

EAST BETHEL CITY COUNCIL MEETING

March 13, 2023

The East Bethel City Council met on March 13, 2023, at 7:00 p.m. for the regular City Council 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
 Aaron Berg, Interim Community Development Director

1.0 Call to Order

The March 13, 2023, City Council meeting was called to order by Mayor Harrington 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. 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.**

4.0 Presentations and Public Hearings

4.0 A Public Hearing: Ordinance Amendment – Ch. 2, Art. IV, Sec. 2-71 and Ch. 1, Sec. 1-2

Davis stated this item was introduced and discussed at the February 6, 2023 City Council Work Meeting. The discussion focused on the need to clarify the selection procedure of the City Code for Boards, Committees and Commissions and provide remedies to those situations in which Council does not confirm recommendations of appointment. This item was referred to the February 27, 2023 City Council Meeting for further discussion but was tabled to finalize a definition of "resident" for inclusion as an amendment to Chapter 1, Section 1-2. The addition of an Affidavit of Residency was added to address these concerns.

Davis indicated the only outstanding issue in the definition discussion is the days required to determine residency. The current proposal is the 183-day rule as used as a requirement of the Minnesota Department of Revenue.

Davis requested that City Council conduct a public hearing at the March 13, 2023 City Council meeting to amend City Code, Chapter 2, Article IV, Section 2-71 and Chapter 1, Section 1-2. At the conclusion of the hearing, Council is requested to consider amending the Ordinance regulating boards, committees, and commissions (Section 2-71) and Definitions and Rules of Construction (Sec. 1-2), Ordinance 2023-01 with changes, if any, to the days required to define residency.

Lewis expressed his disappointment with him showing up at the meeting tonight and getting information he had never seen before. He believed there was plenty of time to get the information to the Council. He asked why changes were still being made at the last minute. Davis responded these were items he sent out Friday afternoon after the packet went out as staff had just received the changes.

Lewis stated he never received this information before and did not get any email. Davis stated this was a compilation of what the City Attorney recommended.

Lewis noted the changes made to Item 3 was exactly what he wanted to avoid. He stated he was getting angry and asked staff to quit making changes and to get this into a final form to the Council.

Lewis stated I'll make a motion to table this item. Smith 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.**

4.0 B Potentially Dangerous Dog Hearing

Davis stated that the request for the hearing relates to a bite injury incident that occurred on December 14, 2022. The Anoka County Sheriff's office reported that a German Shepherd dog owned by Steven Grubb was involved in a bite incident with Angel Nohre at 3538 228th Ave NE.

Davis indicated since the matter was apparently unprovoked, off of the owner's property, and not under the physical control by the owner, a Potentially Dangerous Dog notice was issued by the Anoka County Deputy reporting this incident and confirmed by the City Administrator. Mr. Grubb's dog was not licensed at the time of the bite and remains unlicensed as of March 9, 2023.

Davis explained what a potentially dangerous dog meant.

Davis stated pursuant to City Code Chapter 10, Article II, Dogs, Section 10-72, an animal owner is allowed to contest the potentially dangerous dog determination. In this case, Steven Grubb, the animal's owner, has requested a hearing.

Davis outlined the options the City Council had regarding this matter.

Davis outlined the requirements for maintaining the animal should the potentially dangerous dog determination be sustained per City Code.

Davis recommended that City Council conduct a hearing relating to the potentially dangerous dog determination and issue a decision regarding this incident pursuant to City Code Chapter 10, Animals, Article II, Dogs, Division 3 and any requirements for the keeping of the dog should the determination be sustained or modified.

Harrington opened the public hearing at 7:07 p.m.

Steve Grubb, 22701 East Bethel Boulevard, owner of the dog. He noted his dog was a 2 year old puppy and he was willing to comply with whatever rules and regulations the Council wanted. He stated his main issue was that everything said "unprovoked". He stated this was not unprovoked. He indicated his dog escaped from his son trying to clip him onto the chain they have and there was a coyote in the yard and his dog thought that it needed to protect his son and ran off towards the coyote. In doing so, his dog was bit in the nose and she ran towards the neighbor's yard. He stated the neighbor saw his dog and yelled, "Hey, hey, hey" and reached for her. He stated if someone yelled "hey, hey, hey", and reached for his neck he would bite them. He indicated thankfully this was just a nip on the hand and there was no skin broken. He stated the moment the neighbor yelled "Owe!" his dog got to the ground and started whining, which allowed the neighbor to grab the collar and saw the name tag on the dog. He stated all of this was told to the Deputy. He indicated he complied with everything and he was very apologetic and said he would pay for any medical bills. He was told there was no medical bills and the neighbor understands that this was a bite by a puppy. He stated his dog was not a potentially dangerous animal. He stated his dog was the future mother of police canines. He indicated he went through a breeder in Wisconsin and all of her puppies went to police and military units. The requested the Council not kill his dog. He stated he has put her

through a lot of training and they have complied with every rule. He noted they have a kennel and they have a muzzle for her. He asked the Council to not take the dog away from his children.

Mundle asked if the dog was licensed in the City. Mr. Grubb responded he was not aware that was a City Ordinance, but he would do that if required.

Davis noted Mr. Grubb had furnished vaccination records for the dog.

Nick Laudise, homeowner where the incident happened and the boyfriend of Angel Nohre who was the one bitten. He stated this was an unprovoked attack. He noted Angel was shoveling snow. She did not yell at the dog until the dog came up and physically bit her at which time she yelled for the dogs to go home. He indicated neither dog had collars on at the time. He stated he had a video of this. He stated he did not want the dog to be put down, but Mr. Grubb needed to have control of his dog if she was going to be dangerous and biting people.

Lewis asked him what he would do. Mr. Laudise responded if it were him and if the dog were his, he would have put it down as the dog should never bite anyone, even if it gets loose. He stated he would not take the risk of it potentially getting out and doing this again. He asked if the dog would have a muzzle on 100 percent of the time while it was out.

Lewis noted it appeared this seemed to be mostly a control issue.

Mr. Grubb stated he was unaware that this happened to his neighbor's girlfriend. He stated the police office asked him not to contact anyone involved out of respect so he was unaware who it was. He stated he did not recognize the name. He indicated he had offered to cover any medical costs and was told there was no medical costs. He stated his dogs always wore collars and they were never taken off.

Harrington closed the public hearing at 7:14 p.m.

Lewis believed this was a control issue. He stated Mr. Grubb needed to get the dog licensed with the City. He asked if Mr. Grubb would be willing to agree to certain stipulations such as not giving his children responsibility for hooking up the dog to the chain to make sure they are properly hooked up. Mr. Grubb said he would.

Mundle noted they could ask staff, but he did not know if they can make that a legal stipulation. Lewis stated he understood they had items 1 through 8. He stated it was not constructive that Mundle disagreed with everything someone said.

Mundle stated he was not disagreeing, but these were things they can impose. Mundle noted the items that would work for this situation. Lewis did not believe some of the items would work with coyotes. He stated they could do all kinds of things, but what did Mundle recommend they do. He believed the Council was in agreement that they did not want to destroy the dog.

Mundle noted in the past if there were no marks left from the nip, past Councils have dropped the dangerous dog recommendation; others have instituted a couple recommendations and then those recommendations are held for approximately one year which after that time staff reviews and if no further incidences have occurred, then the dangerous dog label is removed. He stated in this case if they don't stipulate anything and it is dropped, this dog will still be on file for a year so there is a record of this incident happening in case of another incident with this dog. He stated with respect to this particular dog, if Council chooses to proceed with the dangerous dog title, he recommended numbers 1, 2, 3, 5, 6, and 7.

Mundle stated I'll make a motion to uphold the potentially dangerous dog title for one year with items 1, 2, 3, 5, 6, and 7. Lewis stated I'll second. Harrington asked any discussion?

Lewis believed this was overkill, but he would support it.

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

5.0 Public Forum

Joan Havrish asked if any thoughts have been given for a pool at the Ice Arena area. She noted there were a lot of new families with children and a pool would be amazing. She indicated Seniors would be able to do exercises also. She noted the area could be used for something more than just an ice arena. She believed this was a good area for a pool. She welcomed the new Council. Harrington requested staff forward this suggestion to the Parks Commission.

Janet Grothe, thanked the City for not having people give their addresses at the Public Forum. She stated she appreciated that and she did not understand why they had to be published in the Meeting Minutes. She stated if the City needed it, that was fine. Mundle responded it was a matter of public record and it has always been done.

Janet Grothe, asked if this was necessary. Harrington asked if they needed to have the address. Davis stated anyone can look up an address, but if this was a preference, it could be omitted.

Janet Grothe responded she would appreciate it. She noted if things got controversial sometimes, she didn't want addresses published in the Minutes.

Janet Grothe noted the City Council meeting nights are the same nights as the School Board meetings. She stated if someone wanted to get involved in both, they were forced to choose one. She asked if this could be changed.

Janet Grothe stated plowing for her street has been very good and she appreciated the City's efforts.

Janet Grothe stated at the last Public Forum she did not appreciate Mr. Krepis making it sound like some Councilmembers were invading a private business by visiting it. She noted this business was not just a private business; it was a business the City used to contract with and gave a license for so the taxpayers were funding this. She noted a lot of people had complaints and the former Council did not listen to the residents so two of the Councilmembers did take the time to listen and follow-up on resident's concerns. She wanted to make it clear that this was not just any business they were going to and the business they went to was a business who had big concerns that the Council and Mayor were ignoring and she believed those Councilmembers were being responsible in listening to the residents. She appreciated that.

Janet Grothe appreciated that the Public Forum was not at the beginning and that it was recorded. She appreciated the new Councilmember's fresh outlooks and considerations of things that have always been done the way they have been done.

Suzanne Erkel stated she was here to put the whole censorship thing to rest. She noted something happened years ago and people still wanted to bring it up. She stated she was never trained or mentored that she could not do it. She noted she went to the League of Minnesota Cities and they never said anything about it. She stated her side of the story never got told and when she tried to tell it, she was interrupted and not allowed to explain it.

Ms. Erkel stated she went there because they had dozens of complaints over and over at the Open Forum but the City kept saying they had not received any complaints. She indicated this did not make

sense when people were complaining at the Public Forum but nothing was being done. She stated she went there and she had asked for Jim Smith to attend because while she had OSHA experience she did not know the construction side of things and she wanted his professional opinion.

Ms. Erkel stated she called for a CSO and she did not ask for 2 officers, but her friend who was an officer came and he apologized to her. She wished she would have insisted that apology be made in the public because maybe things would have been different. She noted her plan was to go knock on her door and she asked for an officer because she knew she had a conceal and carry and she saw her reach back and tap her weapon once when somebody said something she didn't like to her. Another resident told her that she did that to them also.

Ms. Erkel stated she did not believe she would have attacked her, but there was a possibility that her gun could have accidentally went off and that was the reason she asked for a CSO officer.

Ms. Erkel stated she left there and she never left the easement. She noted the officer was in front of her and she never got to talk to her or say anything because the other officer meddled where she should not have. She stated the IUP said a City official could go there and that was her interpretation. She indicated she knew the IUP has been changed since then.

Ms. Erkel stated when she listed to the previous Mayor Voss and other Councilmembers always talking about people they spoke to and places they went to see, why she could not think she could do this.

Ms. Erkel indicated in the past couple of meetings she has been taken out of context by Mr. and Mrs. Krepis; she has been misrepresented and derogatory comments have been made. She stated she had never said she went to inspect and there were a bunch of other things she has been taken out of context. She stated people should not read the Minutes; they should watch the video because the Minutes are an abbreviation of what was said.

Ms. Erkel thanked the Council with their bold moves and a lot of residents have called her and told her the Council has been doing a good job.

Gayle Murphy handed out documents to Council and the City Attorney. Ms. Murphy stated she was very upset and frustrated by the misconception, false, and misleading information that is continuing to be perpetuated in regard to her situation involving her property.

Ms. Murphy stated the damage, defamation of character, and the dragging on of the situation is outrageous and it should not ever gotten to this point for this length of time.

Ms. Murphy stated in 2015, this situation began and with any Ordinance violation they had a right to an appeal hearing of which she requested within ten days of when it happened. Immediately, she knew there were issues with the citation issued. She indicated she was never given a hearing in the entire 8 years.

Ms. Murphy noted this came about from her trying to get a hearing to her ignoring the situation and the Council. However, three weeks prior to receiving the citations, she had been in and had spoken with Mr. Schmidt and three weeks following that she was issued 11 criminal counts for issues that were closed in the City record.

Ms. Murphy pointed out that in the packet she gave Council there was a report that showed the citations she was issued were closed. She stated this progressed forward and she went to Court where it was alleged that it was dismissed because it was beyond the Statute of Limitations. She stated this was not true and pointed out that the first document on the cover page in the packet she gave Council, it spoke about why it was dismissed and it said it was "in the interest of justice." She

noted the Statute of Limitations was already expired prior to them charging her. She noted the date of the offense was February 6, 2015 and when the citation was issued they created a date of December 8, 2017.

Lewis asked if this was currently being litigated and in Court. Ms. Murphy responded no, it wasn't. Lewis asked when she asked for a hearing was she told why they didn't give her one. Ms. Murphy responded no. She noted there was one point in time where she went to a Town Hall meeting and had brought it up publicly and later Jack had said because they didn't ask for it, there was an error in the request. She noted this was months and months after the request.

Lewis stated this was why he has been advocating for a special master to review all of the details. He indicated the Council was not set up to do this. Ms. Murphy stated she understood that.

Lewis did not think Ms. Murphy would get a proper hearing and come to a resolution. Ms. Murphy stated she wanted to bring up a few points because she did not believe that this Council had heard them.

Lewis noted this was the problem. He stated he was familiar with her case and several others like it and they swirled around because there was nobody defining the boundaries and they just had to whittle it down until they get some nugget. Ms. Murphy responded that was exactly the issue and it needed to stop. She noted this has a 3 year Statute of Limitations and they can pick a date of whether it is the fake date of December 8, 2017. She noted this situation was dismissed and if they look into what it means it's not because of the Statute of Limitations as it was already beyond the Statute of Limitations. At the point when it was dismissed, there was 2 years and 8 days had passed and that would still have allowed time for it, but they dismissed it because it was going to go to Court and at that point in time, all of that information would have come out. She believed that is why they have been avoiding a hearing because this information and details will come out.

Ms. Murphy requested the Council look through the documents she gave them. She noted when the issue was dismissed in 2019 that should have been the end of it and it should not have been started up again. She indicated when a Statute of Limitations was over, it was done.

Ms. Murphy stated after the inspection, none of them warrant or support what is being asked of her at this time. She indicated this caused her family extreme emotional and financial distress because of this.

Lewis asked if Ms. Murphy wanted to get this resolved and what in her opinion did the City need to do. Ms. Murphy responded this should be over.

Lewis asked again what the City needed to do other than forget about everything. Ms. Murphy responded this needed to be dropped as there was no basis. She noted the City had to follow the law and act lawfully and there were Statutes of Limitations for a reason.

Ms. Murphy noted this summer they conducted an inspection which lasted 18 minutes and there were allegations made that there was such heavy contents in her house that they were unable to fulfill the inspection, but she believed that was untrue.

Ms. Murphy stated the reason she was here and absolutely dumbfounded was because it was ridiculous this type of thing was happening and it should not happen to her or anyone who lived in the City. She noted Jack gave her an entire list of things and then there was the implication that she hadn't responded, but she had responded with a letter which stated she was contesting and objecting to the things being requested of her and she stated why. She noted Jack stated everything from here forward before this was being based on his decision so she asked him to clarify what it was

he wanted her to do and why. She read from a document as to what Davis had written to her regarding the recent inspection. She noted in Mr. Schrader's report it did note most of what Davis was talking about and if Council looked at the search warrant, they spoke about looking for work done without a permit and not to Code. She stated on that report, it did not say anything about work done without a permit. She stated her railing had been repaired, but she continued to receive documents from the City that if she did not comply she would have additional citations issued.

Lewis stated the last thing he heard from Davis was that if she had a proper inspection of her septic system and pay the permit fees without penalties for any work that has been done, the City will call it good. Ms. Murphy stated she had not received anything like that.

Davis stated in corresponding emails to Ms. Murphy that was the offer made to her, which was after the document she was reading from. He stated he would get Ms. Murphy those emails if she did not receive them.

Lewis believed this would be Ms. Murphy's best option. Ms. Murphy stated she fought this out of principal for 8 years and at this point if the City was asking for a lot of things and wanting to rip open her walls without proof.

Lewis noted it was difficult for the Council have this river of information come to them and it was not easy for them to solve it out and pull it together. Ms. Murphy asked what she was supposed to do.

Lewis stated they can't get back to 2015 and start life over and they can't bury themselves in he said/she said stuff that goes into an endless circle. He asked the City Attorney how they defined the reality and other stuff that was not important.

Ms. Murphy stated at the last Council meeting things were said that were untrue. Lewis stated they would be getting to stuff like this in a few minutes as to how things are represented in the City.

Ms. Murphy asked how they had a City Administrator who did this. Lewis noted this was he/said, she/said and he had seen the latest offer Davis had shown to him which was real and he thought it was a reasonable solution. He stated he was advocating for her but there had to be a meeting place somewhere.

Ms. Murphy stated she felt she was being called out. Lewis responded he was trying to figure out how to help her.

Ms. Murphy stated she has been stuck with this for 8 years and the new Council has only been dealing with it for a couple of months and very minimal. Lewis stated he wanted to resolve things and dragging this on forever was pointless.

Lewis believed some people misbehaved towards her in the past, but whether it was Davis or not he did not know. However, this was unfortunate and they needed to move forward.

Ms. Murphy asked if they didn't have to hold their people accountable when these things happened. Lewis stated if everyone sought revenge for ever wrong done, they would never end up living their life but would end up living every wrong done. He stated she had a life to live, or she could worry about everything anyone ever said to her.

Ms. Murphy stated that was not where she was at, but she wanted these past 8 years to matter and at the end of it, there was something that would prevent someone else from going through what she has had to go through. Lewis stated he did not want to see the residents abused by the City.

Ms. Murphy stated this will happen again if people are not held accountable if they don't identify where the mistakes and abuses of power happen. Lewis stated she seemed very concerned with retribution.

Mundle noted they were far over 3 minutes and this would not be solved right now. He offered a future suggestion could be that Davis look into getting an arbitrator of this. Ms. Murphy stated she wanted it dropped now and requested the Council review the documents she handed out tonight before saying anything further.

Lewis stated he had also received a packet from Christine Dahlman with Ms. Murphy's information also. He stated they had to get an arbitrator involved in this who didn't have a vested interest and only looked at the facts and information. Mundle agreed this would be a good opportunity for evidence to be heard and facts brought forth. He noted this would not get solved right tonight.

Ms. Murphy stated she was under the impression there was an Ordinance that allowed for hearings. She did not understand why she has been abandoned by certain Councilmembers when she has asked for a hearing, but now she is getting sent to somebody else when she has been waiting for 8 years for an opportunity to present this.

Lewis noted an arbitrator was better than having a hearing as it was focused on resolving the matter. Ms. Murphy stated she needed time to look into this.

Lewis stated they needed time to identify such a party and make a recommendation to her. Ms. Murphy believed there was an Ordinance in place to do this.

Lewis stated the Ordinance has been there the entire time and had it done the job. Ms. Murphy stated it had yet to happen.

Lewis asked if the Ordinance did anything for her the past 8 years. Ms. Murphy asked if it was in the Ordinance and she has applied for a hearing multiple times, she thought it would happen.

Lewis noted they were trying to come up with an alternative for Ms. Murphy.

Harrington stated Ms. Murphy's three minutes were up a while ago and Council was going to move on.

Mundle asked staff to contact the previous individual the City has used who is independent and who will review everything. He noted this person has no association with the City and this person would get paid no matter what decision he came up with. Lewis suggested using this person for other cases also.

Davis noted this is called an Administrative Hearing and the hearings officer they used was an attorney out of Coon Rapids.

Christine Dahlman stated when Gayle Murphy came up here, the audio was shut off and now that Ms. Murphy was done speaking that audio person can turn it back on. Harrington stated if it was shut off, they can get it back.

Ms. Dahlman stated she found it interesting that it shut down for Ms. Murphy. Harrington stated they have had problems with audio before.

Ms. Dahlman stated she was well aware of things not being recorded in this City and she found it troubling that for Ms. Murphy it was shut off. Lewis acknowledged that was troubling.

Ms. Dahlman stated the reason she was here was that she brought up at the last meeting that the Council was in violation of the Open Meeting Law and have been for quite some time. She asked if

the packet was a public packet. She stated she has been to several Council meetings where she wanted to look at a packet and no public packet was made available. She indicated they had to have a public packet available at every Council meeting and she expected that to get corrected. She stated she could sue the City for every offense that has occurred in the amount of \$300 but that was not her intention. She stated she wanted to see Davis do a competent job.

Ms. Dahlman stated she watched the Council's Work Meeting and she did not understand why Davis refused to tell the truth but he doesn't. She noted Davis had stated there were no rails or guards up or down. She showed the pictures from the inspector. Davis stated there were no rails when it was first inspected and that was his statement. He indicated the rails in the pictures did not meet Code.

Ms. Dahlman stated the house did not need to meet Code and that was not the way Davis said this at the meeting where he said there were no rails or guards. Davis stated the rails he referenced were from 2015 and not from later. He stated when he was called a liar, he would defend himself.

Ms. Dahlman stated Davis did not tell the entire truth or that it was from the 2022 inspection. She stated she also questioned why the inspector's photos were not dated. She asked who told Mr. Schrader that this property was not currently being rented. She noted Ms. Murphy had not said that and it was not on the body cam footage that she did say it, but they did have an email to Schrader from Davis who asked if they could get together as things had to be added.

Ms. Dahlman believed the intention of the City was to tear down Ms. Murphy's home due to the condition of the dwelling. She noted some IUP/CUPs were being filed with the County and some not as she went to the County to research this. She noted there was a resident who lives on East Shore Lake Drive who put up a shed where it should not have been put and the inspector told him to take it down and remove the electric, but that person did not do anything and then two years later he got a variance to keep it. She indicated the City picked and chose who had to follow the rules.

Lewis asked when this happened. Ms. Dahlman responded in 2022. She questioned documents either being created or destroyed.

Lewis stated he wanted to find a manner in which to deal with items and get them resolved rather than an endless river to "stuff".

Ms. Dahlman asked where all of the roads pointed back to. Lewis stated he didn't know. Ms. Dahlman responded they all pointed back to Davis.

Lewis stated Council wanted to seek resolution to situations. Ms. Dahlman stated with respect to Ms. Murphy she understood why she was hesitant to proceed with an independent person as it was supposed to be an independent inspector also.

Glenn Terry asked what happened with the public hearing. Harrington stated it was tabled and it would be brought up at the next meeting.

Mr. Terry stated there appeared to be antagonistic attitude toward Commissions and Commission members by Lewis unnecessarily refusing unanimous votes to recommend a person to fill a vacancy. He stated there was a lot of disrespect shown at a previous meeting towards the Commissions also. He stated this was exasperated at the last Planning meeting when they had a vote for who would replace Ms. Krepis. They interviewed 2 applicants and after they unanimously chose Ms. McLaurin to fill the seat but upon his recommendation they waited because the third applicant was not there until the end of the meeting but he did not show up. He stated the other applicant interviewed had strong presence and good background, but he thought his experience was suited for the EDA rather than the Planning Commission. He noted this person was more of a data analysis person and social media was

his expertise. He stated there were some bias he did not think would serve well with the public on a broad range of issues, so his vote was for someone who had experience, had good relationships with people, and had been on both Council and Planning.

Mr. Terry noted the reason he was bringing this up was because during the two previous situations where recommendations were made they had been totally dismissed by a majority of the Council. He stated his point was that after they announced the vote for Ms. McLaurin, the Council Liaison Lewis walked out. He noted the Council Liaison's job was the next thing on the agenda which was the Council report. He asked if somebody has a disrespectful attitude and is unwilling to fulfill their duty as liaison, would the Commission have somebody else that will give the report which was their job.

Lewis asked if he watched the Council meetings. Terry responded he tended not to.

Lewis stated the City spends thousands and hundreds of thousands of dollars for the media center. He stated he was not going to give any more Council reports to the Planning Commission and he shouldn't have to as the Commissioners should watch the City Council meeting to find out what the Council was doing. He stated it didn't make any sense as to why he needed to give a Council report. He understood what Mr. Terry was saying but he did not feel personally responsible for accounting about his health to him. He noted he did not feel well and he believed he left before the vote was held. However, he did not think he had to give an accounting of his behavior to Mr. Terry.

Mr. Terry responded he didn't have to answer to him personally but to the entire Commission. Lewis stated this wasn't a matter of disrespect. It would have been a matter of disrespect if he had stayed in the room and threw up on the floor.

Mr. Terry responded that was a convenient excuse but he stayed for the entire interview. Lewis stated he was still recovering from what he had.

Mr. Terry noted Lewis didn't even say he had to leave. Lewis stated he did not want to open his mouth when he was in the room. Mr. Terry understood what he was saying, but what he said did not comport with it.

Lewis stated he didn't care if he interpreted it the same way or saw the same thing. He stated Mr. Terry saw what he saw, and he saw what he saw. He stated he respected Mr. Terry as a citizen and as a member of the Planning Commission, but he was not accountable to him and Mr. Terry was not accountable to him.

Mr. Terry stated Lewis just confirmed the bias he was talking about. He noted Lewis didn't intend to do a Council report. Lewis stated it was redundant and if he gave a report the Commission was at the mercy of him leaving things out because he might not remember everything.

Mr. Terry stated the report is not just to reiterate what went on at Council, but Lewis was the liaison and that was his opportunity to communicate with the Commission and if they have questions for him, which they might have based on a previous Council meeting.

Lewis stated he would ask the Commissioners if anyone had any questions. Mr. Terry recommended a Councilmember be appointed who would actually show the Commission the respect and do the job that the liaison does.

Lewis stated he believed there might be some interesting developments coming up for the Commissions if the Open Forum ever gets closed.

Mr. Terry responded he wouldn't be surprised and that was part of what he wanted to address. He read from the Ordinance where it said that a Commissioner could be removed from the Council by a majority vote of the Council.

Lewis noted that had been in the Ordinance previously. Mr. Terry recommended this be a unanimous vote of the Council.

Lewis responded no. Mr. Terry asked if Council would hear his reason for this. Lewis responded he knew exactly what his reason was to make a super majority so it was more difficult to be removed.

Mr. Terry stated that was not his reason, but rather a person gets removed when they do some egregious act so that everyone can agree that the person can be removed.

Lewis asked when the last time was the Council removed a member of the Planning Commission. Mr. Terry responded it was Jim Smith. He asked if it was right for people who had a certain agenda to remove somebody. Lewis responded that was why there were elections.

Mr. Terry stated Lewis had stated that he had a 3-2 majority on the Council. Lewis responded it didn't matter whether he stated it or not, it was a simple fact.

Mr. Terry stated in Planning they have 7 individuals and they don't have a majority of anything because they listen to each case on its merits. Lewis stated he has been watching the Planning Commission for a while and as he expressed at an earlier meeting, when he saw Elevage come back in a totally transformed nature, nobody thought to ask the question about traffic impact.

Mr. Terry responded that was because the Roads Committee is who dealt with that. Lewis responded that was a poorly done study to begin with as it was too narrowly focused and didn't include impacts on Crosstown and on Viking. It was a rotten traffic study to start with and the person who brought it up the year before was Suzanne Erkel at the Council level. He stated when the Commission didn't even address the most basic thing, it made him wonder what the Commission was focused on. Was it just saying that whatever Davis wants is what they will approve?

Mr. Terry stated this was projection on Lewis' part. Lewis responded Mr. Terry's speech so far was projection.

Mr. Terry asked for an example. Mundle noted they had gone over three minutes and it was time to move on. He thanked Mr. Terry for his remarks.

6.0 Consent Agenda

Item A: Approve Bills

~~Item B: Approve Meeting Minutes February 27, 2023 City Council Meeting~~

~~Item C: Approve of the Hire of the Community Development Director~~

~~Item D: Appointment of Planning Commission Member~~

Mundle stated I'll make a motion to approve the Consent Agenda. Harrington stated I'll second. Harrington asked any discussion? Smith requested to pull Items C and D. Miller requested to pull Item B. To the motion as amended, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes as amended. **Motion passes unanimously.**

6.0 B Approve Meeting Minutes February 27, 2023 City Council Meeting

Miller asked if the public was notified of the quorum prior to the meeting. Davis stated there is a notice posted that if there is a quorum of Commission members those people were only there as

private citizens and they cannot conduct any business with each other or act as a representative of that Board or authority.

Miller asked when that notice was posted. Davis responded it went up on the day of the meeting.

Miller asked the City Attorney when there was a meeting that was a public meeting such as a City Council meeting, with a regular published agenda a quorum existed in the room that night which was called out by Davis and he assumed this was done in an attempt to at least make aware to the people that were here from that Committee that this situation existed. However, even after that was said, that quorum went on to openly discuss City business, Council business, and even went as far as asking for reinstatement of a Commission member was that a violation of Open Meeting laws.

Larson responded he did not see or hear of any violation of Open Meeting laws during that Council meeting. He noted what was important was that the residents and citizens of the State of Minnesota were informed that a public body was meeting and engaged in official business and was able to be present and witness that official business and that was the City Council. He noted there are other Committees, Commissions, and groups such as the Planning Commission that if there are residents who wish to appear in their individual resident capacity and have the right by constitution and statute to have their views heard in that capacity can do so and they are not prohibited due to any quorum. He noted the idea behind a quorum is to insure that for public business the public is informed that public business is going on. He stated those individuals as the City Administrator noted there could possibly be more than or at the quorum of those various committees and he wanted to make it very clear as a matter of law that those individuals were not meeting in their official committee position but they were here as they have every right to be as residents and citizens.

Miller asked Larson to check into Statute 13D.04 Public Hearing notices. Larson responded he would.

Miller stated he wanted clarification on this as what he was hearing did not match up with the State Statute. Larson responded he had read the State Statute, but he would re-read it.

Miller asked if it was feasible to think that someone could speak as a resident while they are on a committee, but at the same time discuss City business. He asked if someone was at a public event and they ran into members of their committee and they weren't talking about anything, but the minute that changed to talking about City business would that be a violation. Larson responded if there was a quorum they should not be talking without a duly noticed public meeting.

Miller stated he did not understand the difference. Larson responded that was a duly noticed public meeting.

Miller asked if it was a public meeting for Council. Larson responded that was correct. Lewis stated this was not for the Planning Commission.

Larson responded they had First Amendment rights to talk about whatever they want before this body and they cannot be muzzled, chained, or limited with respect to their subject matter. Miller stated he wasn't talking about taking away anybody's First Amendment rights, but his question was if they speak as a private resident, he didn't understand the difference between it and they can come to the Council and say they are on a Committee and say they don't like something. Larson responded they can say that.

Miller stated I'll make a motion to approve Item B of the Consent Agenda. Mundle 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.**

6.0 C Approval of the Hire of the Community Development Director

Smith stated he wanted this tabled.

Smith stated I'll make a motion to table Item 6.0 C of the Consent Agenda. Lewis stated I'll second. Harrington asked any discussion?

Mundle asked why this was being tabled. Lewis responded first of all, he owed an apology to Davis at the beginning of this meeting. He stated it was this issue that aggravated him and on top of it to get the last minute piece of information and he just snapped.

Lewis stated he was a member of the Personnel Committee and he was in the interview. He stated he liked Berg as a person but he was unhappy as to how this has been handled. He noted in business he hired people and if they didn't get enough applicants with the appropriate qualifications they didn't do the same think over and over again but they expanded their search. He stated he went to an interview with one person and there was no choice, but it instead it was Davis's choice.

Lewis stated he liked and respected the work Berg has done for the City of Cambridge, but he felt as if he was being manipulated into a choice while being told he was being given a choice, but he didn't feel as if there was any choice at all. He stated Berg was on the City Council of Cambridge and he still had questions about conflicts of interest, whether Davis wanted to dismiss them or not.

Lewis noted Berg was hired as a Planning Intern in June and by July he was the City Planner and now six or seven months later and now he is supposed to be the Community Development Director. He stated for one thing the City Code did not provide for a City Economic Development Director, but it rather provided for two functions under the Community Development Department, which was the City Planner, Chapter 2, Article 6, division 6, Community Development Department, a Planning Division, and an Inspection Ordinance Enforcement Division.

Lewis stated he liked Berg, he was a bright man, and had an interesting background but he believed he needed more seasoning in working with a staff to handle planning related and enforcement related issues. He noted this was his personal experience with much of his business experience being in senior management. He believed this was disrespectful to Berg to have the situation manipulated as though he wouldn't earn the job on his own and it had to be manipulated for him. He stated he did not like this and it was not the way it should be. He believed they needed to table this for now and reinstate the search. He stated a salary that paid \$80,000 to \$100,000 should attract a lot of attention, but when they are only advertising in a local newspaper, or on the City website, or reader board, or on the for jobs page on the League of Minnesota Cities website, that was not "fishing in the ocean." He believed this needed to be expanded and one more broadly. He stated what they wanted was a diversity of people and not the same rehash approach. He believed they had questions that had to be addressed and he did not believe the process had been conducted properly yet.

Lewis noted their job was to do due diligence on behalf of the City residents and when they want to do due diligence it required good information. He believed the process had been truncated and he wanted to see it done better.

To the motion, all in favor say aye. **All in favor - Lewis, Miller, and Smith.** Harrington asked any opposed? **Harrington and Mundle.** That motion passes. **Motion passes 3-2.**

Davis asked if Council wanted to see this re-advertised. Lewis responded yes, but to broaden it out. He noted the channels have been very narrow and if he needed to talk to a consultant, Davis should do that. He believed in a cynical view, he did not think Davis wanted more applicants and he already had his mind made up.

Davis responded no, and they had three applicants but two of them withdrew at the last moment. Lewis stated he wanted this to be more broadly put out there. He stated this was not about Berg, but it was about the process.

6.0 D Appointment of Planning Commission Member

Smith stated there was no page number for this and asked why. Davis responded it must have been missed when the packet was prepared. It was in the Consent Agenda, but he could not tell him why the page number was omitted.

Smith asked wasn't this type of an item a stand-alone item. Davis responded no, they are always put under the Consent Agenda and that was why Council could pull and discuss them.

Smith stated I'll make a motion to send this back to the Planning Commission for interviewing additional people for the position. Miller stated I'll second. Harrington asked any discussion?

Harrington noted they only had two people who signed up for the Planning Commission. Smith stated this was his opinion, but when they watched the interviews the other candidate had it over all of it as he had a vision for the City and he had some good ideas. He indicated this was not a go along, get along type of a thing.

Harrington noted the other person who ran is on two Boards of Directors for the City, she was on the Planning Commission, she was on the EDA, and she had worked for 2 Fortune 500 companies and Smith was telling him that Joe is better than her – he did not think so. Smith stated that was his opinion. Lewis stated of course it was his opinion.

Harrington stated they were always asking for somebody good and this was somebody good. Smith stated that was his opinion and it was not his.

To the motion, all in favor say aye. **All in favor – Miller, Lewis, and Smith.** Harrington asked any opposed? **Harrington and Mundle.** That motion passes. **Motion passes 3-2.**

7.0 New Business. Commission, Association, and Task Force Reports

7.0 A Planning Commission

7.0 A.1 Concept Plan: A-Blast Inc., 21473 Johnson St NE

Berg stated Classic Construction, INC., on behalf of R. Family Holding, LLC, has submitted a concept plan application for an expansion to A-Blast, INC., located at 21473 Johnson St NE. In addition to A-Blast, INC. R. Family Holding, LLC. owns Coriecity Coatings, currently operating in Elk River. The concept plan consists of the adding an 80' X 58'8" addition to the existing building. The proposed addition would house a powder coating booth, a powder coating oven and additional internal storage.

Berg indicated the property is zoned B-3 – Highway Commercial Business, which allows uses associated with general retail shopping. A-Blast, INC. was and is permitted to operate by Conditional Use Permit 2004-0015, approved on November 17th, 2004.

Berg noted exterior storage is limited to essential business related material as a condition of the permit.

Berg summarized the informal comments to the applicant and contractor in preparation for the submission of a Site Plan Approval Application and Conditional Use Permit Amendment. Information to be submitted including grading/drainage, erosion control, and a lighting plan. Once the review of the Site Plan is completed a public hearing will be scheduled for the Conditional Use Permit Amendment.

Staff recommends the City Council provide comments in addition to an approval of the concept plan.

Lewis asked if there were previously purchased rights-of-way or easements adjacent to this property that might come into play down the road. Berg responded there was an easement for the cul-de-sac at the end of Johnson Street that in future plans would be given back to this property once the road went through.

Lewis asked if that was how he thought it would go. Berg responded that was how it was written in the easement. He noted additionally there was a drainage and utility easement in the rear part of the property. He indicated the plan showed it did meet the City Standard. He indicated there was not a formal action required on this.

Lewis stated this looked like a good project and it brings their businesses together which was usually good for efficiency and profitability.

Smith stated he went to the property today and it looked fine with what they wanted. He was in favor of it.

7.0 A.2 IUP: Home Occupation, 23911 Johnson St NE

Berg stated the applicant, Paula Moon-Pruitt, is the owner of Innovations Plus, LLC. Innovations Plus, LLC is a small family owned, full-service, custom order promotional products and decorated apparel businesses. Innovations Plus, LLC specializes in advertising, promotional items, embroidery, custom T shirts and provide service to numerous customers and communities throughout the Twin Cities area.

Berg stated the business hours of operation are Monday through Friday from 9 am to 4 pm, which are within the identified hours of the City Noise Ordinance. Eighty-five percent of business is generated through online sales therefore, traffic generated is less than that of a typical retail storefront business. There is adequate off-street parking for anticipated customer traffic on the existing driveway on the property. There is no anticipated effect on groundwater, surface water, and air quality as none of the process used by the business use water, generate wastewater for disposal or create air pollutants. Waste or refuse generated by the business is minimal as boxes received in shipment are reused for outgoing distribution of outgoing merchandise and apparel. Other refuse generate is not more than regular weekly household waste disposal volumes or bi-weekly recycling.

Berg indicated the location, 23911 Johnson St NE, is a residence located in a Light Industrial Zone of the city. Light manufacturing and retail sales are identified as permitted uses in the Light Industrial Zone. This zoning designation is consistent with the 2040 Comprehensive Plan and will not require rezoning or create a further nonconforming use.

Berg indicated the Planning Commission held a public hearing and recommend approval to the City Council for an IUP to allow the home occupation of operating an apparel and promotional items business with the conditions set forth in the Resolution.

Mundle stated I'll make a motion to approve Resolution 2023-13, A Resolution Granting an Interim Use Permit for a Home Occupation, Located at 23911 Johnson St NE, PIN 29-34-23-31-00009, Legally

Described as Lot 6, Block 2 Wargo Pond, Anoka County, Minnesota. Smith 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.**

7.0 A.3 Variance: Detached Accessory Structure, 23911 Johnson St NE

Berg reviewed staff's report stating this property is located in the (I) Light Industrial Zoning District and is located within the Wargo Pond Subdivision. The property owner is requesting a variance to keep a detached accessory structure closer to the street than the primary structure.

Berg indicated zoning Appendix A. General Regulations – Section 14-2.F states “No accessory building or detached private garage shall be located nearer the front lot line than the principal building except when the lot is three acres or greater and the existing principal building is located a minimum of 200 feet from the lot line. Then the accessory building or detached private garage may be located closer to the front lot line than the principal dwelling, but not closer than 50 percent of the principal dwelling's setback. This property is 3.93 acres, with the primary structure set back approximately 149.39 feet from the front lot line. This request does not meet the criteria set forth to allow the structure to be placed closer to the road, so a variance would be required for the placement of a detached accessory structure.

Berg indicated 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:
 - **The property owner is requesting a variance to keep a detached accessory structure in which she can continue operating a home occupation - light manufacturing and retail business. This use is listed as a permitted use in the (I) Light Industrial Zoning District.**
- 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 partially located in the Minard Lake - Shoreland Overlay with specific setback requirements.**
 - **This property is an irregular shape with approximately three fourths of which are Wargo Pond or a designated Drainage and Utility Easement. These features limit the buildable area available in the rear or side yard for new construction.**
 - **The Subsurface Sewage Treatment System (SSTS) and Well are located in the side yard, opposite of Wargo Pond and the Drainage and Utility Easement, preventing access to the rear yard for accessory building placement and use.**

- 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:
 - **Standing tree growth between the primary residence and the front property line will screen it from view from the public roadway therefore not altering the characteristics of this neighborhood.**
 - **Accessory uses permitted in the (I) Light Industrial Zone include other uses customarily associated with a permitted use as determined by the planning commission and approved by the City Council.**

Berg stated the Planning Commission held a public hearing on February 28, 2023 and recommend the City Council approve a variance for the placement of a detached accessory structure nearer to the front lot line than the primary structure with conditions as written in Resolution 2023-14.

Smith stated I'll make a motion to approve Resolution 2023-14, A Resolution Granting a Variance for the Placement of a Structure Nearer to the Front Property Line Than the Principal Structure on Property Located at 23911 Johnson St NE, PIN 29-34-23-31-0009, Legally Described as Lot 6, Block 2 Wargo Pond, Anoka County, Minnesota. Mundle stated I'll second. Harrington asked any discussion?

Smith stated he was at the property today and it appeared she had a good set up and it looked great from the road and he was in agreement with this.

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

7.0 A.4 CUP Amendment: Wasche Commercial Finishes

Berg stated Mr. Wasche is requesting an amendment to the CUP to expand the business known as Wasche Commercial Finishes, Inc. The business has been in operation since 1986 and has been operating out of the current East Bethel location since 2004. In 2004, the existing zoning in the Neighborhood Center allowed Construction, Trade and Service Businesses with Limited Outdoor Storage as a CUP; therefore a CUP was approved to allow for the business to operate from its current location. For your review, Attachment 4 is the original CUP and meeting minutes.

Berg noted the business has outgrown the indoor and outdoor space and would like to remain in the City East Bethel. The owner had purchased the 1.03 acre parcel to the east of the site and was approved on September 12th, 2022 under resolution 2022-50 to build a 7,200 square foot building and a fenced storage area. The storage area will be used for the parking of work vehicles, including trailers. All product will be stored within the building.

Berg indicated Mr. Wasche has applied to amend the CUP further to construct a 1400 square foot unconditioned addition, for storage, to his existing building.

Berg stated an amendment to the original CUP is required for the following reasons: The business is a legal nonconforming use. This means the business is legal because a CUP was previously approved, however, current city code does not allow for this type of business in the B2 – Central Business

district; therefore it is nonconforming. City Council has the authority to determine if a legal nonconforming use can be expanded.

Berg noted when a conditional use expands its footprint, an amendment to the original CUP is required.

Berg stated if the CUPA is approved, a site plan review is not required prior to issuance of a building permit for new construction or additions to commercial buildings greater than 25 percent of the existing building footprint (Appendix A, Sec. 04, 12. – Site Plan Approval). The existing building footprint is 6800 square feet and the proposed addition of 1400 square feet will not exceed 25 percent. A formal building application will be submitted for review and approval by the Community Development Department Staff.

Berg indicated the Planning Commission recommends that City Council consider approval of the CUPA with the conditions set forth in Resolution 2023 – 16.

Mundle stated I'll make a motion to approve Resolution 2023-16, A Resolution Approving a Conditional Use Amendment to Allow the Expansion of a Legal Non-Conforming Use at 21335 Aberdeen St NE, East Bethel, PIN 08-33-23-43-0015, Legally Described as Lot 4, Block 1, Linges East Bethel Center. 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.**

7.0 A.5 Site Plan Review: Wasche Commercial Finishes

Berg reviewed staff's report stating on September 12th, 2022, under Resolution 2022-50, an expansion of an existing Conditional Use Permit (CUP) was amended and approved with the following three conditions:

1. Prior to construction of the new facility, a site plan review must be reviewed and approved by the Planning Commission and City Council.
2. Exterior storage is limited to commercial vehicles and trailers associated with the principal use of the business.
3. Ingress/egress from the site shall be from Davenport St NE.

Berg indicated although Mr. Wasche is not ready to begin the construction of the previously approved expansion, he is applying for a smaller addition to the existing building for storage. Additionally, he is requesting to begin the site preparations, to include clearing and leveling of the lot, fencing, ponding, in addition to constructing the driveway entrance from Davenport St NE for the previously approved expansion.

Berg stated staff has reviewed the site plan and support the configuration of the site. All City Engineer comments will need satisfactorily addressed prior to the issuance of any building permits.

Berg noted the City Engineer comments regarding grading and drainage will need satisfactorily addressed prior to the issuance of building permits.

Berg stated an easement for grading City Owned Lot 1, Block 1, East Bethel Commercial Center will be required.

Berg indicated the landscaping plan will be required at time of application for a building permit of the new facility and need to meet the requirements of city code. Requirements for plantings are based on the square footage of the building.

Berg stated the future building shall meet established building design and architectural standards.

Berg noted a lighting plan will be required at time of application for a building permit of the new building and need to meet the requirements of city code.

Berg stated the Planning Commission recommends that City Council consider approval of the CUPA with the conditions set forth in Resolution 2023 – 17.

Mundle stated I'll make a motion to approve Resolution No. 2023-17, A Resolution Approving the Site Plan Review for the Expansion of a Legal Non-Conforming Use at 21335 Aberdeen St NE, East Bethel, PIN 08-33-23-43-0015, Legally Described as Lot 4, Block 1, Linges East Bethel with conditions. Lewis stated I'll second. Harrington asked any discussion?

Smith stated he went out to this property today and it looked great.

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

7.0 B Economic Development Authority

None.

7.0 C Park Commission

None.

8.0 Department Reports

8.0 A Community Development

None.

8.0 B Engineer Report

None.

8.0 C City Attorney

None.

8.0 D Finance

None.

8.0 E Public Works

None.

8.0 F Fire Department

None.

8.0 G City Administrator Report

8.0 G.1 Commission Appointment Policy Revision

Davis recommended this item be tabled as it relates to the language of 4.0 A.

Mundle stated I'll make a motion to table Item 8.0.G.1. 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.**

9.0 – Other Items

9.0 A Staff Report

Davis stated there was a Local Government Officials Meeting on March 29. He asked if any Councilmembers wanted to go for the meal to let him know and he will make a reservation.

9.0 B Council Reports

Mundle stated he had no update.

Lewis stated he had no report.

Miller stated he attended the Rum River Watershed budget meeting.

Smith stated he had no report.

Harrington stated he had no report.

9.0 C Other

None.

9.0 D Closed Session

9.0 D.1 Purchase or Sale of Real Property, Minn. Stat. Sec. 13D.0 subd. 3(c); Easement Acquisition for the University Avenue Street Reconstruction Project

Larson stated thank you Mr. Mayor. For the benefit of the public, we'd note that at this time the Council's about to go into Closed Session to review the purchase or sale of real property, Minn. Stat. Sec. 13D.0 subd. 3(c); Easement Acquisition for the property at 36221 First Avenue for the University Avenue Street Reconstruction Project.

This Closed Session will be tape recorded as required by Statute with that tape being maintained for a period of two years. The Council will come back into Open Session after having concluded its Closed Session and announce if there are any actions taken during the course of the Closed Session. With that being said, Mr. Mayor, I recommend that a motion be made to go into Closed Session for the purposes I've indicated.

Mundle stated I'll make a motion to go into Closed Session at 9:00 p.m. for the purposes that City Attorney's indicated. Smith stated I'll second. Harrington asked any discussion? All in favor say aye? **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

(Council moved into Closed Session.)

(Council reconvenes Open Session.)

Larson stated thank you Mr. Mayor. For the benefit of the public and for the record, we note the Council is back in Open Session after having concluded a Closed Session. The Closed Session was attended by the entire Council, City Administrator Davis and himself and in closed session Council authorized staff to proceed forward in negotiations for acquisition of an easement in an amount not to exceed the appraisal recommendation. He stated it has also been noted by staff that when a negotiated easement is finalized with the approval of both City staff as well as the landowner, then that easement acquisition will be coming back before Council for approval. With that being said, Mr. Mayor, that concludes the summary report required.

10.0 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 9:20 PM.

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.