 p.m.

## 2.0 – Pledge of Allegiance

The Pledge of Allegiance was recited.

## 3.0 – Adopt Agenda

**Harrington stated I'll make a motion to adopt tonight's agenda including adding item E, approval of Spot Overlays on the Consent Agenda. Ronning stated I'll second.**

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

## 4.0 – Presentations

### 4.0 A – Booster Day Report

No report given.

### 4.0 B – Storm Water Pollution Prevention Program

Jochum stated that the City of East Bethel has developed a Storm Water Pollution Prevention Program as required by the National Pollutant Discharge Elimination Program, which authorizes City's to discharge storm water to the public water system. The goal of the Storm Water Pollution Prevention Program is to reduce the discharge of pollutants into receiving waters to the Maximum Extent Practicable.

Some of the implementation strategy's that are part of the program include: Sweeping City Streets; Inspection of approximately 20 percent of the City's storm water basins each year; Posting City Programs such as the clean-up day on the City website; Conducting the annual meeting; Developing educational pamphlets for distribution to City residents; Investigate any reports of illicit discharge or other non-compliance storm water complaints.

At the annual meeting the City will consider public input, both oral and written, regarding the adequacy of the Program. Based on the public input, the City can modify the Program as the City determines to be appropriate. Copies of the City's SWPPP are available for public review at City Hall.

Staff recommends that the City Council conduct the annual meeting to consider public input on the City's Storm Water Pollution Prevention Program.

Voss inquired if the program had changed from the prior year. Jochum responded it was the same.

Voss opened the public meeting at 7:03 p.m.

There were no comments made.

Voss closed the public meeting at 7:04 p.m.

**Informational; no action required.**

#### **5.0 – Consent Agenda**

Item A: Approve Bills

~~Item B: Approve Meeting Minutes June 24, 2019 City Council Work Meeting~~

Item C: 2020-2022 MNPEA Labor Agreement

~~Item D: Amendment to CBDG and Home Investment Partnership Program Cooperation Agreement~~

~~Item E: Approval of Spot Overlays~~

Harrington requested to pull Items B. Erkel requested to pull Item D. Plaisance requested to pull Item E. **Harrington stated I'll make a motion to approve Items A and C of the Consent Agenda. Erkel stated I'll second.** Voss asked any discussion? To the motion, all in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

#### **5.0 B – Approve Meeting Minutes June 24, 2019 City Council Work Meeting**

Harrington stated where it said Fire Chief, it should read Deputy Fire Chief on Page 10. On page 12, also change Fire Chief to Deputy Fire Chief.

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

#### **5.0 D – Amendment to CBDG and Home Investment Partnership Program Cooperation Agreement**

Erkel requested additional information as she did not understand the entire circumference of the Amendment. Davis responded this was an Amendment to a continued program that the City participates in with the County which allowed the City to apply for CBDG and home grant applications through the County rather than having to go through HUD. The City opted into the program March 2007, and this was an Amendment to that continuing resolution which had been ongoing for the past 12 years.

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

#### **5.0 E – Approval of Spot Overlays**

Plaisance noted they were doing a couple of overlays on a couple of streets due to a basic problem with storm drainage and how that effected those particular roads. He noted it said the overlay would put enough of a crown where that would no longer be a problem. He asked if that was correct. Davis responded that was correct.

Plaisance asked if the roads being redone were in the current year's plan. Davis responded none of those roads were on the current five-year plan. He indicated the reason this was added was because the roads deteriorated rapidly and after they had put out the bids for the overlay project. He noted sometimes on streets they did not realize the winter damage until the frost was out. He stated if this was approved tonight, staff believed they could get this done sooner rather than later. He indicated

the final quote from the third contractor, Preferred Paving, came in at \$19,300 and the recommendation of Northern Asphalt still stood.

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

## **6.0 – New Business. Commission, Association, and Task Force Reports**

### **6.0 A. Planning Commission**

#### **6.0 A.1 Stern Metes/Bounds Subdivision**

McDermott stated Ms. Kathy Bell-Fiedelman submitted plans to divide a 51.3-acre parcel located between Hwy 65 and Polk Street and fronting on Klondike Drive on the south. As this property will be in the Hwy 65 Corridor Urban Reserve designation and has no public water and sewer service, the division can be Metes and Bounds, Zoning, Section 12-2.

The Urban Reserve designation is an area in the 2040 Comprehensive Plan that has no current City utility services but may have these available if the City system is extended into this area. For this application, a ghost plat overlay was requested to indicate the right of way required for the future extension of Buchanan Street.

The proposed division would create 3 new lots, Parcels A, C and D, and the existing home would be combined with an additional acreage to form Parcel B (See Attachments 1). All the new lots are on existing city streets, meet the frontage standards and range in size from 5.14 to 22.48 acres, with the average density for the division at 10.54 acres.

The following items were all completed as part of the subdivision review: Wetland delineation – A complete wetland delineation was done, and the Notice of no impact was signed off on by all respective agencies. There will be a 25-foot D&U around all of the delineated wetlands and because this is in a Significant Environmental Overlay district the houses will be set back 50 feet from any existing wetlands; Road right of way and D&U dedication will be recorded as a separate document; Ghost plat that shows a future extension of Buchanan St NE was included for the future extension of Buchanan Street; Submission of the required escrow (\$1,000) and park dedication fees (\$6,000) as part of the application process; At their May 28, 2019 meeting, The Planning Commission voted unanimously that this application met all the City Code requirements and their recommendation of approval be submitted to City Council. City Council considered the Planning Commission recommendation at their June 10, 2019 meeting and requested that the ghost plat location of the future street extension of Buchanan Street be re-aligned to match the City Service Road Plan. This request was reviewed by the Roads Commission at their June 11, 2019 meeting and approved to be consistent with Service Road Plan.

At the June 25, 2018 Planning Commission Meeting, the Ghost Plat for 20-33-23-23-0001 was amended to correspond with the City of East Bethel service road plan for the future extension of Buchanan St NE.

The Planning Commission voted to recommend approval of the ghost plat for the future road alignment to correspond to the City Service Road Plan and approve the Stern Metes and Bounds Subdivision, PIN 20-33-23-23-0005, subject to the following: The owner must enter into a Developer's agreement with the City; The owner must comply with applicable sections of East Bethel Code of Ordinances.

Voss noted one of the questions they sent back to Planning was whether or not they should be discussing taking a right-of-way now. He asked if that came up at Planning. McDermott responded they did not discuss taking the right-of-way now as with the location of the wetlands in there, it did not necessarily make sense to put it through right away, but there was no recommendation either way if the easement should be taken from the parcels.

Voss asked why the Commission did not comment on it. He asked did the Commission choose not to, or did they just not comment. McDermott stated when it was given to her, the recommendation to give to the Planning Commission was to reconcile the ghost plat with the road service plan, and she was unaware whether that recommendation as suppose to be on the agenda.

Davis noted he had spoken to the owner of the property and a potential purchaser of the property and they both liked the layout. He indicated the previous ghost plat did not give any indication of future subdivisions. As far as obtaining the easement, if Council wanted to do that it would involve the outlay of funds that would need to be earmarked for. He stated this was not discussed at the Planning Commission and was not brought to their attention.

Voss asked how many parcels did the ghost plat cover. Davis responded it would cover two of the proposed four lot split.

Plaisance noted the ghost plat was not representing what was there right now, but represented what it was going to be in the future. McDermott responded it represented a possibility of what it could be if purchasers of the parcels decided to develop the parcels at a future time.

Plaisance asked if they were splitting it into four lots and they had the ghost plat which had 4 lots that were going to be crossing the boundary between two of the lots that they were splitting, how were they going to be able to do this plat in the future between two different parties. He asked with the current Ordinance that once they did a metes and bounds that they could not in the future re-split the property. Davis replied this would be a plat and there would be a lot combination also to combine Parcel C and D, so it would then be platted. He stated this would not be a re-subdivision of metes and bounds plat itself.

Voss believed he was correct in that there were two property owners that would need to make this happen. Plaisance stated unless one person bought both properties. Davis noted that was the condition. The intended purchaser of Parcel C and D is one person and that sale was pending the approval of this Metes and Bounds Plat.

Erkel asked if the intended purchaser was intending on putting multiple developments on each of the lots. She asked if the lots were for one resident only, or could they develop anyway they wanted. Davis replied when the purchaser bought the property, their intention was to at some point, enact the ghost plat.

Voss stated the purpose of having this was they did not have any control where the homes on C and D would go and by having the ghost plat, they were not forcing them to do this, but at least they could see where how this could potentially be developed so if they did put a house on there before it was platted, it would not be in on a plot line or in the middle of the road. Davis noted this was a guide for them for development, so it didn't conflict with some future purpose down the road.

**Plaisance stated I'll make a motion to approve the ghost plat for the future road alignment to correspond to the City Service Road Plan and approve the Stern Metes and Bounds Subdivision, PIN 20-33-23-23-0005, subject to the following: The owner must enter into a Development agreement with the City; the owner must comply with applicable sections of East Bethel Code of Ordinances. Harrington stated I'll second. Voss asked any discussion?**

Erkel stated she was under the impression these were going to be four properties, but was the intention to develop them into smaller acreage or leave them as large acreage properties. Davis replied they would need to be two or 2 ½ acre lots minimum. He noted they would be the larger lot size. He noted the purchaser wanted to purchase Parcel C and D. Parcels A and B development needed to be determined.

Plaisance stated in the final analysis, they were splitting this metes and bounds into four different parcels. Davis responded that was correct.

Plaisance asked if Parcels B and C was covering the ghost plat of A, subdivision or subdivided properties within C and D. Davis responded the block on the right-hand side of the plat with the ghost plat right away easement running through it, was parcels C and D, which were 20 plus acres. Parcels A and B would be left undeveloped and would still be retained by the owner of the property for future sale or development.

Plaisance asked if the ghost plat covered the entirety of Parcel C and D. Davis responded that was correct.

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

#### **6.0 A.2 Septic Setback Variance – 197 Forest Road**

McDermott stated the Millers are in the process of replacing a noncompliant septic system and require a 5-foot setback variance to install a septic drain field on their lot.

The request for the variance required the Planning Commission to consider a three-factor test:  
Reasonableness - The request of the location of a drain field 5 feet from a property line is reasonable as there is no other location within the lot to locate the drain field.

Uniqueness –The small lot sizes in this neighborhood, in addition to the location of nearby wells, creates a unique challenge for a neighborhood that has no public water or sanitary sewer service and relies upon on-site systems for sewage treatment.

Essential character – There are many properties in this neighborhood that have had similar variances for setbacks and this use is consistent with and will not change the character of the neighborhood.

The Planning Commission voted to recommend approval of a variance for Steve Miller, to allow for a setback variance of 5 feet on the north and west property lines for the placement of a septic drain field at their June 25, 2019 meeting.

The Planning Commission recommends that City Council consider approval of the setback variance for Steve Miller at 197 Forest Road, PIN 36-33-23-21-0311.

**Ronning stated I'll make a motion to approve the setback variance for Steve Miller at 197 Forest Road, PIN 36-33-23-21-0311. Harrington stated I'll second.** Voss asked any discussion? To the motion, all in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

#### **6.0 A.3 Holding Tank Variance – 342 Cedar Road**

McDermott stated CTW Group Inc., the property owner, is requesting a variance to install a septic holding tank on 36-33-23-24-0012; 36-33-23-24-0011; 36-33-23-24-0010. These lots have been recently combined by the County, but the City has not received the final PIN for the combination.

Holding tanks are permitted by City Code under Utilities, Chapter 74 – 46 and 74 – 53 and this particular request is applicable under these sections of the City Code of Ordinances.

Variance approval for a holding tank requires a three-factor test:

Reasonableness – Holding tanks are common in the Coon Lake Beach area. This property has had a noncompliant septic system for several years, and the current owners are bringing the property into compliance by installing a new Type II system (holding tanks).

Uniqueness –The small lots and lack of public utilities to serve the denser development in this neighborhood create the need for alternative means of sewage collection and disposal.

Essential character – The allowance of a holding tank on this lot will not change the essential character of the neighborhood.

The Planning Commission voted to approve the use of a holding tank at 342 Cedar Rd NE. at their June 25, 2019 meeting and recommend that City Council consider approval of the variance at 342 Cedar Road.

**Ronning stated I'll make a motion to approve the use of a holding tank at 342 Cedar Rd NE at their June 25, 2019 meeting and approve of the variance at 342 Cedar Road. Harrington stated I'll second.** Voss asked any discussion?

Erkel asked when a resident got a holding tank, was the septic dug up and disposed of. Davis responded generally the tank goes into the place of the existing septic tank. If the existing septic tank proves to be waterproof, it can stay, but the drain field is capped so it cannot be used as a drain field any longer.

Plaisance asked if there was any verification that the holding tank was pumped on schedule. McDermott responded the property owner was required to sign the Agreement, but typically with the City they did have a septic data base, but they did not presently have a data base for a holding tank. However, holding tanks typically did have alarms on them. Davis stated City Ordinance required an alarm system to tell the homeowner when to pump the tank. He stated the homeowner had to also sign a pumping contract.

Plaisance asked once a tank was pumped, did the homeowner need to file something with the City. Davis responded the City required the pumpers to file a report with the City.

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

#### **6.0 A.4 Carlson Variance and Metes/Bounds Subdivision**

Davis stated Kevin and Carole Carlson have applied for an Administrative Subdivision to split their 1945 189th Ave property into two lots. This parcel is fronted on a cul-de-sac at the end of 189th Ave and has 187 feet of street frontage. The property owners are requesting a division of their property into two 20 acre lots. The property abuts the Viking Meadows Golf Course private road on the west but the 189th Ave cul-de-sac is the only public road access to this property. One of the proposed lots would have 56 feet of frontage on the west side of the existing cul-de-sac, and the lot with an existing residence would have 131 feet of frontage. 300 feet of frontage is required in an R-1 Single Family Residential Zoning District for a lot created by an administrative subdivision.

City Council approved a similar request at their December 5th, 2018 meeting for Lorraine Bonin.

In consideration of the variance request, the following standards were applied:

Reasonableness: The Planning Commission has previously recommended approval of, and City Council has previously granted similar variances for reduced frontage on cul-de-sac when the subdivision meets all other applicable requirements.

Uniqueness: This property does not have access to other City streets, and it is reasonable to allow a variance for reduced frontage to allow for this use of the applicant's property.

Essential Character: Many residences in the City have 60-80 feet of frontage, with the sizes of the proposed lots it does not change the essential character of the neighborhood.

Typical frontage on a cul-de-sac is 60 to 80 feet, so approval of this variance would be consistent with other properties located on cul-de-sac in the City of East Bethel. In this case, Council may require a dedication of a right of way/easement along the southern boundary of this lot to provide the necessary frontage required for a lot split, eliminate a flag lot and provide easement for a future street.

There was a public hearing held at the June 25, 2019 Planning Commission Meeting and there was opposition to the variance.

The Planning Commission voted to recommend approval of the Variance request for Kevin and Carole Carlson to create a lot that has 56 feet of frontage and a lot that has 131 feet of frontage on 189th Ave. The Lot split would occur off of 1945 189th Ave NE; PIN 28-33-23-33-0001.

Planning Commission requests that City Council consider approval of the Administrative Subdivision to split the property at 28-33-23-33-0001 into two 20-acre parcels.

Voss indicated the applicants were friends of his and he would not be voting on this item. He turned the meeting over to Plaisance.

**Harrington stated I'll make a motion to approve the Administrative Subdivision to split the property at 28-33-23-33-0001 into two 20-acre parcels. Ronning stated I'll second.** Plaisance asked any discussion?

Erkel asked if the two lots were going to be sold to developers. Davis responded the intention was to split the lots and for the owners to gift them to their children, but what happened after that, the City did not know.

Plaisance asked if the motion was for the flag lot split. Harrington responded that was correct.

Plaisance stated he had concerns regarding that including flag lots were not approved in the Ordinances and also how small the frontage is for that on the cul-de-sac and they had yet to change the ordinances to make that viable. He expressed concern was the long entry and he believed it was a better option to go with staff's recommendation that they should dedicate the right-of-way because he believed that in the future, even if the properties were not split, that this was in the sewer and water districts and in the future that might be become an interest for the City to have those lots split down. He also expressed concern with the golf course being right there and they already have a road connecting in pretty much the same spot, that they would be connecting two roads for completing into this back area for later development by the golf course if it was sold and developed. He asked if 33 feet was enough for the Ordinances in order to meet that particular frontage, or did it require the entire 66 feet? Davis stated if the golf course would be redeveloped, the dedication would occur to the property owner to the south to get the required 66-foot right-of-way.

Plaisance stated he was having difficulty as it was currently worded to approve this lot split.

To the motion, all in favor say aye. Harrington, Ronning, and Erkel. Plaisance asked any opposed? Plaisance. Voss abstained. That motion passes 3-1-1 (Plaisance and Voss). **Motion passes.**

Plaisance turned the meeting back over to Voss.

#### **6.0 A.5 CUP – 241<sup>st</sup> Ave**

McDermott stated MN Built Harris, LLC owns two parcels in the City of East Bethel at 1262 241st Ave and is proposing a self-service storage business at this location. The office building for the facility will be on the southern parcel and the storage units will be located on the northern parcel.

The area is zoned I-Light Industrial and under that zoning classification the following types of businesses are considered Conditional Uses: Uses allowed in the B-2 and B-3 Districts as determined by the Planning Commission and approved by the City Council. Conditional uses in the B-3 Highway Business district include self-service storage.

Approval of a Conditional Use Permit (CUP) for this particular circumstance should be evaluated by the following questions: Does the business meet the requirements of the proposed 2040 Comp Plan? The answer to this question is this area will continue to be designated as Light Industrial in the 2040 Plan; Are there any proposed exterior storage uses? The answer to the question is no exterior storage of materials, equipment or vehicles will be required or permitted. Vegetative or berm screening on the west side of the property adjacent to Johnson Street and on the north side adjacent to 241st Ave may be required to buffer the light industrial use from residential neighborhoods.

At their June 25, 2019 Meeting, the Planning Commission held a public hearing for this CUP application, and no one spoke against the application. One resident appeared at the conclusion of the meeting and expressed concerns to Staff regarding the visual impact of the project on the Johnson Street neighborhood.

The Planning Commission recommends City Council consider approval of a Conditional Use Permit to MN Built Harris, LLC to build and operate a storage facility at 1262 241st Ave NE, East Bethel, PIN: 29-34-23-31-0004, subject to the following conditions and requirements: There shall be no exterior storage on the site; Signage and property to comply with all applicable codes and regulations of the City of East Bethel; City shall inspect the business on an annual basis.

As an option, the City shall require the owner to submit a screening plan and implement an approved screening plan to provide a visual barrier for the adjoining residential neighborhoods.

Sarah Priener, 24080 Johnson Street NE, stated one of her concerns was the size of the development. She asked if it needed to be so large. She noted out of her front door/window they had trees they looked at and with this proposal, they would lose all of that. She understood that was a berm required and that would be her view. She did not want to lose the tree. She was also concerned about the traffic impact. She stated she did not want to look at a concrete wall.

Davis noted one other consideration was they wanted the City Engineer to calculate the stormwater runoff to ensure the ponds were sized adequately.

Erkel asked if some of the trees could be preserved. McDermott stated there were various types of trees going through there, but when they went through the landscaping list, none of them appeared to provide adequate screening. Davis stated they had some concerns with some of the trees provided in the list, which was not suitable for screening, and if this were to be approved, he would recommend they would all be evergreen trees of a size adequate for screening.

Erkel stated she had spoken with residents who expressed concern that this would look like an industrial complex.

**Plaisance stated I'll make a motion to approve the Conditional Use Permit to MN Built Harris, LLC to build and operate a storage facility at 1262 241<sup>st</sup> Ave NE, East Bethel, PIN; 29-34-23-31-0004, subject to the following conditions and requirements: There shall be no exterior storage on the site; signage and property to comply with all applicable codes and regulations of the City of East Bethel; City shall inspect the business on an annual basis; and the City shall require the owner to submit a screening plan and implement an approved screening plan to provide a visual barrier for the adjoining residential neighborhoods either evergreens or some other screening vegetation; and the City Engineer do a stormwater analysis on the property to verify that it was compatible. Ronning stated I'll second. Voss asked any discussion?**

Voss asked if the City Engineer's analysis came out of the escrow. Davis responded it did. Voss asked how far the driveway was from Highway 65. Davis responded it was approximately 400 feet and normally for a County Road they did not have a requirement, but MnDOT required a ¼ mile for a street entrance, but not a driveway entrance. Voss stated they had an option to get a little better access if it was off of Johnson Street rather than 241<sup>st</sup>.

**Ronning stated I'll amended the motion to include the descriptions needed for the landscaping plan discussed by the City Administrator. Voss stated I'll seconded. Voss asked any discussion?**

Plaisance stated he was confused because as part of the motion was that the owner shall submit a screening and implement an approved screening plan to provide a visual barrier for the adjoining residential neighborhoods either evergreens or some other screening vegetation, so he believed it was included in the original motion. Davis believed the current amendment required it to be modified because staff did not believe the plants selected were adequate for screening purposes. Davis noted this was probably the same, but they wanted to add that there was a modification to the plan that the owner had submitted.

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

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

#### **6.0 B. Economic Development Authority**

None.

#### **6.0 C. Park Commission**

None.

#### **6.0 D. Road Commission**

None.

### **7.0 – Department Reports**

#### **7.0 A. Community Development**

##### **7.0 A.1 Ordinance Amendment, Chapter 2 – Administrative Citations**

McDermott stated at the April and May 2019 City Council Work Meetings, staff requested City Council consider the use of Administrative Citations as means to reduce court ordered actions for code enforcement for ordinance violations and expedite the process of case resolution.

The enforcement procedures established by Administrative Citations are intended to provide the City of East Bethel with a cost-effective and more efficient alternative to criminal prosecution or civil litigation for certain violations of the City Code. In applicable cases the administrative process is beneficial to the residents of the City and finds that that such a process is a legitimate and necessary alternative method of enforcing Code violations.

The purpose of Administrative Citations in code enforcement cases is to encourage compliance with city ordinances and reduce the number of code enforcement cases resulting in criminal charges. Administrative Citations would be an effective tool to gain compliance before the violations are remitted to the Anoka County Court System.

Staff requests Council consideration of the proposed Ordinance Amendment – Chapter 2, Administration, Article XVI.

**Plaisance stated I'll make a motion to approve Ordinance Amendment – Chapter 2, Administration, Article XVI. Harrington stated I'll second.** Voss asked any discussion?

Harrington asked if the Cities they looked at that had administrative citations, if there were any pros or cons. McDermott stated the majority of them had noticed the need to prosecute.

Erkel asked if there was a possibility of having community service and would the City might want to keep that in there. Davis responded from the City's perspective, they would hope not as it was a headache to administer and many times, they did not have the skills that were needed.

Erkel asked how the City Council would select a hearing officer. Davis responded they would choose people who probably had a legal background. He indicated they would start with asking the City Attorney for their recommendations.

Erkel asked if they approved this tonight, when would it start. Davis responded the date would be set by the City as to when it would go into effect.

Voss asked if this change needed to be published. Davis responded it had already been published.

Plaisance asked if an amendment to the motion needed to be made setting a date and fee schedule. Davis believed that could be done as a separate motion.

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

**Plaisance stated I'll make a motion to have the administrative citation go into effect when the fee schedule was approved, and a Hearing Officer was selected. Harrington stated I'll second.** Voss asked any discussion? To the motion, all in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

**7.0 B.1 – Engineer Report.**

None.

**7.0 C. –City Attorney**

None.

**7.0 D. – Finance**

None.

**7.0 E. – Public Works**

None.

**7.0 F. – Fire Department**

None.

**7.0 G. – City Administrator Report.**

**7.0G.1 – Set Date for Fall Town Hall Meeting**

Davis stated The Fall Town Hall Meeting has been held since 2005. The meeting is generally held in November and is proposed for a date that doesn't conflict with any other municipal or school district meetings. Staff has reviewed and found there to be no conflicts with the evening meeting schedules for ISD #15 and ISD #831 in November 2019 for the following dates: Tuesday, November 5<sup>th</sup>; Thursday, November 14<sup>th</sup>; Tuesday, November 19<sup>th</sup>; or Thursday, November 21<sup>st</sup>.

This meeting presents an opportunity for residents to express concerns and present questions to City Council, Staff and other Officials in both a formal and informal setting.

We need to set the date for this meeting so we can place the notice in our Fall Newsletter. The newsletter will be sent to the printer on or before August 19, 2019 and be distributed to City residents in the first week of September.

Staff is requesting that City Council set a date in November for the Fall Town Hall Meeting.

Voss noted the 14<sup>th</sup> was a Council night and that date needed to be removed. Erkel stated she preferred the 5<sup>th</sup> to stay away from the holiday.

**Erkel stated I'll make a motion to approve Tuesday, November 5, 2019 for the Fall Town Hall Meeting. Ronning stated I'll second.** Voss asked any discussion? To the motion, all in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

### 7.0G.2 – Fall Recycle Day

Davis stated The City holds two recycling events annually. The schedule includes a spring event in late April and a fall date the third week of September. Historically, the Spring Recycle Day, held at the East Bethel Arena, has a higher turn out and tonnage collection than the Fall event.

A number of recycling opportunities other than Recycle Day have been provided in recent years. The City started monthly events at the East Bethel Recycle Center in 2014. This service offers residents more convenience for recycling and the ability to recycle on a monthly rather than a biannual basis.

The Recycle Center has also added year-round oil recycling, scrap metal, appliance and electronic recycling. These added services, along with increased recycling awareness and education, have provided the City of East Bethel with annual recycling totals that have exceeded goals for the past three years and continues to grow. Also, numerous vendors, including those within the city and in the surrounding communities, are providing recycling services for free and even paying customers for recyclable material. Residents can currently drop off appliances and most electronics for free and can get paid for batteries and scrap metal.

With the increase in opportunities for residents to recycle material more conveniently and at cheaper rates, the number of residents utilizing the two city events has dropped off in recent years. Three of the last four Fall events had low turnout and tonnage collection has ranged from 42% to 76% of the amounts of the Spring dates.

Due to other recycling opportunities, there is a trend of combining of semi-annual recycle days into one annual event. Because of the decrease in tonnage collection at the City of East Bethel's Fall Recycle Day, staff is proposing consideration of consolidation of these two dates into a Spring only event.

Discontinuance of the Fall event would eliminate the need for altered work schedules for City Staff assigned for Fall Recycle Day. This would allow more manpower for the completion of fall projects and eliminates staffing issues the week prior to the event. The East Bethel Royalty and Cedar/East Bethel Lions, who serve at both events, would be able to schedule alternate use of their volunteer time.

All of the costs of these activities are reimbursed by the Anoka County Recycling Grant. Through May 2019, we have collected 560 tons of our County Recycle Goal of 1,276 tons and are on target to exceed our tonnage requirements for 2019.

Staff is requesting that City Council consider eliminating the Fall Recycle Day.

**Harrington stated I'll make a motion to approve eliminating the Fall Recycle Day. Erkel stated I'll second.** Voss asked any discussion? To the motion, all in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

#### **7.0G.3 –City Council Work Meeting, July 29, 2019**

Davis stated due to the need for additional Work Meetings for the 2020 Budget discussions, Staff requests that City Council call a Special Meeting for July 29, 2019 at 7:00 PM at City Hall for the purpose of the 2020 Budget discussion.

A Special Meeting may be called by either the mayor or by any two members.

Staff is requesting a Special be called for July 29, 2019 at 7:00 PM at the East Bethel City Hall to discuss the 2020 City Budget.

**Voss stated I'll make a motion to approve a Special City Council Work Meeting be called for July 29, 2019 at 7:00 PM at the East Bethel City Hall to discuss the 2020 City Budget. Erkel stated I'll second.** Voss asked any discussion? Harrington asked if the meeting could be moved up to 6:30 p.m, instead of 7:00 p.m. Voss responded for consistency it might be better to keep the meeting at 7:00 p.m. To the motion, all in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

#### **7.0G.4 –Discontinuance of City Gopher Bounty**

Davis stated a state law dating back to the first decade of the 20th century allows counties, towns and townships to offer bounties for gopher control. The gopher bounty was originally intended to encourage people to trap gophers to assist in the minimization of nuisance and damage to agricultural activities.

Until 2003, Anoka County reimbursed Cities for this expense but discontinued the practice at that time.

Over the last 5 years, the City has paid out the following amounts for the bounty: 2014 \$39.75; 2015 \$30.75; 2016 \$145.50; 2017 \$186.00; and 2018 \$66.00.

For the current year \$5.25 has been paid to date.

Bounties of \$0.75/pair are paid when trappers bring gopher front feet to City Hall. We require the person requesting the reimbursement to be a resident of East Bethel. The pairs are counted, and a reimbursement request is submitted. The request is presented to City Council for approval and upon that approval, a check is issued for the payment. The City of Oak Grove is the only other City in Anoka County that still pays gopher bounties.

The gopher bounty is not included in our City Code of Ordinances and is not a part of our adopted fee schedule. Absent extensive research, we are unclear when this custom was put into use.

Issues with this outdated tradition are: The receiving, handling and disposal of potential unsanitary animal remains; the potential for exposure to City employees to diseases carried by gophers such as hantavirus, leptospirosis, monkeypox, and certain types of plague; The extremely small number of persons that turn in the gophers to the City (on average, only 2 -3 persons per year collect the bounty); Negligible control of the gopher population with trapping on a limited scale.

Staff is recommending discontinuing the practice of payment for gopher bounties by the City of East Bethel beginning January 1, 2020.

**Erkel stated I'll make a motion to approve discontinuing the practice of payment for gopher bounties by the City of East Bethel beginning January 1, 2020. Plaisance stated I'll second.** Voss asked any discussion? Harrington requested the City notify the two people who participated in the program. To the motion, all in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

## **8.0 – Other Items**

### **8.0 A – Staff Report**

Davis stated the Roads and Planning Commissions meeting for July 9 and 10 have been cancelled and those agendas will be taken up at their August meetings.

### **8.0 B – Council Reports**

Harrington stated Booster Day was next weekend and there were still openings available for the golf tournament.

Erkel stated next Monday was the last meeting for Booster Days. She stated Booster Days was still looking for volunteers.

Plaisance stated he had no report.

Ronning stated the fireworks in Stillwater was very nice.

Voss stated he had no report.

### **8.0 C – Other**

None.

### **8.0 D – Closed Session**

None.

## **9.0 – Adjourn**

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

Meeting adjourned at 8:26 PM.

Submitted by:

Kathy Altman

*TimeSaver Off Site Secretarial, Inc.*