

EAST BETHEL CITY COUNCIL WORK MEETING

March 6, 2023

The East Bethel City Council met on March 6, 2023, at 7:00 p.m. for the regular City Council Work meeting at City Hall.

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

ALSO PRESENT: Jack Davis, City Administrator
 Eric Larson, City Attorney

1.0 – Call to Order

The March 6, 2023, City Council meeting was called to order by Mayor Harrington at 7:00 p.m.

2.0 – Adopt Agenda

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

3.0 – City Attorney Report and Discussion

Davis presented the staff report indicating staff was requested to research items related to the legitimacy of the vote that approved the 2010-2011 City Water and Sewer project; and means by which departing City Councils could be limited to encumbering certain types of debt for capital projects on incoming Councils.

Davis stated this matter has been referred to the City Attorney for opinion on both questions.

Larson summarized his report.

Lewis stated he understood that City Councils cannot tie the hands of future Councils, but could it be accomplished by a citizen referendum. Larson responded he was not able to find any way in which to do so. He noted referendum authority for cities was very limited. He did find that even for the home rule charter cities, that they could, but all of them have been challenged and it was a minefield for challenges. He stated he looked into this and he could not find a solution for further exploration. He noted they might be able to look at additional procedures through an ordinance, but even then that would be easily changed through an ordinance majority vote.

Lewis stated he did not like the conclusion, but he understood the limitations. He indicated it was amazing to him that this was doable and that the citizens did not have any recourse.

4.0 – Ordinance Discussion: Ch. 10, Article V, Farm Animals Amendment

Davis presented the staff report indicating staff was requested by Council to develop a proposal for discussion of amendment to City Ordinance, Chapter 10, Article V, Farm Animals as to the keeping of chickens in platted subdivisions on lots of less than 3 acres and any other concerns with the ordinance.

Davis stated this matter was presented to City Council on February 27, 2023 for discussion. City Councilperson Miller requested the ordinance be reviewed for additional revisions beyond the recommendation of exempting chickens from the animals regulated by the ordinance on lots in platted subdivisions of less than three acres.

Davis requested Council discuss potential revisions to the ordinance and provide direction to staff regarding any proposed changes to City Ordinance, Chapter 10, Article V, Farm Animals.

Smith stated he wanted to add roosters for anyone who is allowed to have chickens.

Mundle noted a lot of other communities did not allow roosters. Smith responded he did not care what the other communities did and people should have the right to have whatever they wanted and roosters were not a big deal.

Harrington stated people can have all of the chickens they want and would Smith take all of the complaints for the roosters who are making noise at 5 a.m. Smith responded he would take all of the complaints.

Mundle noted roosters made noise all day and not just in the morning. Smith stated he did not care. He heard it all of the time and it did not bother him at all.

Mundle stated it might not bother Smith, but it might bother other people and they had to look at this from two viewpoints.

Miller stated with respect to roosters he felt the topic was open to discussion. He believed a 1.5 acre wasn't too light and he would not be opposed to an acre and a half. Davis stated generally in the rural residential subdivisions lot sizes are two acres. They could say in the areas zoned rural residential. Smith agreed this was okay.

Mundle asked if a chicken coop an accessory structure. Davis responded it was not unless it was more than 200 square feet.

Mundle pointed out that it did not specifically state this, which might be a nuance of the wording. He recommended wording such as chicken coops larger than 200 square feet shall be considered an accessory structure and shall meet all accessory structure requirements.

Miller believed they might want to add chicken in front of coops, but coops was self-explanatory. Mundle stated he might have misspoken when he said chicken and they could keep just coops. Davis suggested additional wording which Council agreed on.

Mundle asked on item B why was that being stricken. Miller stated he did not know why people would want chickens inside their home. Mundle agreed but noted people kept all kinds of things inside their homes.

Mundle stated if it was specified here as a rule, there might be a reason why it was put in. Miller stated he had no objection to it being left in.

Mundle stated if they left this in, then it would address the situation if it ever came up. Miller stated they might as well keep it.

Mundle inquired about the complaints. He believed they needed language if there were complaints from neighbors that there was some recourse.

Miller believed if a complaint was filed the Council would need to deal with it, but he believed the neighbors should be able to handle this also. He did not want the City walking on people's property inspecting things. He noted it was one of those areas that they were hoping people who raise chickens are respectful to their neighbors and their neighbors are respectful to them and they can work things out. He understood there might be some complaints but he wanted to believe that the neighbors could deal with it.

Mundle agreed that the neighbors had the best of intentions.

Lewis asked if the City was doing away with permits. Miller responded that was correct. Lewis noted there would then be no permit fees.

Mundle noted with every rule there can always be people who don't follow them. Miller responded there might be and the Council would have to deal with it just like everything else when something was changed. He wanted the people who live in the country and had the space to do it to be able to whatever they wanted with their space and not have to worry about somebody coming behind them. He wanted neighborhoods to be able to handle things themselves.

Davis stated the City has received one or two complaints over the years and have issued four chicken permits since the Ordinance has been adopted. He noted they have issued 12 permits for domestic farm animals, but only 4 exclusive to chickens since 2015.

Lewis stated the issue they were dealing with is, what the balance in government is. He stated they can't mitigate every situation and how did they strike that balance without having an oppressive type of government. He believed if there were going to be complaints about anything it would not be about the manure piles but rather the roosters as they are noisy all day long.

Davis stated the two complaints he remembers were about chickens running loose off the property. He stated he has heard people complain about roosters but they are just doing so in general terms and have never filed an official complaint with the City.

Davis asked for clarification on the acreage for roosters. Miller stated he agreed if someone had 1.5 acres they could have roosters.

Miller did not believe everyone would have 12 chickens once they found out how hard chickens are to take care of. He asked if they should lower this limit. Harrington recommended it remain at 12 as chickens can disappear due to predators.

Davis stated staff will put this on the March 27th City Council agenda.

Harrington asked if this would increase the dangerous dog situation if a dog went after somebody's chickens. Davis responded they did have a hearing regarding a dog killing chickens in which the neighbors settled among themselves.

Harrington stated he did not want to run into this type of a situation. Davis noted as long as chickens and dogs are next to each other there will always be a problem. He indicated if people kept their dogs and chickens under control there would be no issues.

5.0 – Code Enforcement Report and Discussion

Davis summarized staff's report updating Council on the status of the City's Code Enforcement cases including the following: 181 Bryant Lane, 4631 Viking Boulevard, 3320 212th Avenue, 19419 E. Tri Oak Circle, 3233 227th Lane, 22879 Staples Street, and 726 192nd Avenue.

Davis noted the resolved Code Enforcement cases for 2022.

Smith stated he was still looking at the paperwork he received on the Murphy matter. He noted he had a call into the MPCA on the septic system and was waiting to hear back from them. He indicated he did not know the property owner personally but he would get to know her once he received the information. Lewis believed this should be resolvable.

Davis noted staff was trying to work with the owners on some of these prior to it going into the legal process.

Davis stated code enforcement was one of the hardest things staff dealt with and his goal was to work with people to try and get it resolved. He indicated the last thing they wanted to do was to go to Court as it took an inordinate amount of time and money to do this. He noted for the most part, most residents that have code violations were cooperative wanted to work with the City to resolve the matters.

6.0 – Adjourn

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

Meeting adjourned at 8:04 p.m.

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.