

EAST BETHEL CITY COUNCIL MEETING

March 27, 2023

The East Bethel City Council met on March 27, 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
 Rodney Sanow, Fire Chief
 Aaron Berg, Interim Community Development Director
 Nate Ayshford, Public Works Manager

1.0 Call to Order

The March 27, 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.

Davis indicated 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 as an additional means to address these concerns.

Davis noted this proposal was discussed at the March 13th Council Meeting but tabled to the March 27, 2023 meeting to address final changes to the definition section of this consideration.

Davis requested the City Council conduct a public hearing 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).

Harrington opened the public hearing at 7:02 p.m.

There were no comments made.

Harrington closed the public hearing at 7:02 p.m.

Lewis stated I'll make a motion to adopt Ordinance No. 2023-01, An Ordinance Amending Chapter 1, Section 1-2 and Chapter 2, Article IV, Section 2-71 of the East Bethel Code of Ordinances

Regulating Boards, Committees and Commissions in the City of East Bethel. Smith stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **All in favor Lewis, Miller, and Smith.** Harrington asked any opposed? **Mundle and Harrington.** That motion passes. **Motion passes 3-2.**

4.0 B Public Hearing: Ordinance Amendment – Ch. 10, Art. V

Davis stated that 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 noted 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 indicated Miller submitted a revised version of the ordinance for consideration. The summary of the changes are as follows:

“These changes revise the ordinance to eliminate the permit fee requirements, align the ordinance with current norms of resident behavior, clarify the language of the ordinance and update the terminology used in the ordinance to reflect agricultural and animal husbandry contexts.

Additionally, the minimum allowable flock size has been doubled, and the rules regarding roosters have been adjusted to ensure all rural properties are included in the rural zoning rules”.

Davis noted Miller's recommendations were discussed at the March 6, 2023 Council Work Meeting and Council directed staff to incorporate the changes discussed and advertise and hold a Public Hearing for consideration of amending this ordinance at the March 27, 2023 City Council Meeting.

Davis requested the Council hold a Public Hearing to discuss revisions to the Ordinance and consider approving the changes to City Ordinance, Chapter 10, Article V, Section 10-151, Farm Animals.

Harrington opened the public hearing at 7:05 p.m.

Rita Biljan requested Council revisit the roosters as they are irritating and they cannot be kept in the confines of a yard. She preferred not all six of her neighbors have roosters.

Dawn Johnson stated she did not want a rooster, but she didn't want anyone to tell her she cannot have a rooster either. She stated she was excited about the opportunity to do this. She indicated she was offended by Council's concerns that if you give someone an inch that they will take a mile. She stated this sounded authoritarian to her and not what she believed should be coming out of the mouth of people who are serving the City. She stated just because something is legal does not mean she has to partake in it. She asked Council take this into consideration.

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

Miller stated I'll make a motion to approve the changes to City Ordinance, Chapter 10, Article V, Section 10-151, Farm Animals. 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 C Public Hearing: Partial Vacation of Drainage and Utility Easement

Berg stated that on February 13th, 2023, City Council held a public hearing for a partial easement vacation at 4584 224th Ave NE. Kevin Hellum, the neighbor and property owner of 4556 224th Ave NE, spoke at the public hearing requesting the city consider a partial vacation of the easement on his property. City staff has received an application from Mr. Hellum who is requesting a partial vacation of the easement on the easterly portion of his property. Approximately one-third of Mr. Hellum's property along the westerly property line is partially wetland and unusable.

Berg noted in 1975, as part of the preliminary plat process of the Oak Meadow Estates subdivision, the city engineer recommended that easements for future streets be included in the plat. The easements in the recommendation were defined as, "the area of the abutting lots and that the centerline of the street be the lot line between the two lots, and that a 33' wide drainage easement be provided off of both of the lots, making a total width of 66', and that further a quitclaim deed be executed in the name of the city to cover road easement along 33' of each lot abutting the future street."

Berg indicated in April 1978, the final plat of Oak Meadow Estates was recorded and is included as Attachment 3 in Council's packet. As part of the recorded final plat in 1978 ten, 58' wide Drainage and Utility Easements were recorded on abutting lots throughout the subdivision creating a total five 116' wide drainage and utility easements. No quit-claim deeds can be located for any of the parcels. It is the opinion of the East Bethel City Attorney that the inclusion of the drainage and utility easement on the recoded plat makes it a valid easement.

Berg stated although Drainage and Utility Easement widths can vary from one subdivision to the next based on the uniqueness of topography, drainage structures construction or ditches, the standard easement in Rural Residential Zones is a 10' width on abutting properties creating a total of a 20' width easement.

Berg noted additionally, the current residential road standards in East Bethel would call for a total of a 66' right of way matching the recommendation of the city engineer in 1975.

Berg indicated the 40-acre parcel of land abutting the south lot line of 4556 224th Avenue NE is adjacent to a portion of the 859.92-acre Gordie Mikkelson Wildlife Management Area. The city has no future plans to construct a future road in this easement location and there are no existing connector streets south of this subdivision.

Berg stated the Public Works Director and City Engineer were asked to review the request of proposed vacation of a portion of the Drainage and Utility Easement. Comments from the Public Works Director are included as Attachment 6 to Council's packet.

Berg requested that the City Council to hold a public hearing and consider the approval to vacate a portion of the drainage and utility easement located at 4556 224th Ave NE with the conditions set forth in attached Resolution 2023-18.

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

There were no comments.

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

Mundle stated I'll make a motion to adopt Resolution 2023-18, a Resolution Granting a Partial Easement Vacation at 4556 224th Avenue NE, Oak Meadow Estates with conditions. 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 D Anoka County Sheriff's Report

Lieutenant Derek Peters presented the February 2023, Sheriff's Report. He indicated February was a quiet month with 360 calls for service.

Informational; no action required.

4.0 E Fire Department Monthly Report

Fire Chief Sanow presented the February 2023 report and noted that they responded to 83 calls, of which 60 were medical, 9 crashes, 5 alarms, 1 burning/smoke, 2 mutual aid, and 6 others. He introduced the Fire Department Officers. The Council thanked the officers for their service on the Fire Department.

Informational; no action required.

5.0 Public Forum

There were no comments.

6.0 Consent Agenda

~~Item A: Approve Bills~~

~~Item B: Approve Meeting Minutes March 6, 2023 City Council Work Meeting~~

~~Item C: Approve Meeting Minutes, March 13, 2023 City Council Meeting~~

Item D: Class 5 Road Surfacing Bids

~~Item E: Resolution 2023-20, Declaring 1997 Felling Trailer Surplus Property~~

~~Item F: Purchase of Equipment, Tandem Axle Trailer~~

Item G: Purchase of Equipment, Front End Loader Tires

~~Item H: Replacement Lights for City Hall Parking Lot~~

Item I: Resolution 2023-21, Amendment to 2023 Fee Schedule

Harrington stated I'll make a motion to approve the Consent Agenda. Mundle stated I'll second.

Harrington asked any discussion?

Lewis noted on Resolution 2023-01 there was a typo, Line 7 under Advisory Bodies it should say "May appoint one of the applicants remaining". Davis responded that correction would be made.

Lewis requested to pull Item A.

Smith requested to pull Items A, B, C, E, F, and H.

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

Motion passes unanimously.

6.0 A Approve Bills

Lewis asked under the Finance Department professional service fees paid to Anoka County in the amount of \$1,400+ what that amount was for. Davis responded this was a truth in taxation charge.

Lewis inquired about MSA Street Construction engineering charges he asked what that related to.

Davis responded this was a specific project for the engineering costs for the 183rd Avenue Reconstruction project.

Smith asked on Hakanson Anderson charge in the amount of \$18,000+, he asked if the City Engineer was in the City budget for \$40,000. Davis responded that was correct.

Smith asked if this charge was over and above what the City Engineer Received. Davis stated this was broken down into two things – general engineering which was the \$40,000, but a lot of these things are project specific and are paid out of the MSA or Street Capital funds. He indicated there are two ways they pay the engineer.

Smith stated if they were paying a lot more above the \$40,000 would the City be better off hiring their own engineer. Davis responded the cost of hiring a City Engineer would probably be much higher than the City is paying the City Engineer. He noted a lot of things being paid were not just for the City Engineer but for services for surveyors, inspectors, etc. So this covers a multitude of people in the firm. He noted they would still have all of the other costs.

Lewis stated I'll make a motion to approve Item A of the Consent Agenda. 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.**

6.0 B Approve Meeting Minutes March 6, 2023 City Council Work Meeting

Smith stated in all of the Minutes since they have been on Council it appeared to him that the Minutes are never correct and there is always something wrong with them versus if you watch the video. He asked how this worked. Davis stated the minute company sends staff the Minutes and staff looked at the Minutes to see if there was anything they did not have. He noted the service usually highlighted things such as spelling, etc. He noted this was why Council reviewed the Minutes to make sure they are accurate. He stated that was the way the corrections are made.

Smith asked if the video was sent to the service who does the Minutes. Davis responded that was correct.

Smith noted on March 6, the cat ordinance was brought up but it was not in the Minutes. Davis responded it was brought up at the end of the meeting or after the woman gave the presentation.

Smith stated it was not in the Minutes and it needed to be fixed. He asked if this should be tabled.

Mundle stated he did not believe the cat ordinance was discussed at that meeting and the first time that was discussed was at the March 13 meeting from the person who spoke at the Public Forum. He noted March 6 was a Work Meeting.

Smith stated he got the dates wrong on this then. Davis stated if there was something Smith wanted changed, they would table it, correct it, and bring it back for the next Council meeting for approval.

Lewis asked what the motivation was for going from actual transcription to “interpreted” transcription where it was “their” version of what people are saying. Davis stated this happened back in 2012 or 2013. He believed it was to be a summary type minutes to save on costs. He noted at that time they were doing the Minutes with a staff person who attended the meetings and received overtime and then she did the transcription, which took her 10 to 12 hours and took time away from her duties.

Lewis asked how long the City has been using Timesavers. Davis responded the City has been using them since 2014.

Lewis asked staff to find out what a literal transcription of the Minutes would be versus the “my version” of the minutes. He stated he got tired of even bringing it up. He indicated one Minutes referred to a she when referring to him. He indicated he got tired of wanting to fix it. He asked what the cost difference is of doing it verbatim, which is how transcription is supposed to be done, and this second degree version of transcription. He stated he understood they could always go back to the

video, but why not have it right in the Minutes. Davis stated he can let them know that, but the cost of the Minutes is based on a per page basis so he can instruct them to do a literal transcription and then the cost and then the cost can be compared.

Lewis presumed with a literal transcription they would pick up accuracy, which was worth something, but not at a substantial cost. Davis stated he would contact them and see if they can do an estimate or they can try one and see what happens.

Lewis stated maybe it was a matter of who the City uses to do the service. Davis responded this company does the service for a number of cities around the Metro area.

Lewis stated it could be an issue of the volume also. He noted when he has listened to some of the videos, the volume is so low he has trouble hearing the speakers on his computer. Davis stated he would look into this and he will get a report back to Council at the next meeting.

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

6.0 C Approve Meeting Minutes, March 13, 2023 City Council Meeting

Smith noted the Minutes said "Shroeder" and he believed it should be "Schrader" in two different spots. On Page 59 or 58 Christine Dahlman was speaking and he remembered Councilmember Mundle raised his voice to her and said her name and that was not in the Minutes. He noted stuff was missing on the Public Forum.

Smith stated I'll make a motion to table Item C of the Consent 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.**

6.0 E Resolution 2023-20, Declaring 1997 Felling Trailer Surplus Property

Smith stated he wanted this one tabled so he can check out the trailer himself and look at it.

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

Harrington asked if there was a timeframe on this. Ayshford responded the quote was good for 30 days. He stated the trailer itself tag will expire in April. He noted one of the public service employees was certified to perform inspections and he was not comfortable certifying it for another year. He noted the trailer was 26 years old and the City had gotten more than their money's worth out of it. He stated Councilmember Smith was welcome to look at it if he wanted. He noted there were cracks in the frame.

Smith asked how often the trailer was used. Ayshford responded this trailer got frequent use and it pulled the bobcat. He noted this trailer replaced their number one trailer. Smith stated he would take a look at it.

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

6.0 F Purchase of Equipment, Tandem Axle Trailer

Smith stated he wanted to table this one also so he could check it out.

Smith stated I'll make a motion to table Item I. Miller stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **Smith, Miller, Lewis, and Harrington.** Harrington asked any opposed? **Mundle.** That motion passes. **Motion passes 4-1.**

6.0 H Replacement Lights for City Hall Parking Lot

Smith asked if there had been more than one estimate for these lights. Ayshford responded the City had received 2 quotes and this was low quote.

Smith asked why this was not in their paperwork. Ayshford responded under the City's policy, anything under \$5,000 can be purchased by direct negotiation or on the open market. He believed the State recommendation was \$25,000. Larson responded that was correct.

Ayshford noted competitive bidding takes place over \$175,000 and in between they can do either one, but they did have two quotes on this. Smith stated any quotes the City received they should at least get 3 quotes. Ayshford responded that the State requirement was 2 quotes. Smith responded he did not care what the State says – this is tax dollars being spent here and this policy needed to be changed.

Smith asked how did the policy get changed to get at least 3 cost estimates. Larson responded it could be changed through policy or Ordinance.

Smith asked if it was an Ordinance now. Davis responded it was just a policy.

Ayshford believed the State system changed it because it was hard for people to get 3 quotes on everything. He noted they have had times where they have had contracts come out to give quotes and those quotes are never used, so they don't give the City quotes any more. He noted the State requirement was 2 competitive/comparable quotes.

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

Smith asked the Council how they felt about this.

Miller asked if Council could receive all of the quotes. Ayshford responded they could be included in the Council's packet. He indicated he had them also if anyone wanted to look at them.

Smith responded that would make it easier to look at everything. He indicated he did not like it at all when numbers were thrown down.

Lewis stated he understood staff had a balancing act between laying everything out and burying them with detail.

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

5.0 Reopen of Public Forum

Harrington noted someone came in late who wanted to speak at the Public Forum and he was going to reopen the Public Forum.

Corina Peterson stated a 14-foot-wide paved trail was being put about 22 feet from her home. She indicated she had 3 acres. She stated he was not in favor of the trail. She noted her daughter was deathly afraid of dogs as she had gotten bitten a year ago, and people were walking through her yard with dogs. She stated she was not comfortable. She noted they were going to build a bridge on her pond and she did not want people walking through there all of the time. She stated her neighbors were not in favor of it either. She indicated she went to a meeting 2 years ago and they were all

against it, except for one neighbor. She asked for more information about it, but she was not in favor of it as it was really close to her house.

Lewis asked if she was friend of Joe Reiter's. Peterson responded yes.

Lewis noted Joe took him over to see it. Peterson responded that was her home.

Harrington asked if Ayshford would look into this. Ayshford responded this was part of the John Anderson Trail project.

Lewis asked if this was approved by the City Council. Ayshford responded that the trail project was approved by the Council.

Lewis asked when. Ayshford responded it was in the budget and approved under the Parks Capital Improvements Budget last year.

Peterson indicated there were a bunch of neighbors who were not for this and all of a sudden last summer when she was home for her lunch break, she noticed they were cutting this path. She stated she was a single mom and this trail was 22 feet from her home and it was uncomfortable with people walking on the path at all hours of the day and night. Lewis stated this was encroachment.

Peterson stated her son's room was right there and he couldn't have his window open with people walking all over the woods. She noted sometimes people get weird at night.

Lewis asked if there was a public hearing on this. Ayshford responded there was not. He indicated there was a Park Commission meeting in the park 2 years ago and everyone in the neighborhood was invited to the meeting.

Peterson stated one neighbor was for the trail as he wants to ride a bike, but she has never seen him ride a bike. Lewis stated that seems awfully encroaching on her property.

Peterson stated she knew there was an easement, but she didn't think they were going to pave the 14-foot wide path. She stated if she wanted that she would move to Maple Grove.

Lewis stated what did Joni Mitchell say, "They paved paradise and put up a parking lot." Peterson responded yes! She stated she didn't want to move, but she was worried.

Lewis stated it did not seem she was being unreasonable to him.

Peterson thanked the Council for allowing her to talk. She indicated she was normally super shy, but she had to get up and tell the Council this for her kids.

Miller asked if she lived on the cul-de-sac, where was the parking for this park walk. Peterson responded she had spoken with her neighbors and they wanted to know if people were going to park in the cul-de-sac. She noted her neighborhood did not have the park and she did not know where these people were going to go. She did not think anyone would want this if it was their house.

Lewis asked if there was some way to take another look at this as it seems quite valid and the concerns seem quite legitimate. Ayshford noted when the development was put in there was a piece of property parkland dedicated for a trail connection and this connects to the back of John Anderson Park. It was not a place that you can park and walk, but a spot where you can connect to the neighborhood and the neighborhoods past there can get to John Anderson Park through this trail. He indicated it was a trail connection to connect the neighborhoods and it was put in with the plat when the houses went in originally. He indicated it was never built at that time and the Park Commission wanted to put the trail in. He stated it was an 8-foot side paved path and the parkland was 15 feet.

Lewis seemed this should be at least revisited with the people who lived there and get their opinion on it. He stated he would if he was in their position. He stated the fact that something was provided for in a conveyance (a real estate conveyance) did not mean they had to do it, or pave it – it could be gravel or whatever the class number is for crushed red stone is or something better than asphalt in the middle nature which he was not a fan of himself. It seems the citizens are concerned about this and he has seen it with Mr. Reiter. And he said, “Wow, this is right on top of her house and I wouldn’t want 22 feet outside of my window.” He asked what the point with the rest of the land was and couldn’t they find anywhere else to put this. He believed it was worth looking at again. He noted this was his opinion.

Smith asked if it was carved in stone that it has go to there. Ayshford stated Council can do whatever they wanted.

Davis stated this was a project that was approved by a previous Council, but it could be changed. Lewis stated he was of the opinion it needed to be changed. Smith agreed.

Lewis stated he would put a fine point on it and it seems kind of goofy to him.

Smith asked if they needed a motion to do this. Ayshford responded no and this was just an Open Forum and they can do it at the next Work Meeting, or whatever Council wants to do.

Lewis stated if they can have some plan of action and check with the people who live there to see if they are all on board or not. Maybe nobody heard about the previous meeting or were afraid to show up because they were shy or whatever.

Smith stated it was possible it might not even be needed if it was a go between and it goes nowhere except for a neighborhood. Ayshford responded it connected a whole other part of the City and would eventually connect up to other trails.

Peterson stated it did not connect to other trails. Ayshford responded it would connect to Bonde Park and then onto other trails.

Peterson asked if they were going to make a trail off of Jackson. Ayshford stated it would be a shoulder on Jackson.

Lewis asked if there was no other way to get to where he was talking about. Ayshford responded no, not without going out to Highway 65.

Lewis asked if there had to be a bridge as part of this too. Ayshford replied it would be a floating dock of 4 dock sections.

Smith stated where they were talking about, they would need to go through other people’s yards to get to Bonde. Ayshford responded there was no other plan to go through any other yards. It would be out to their road, then down Bonde, which has a wide shoulder, and then into Bonde Park. He indicated this was on the long-term plan for the Parks Commission.

Smith stated this didn’t make sense. Lewis noted plans were made to change.

Smith stated they could take the road down to Jackson and then to Bonde. He stated this didn’t make any sense at all. Ayshford stated comparing this out to 65. Smith stated he understood that part, but it’s like this doesn’t make sense at all.

Lewis stated he wanted to be responsive to what he thinks are reasonable concerns. Ayshford believed they spoke with the other neighbor also and one of the things they were discussing if the project continues was putting up a fence possibly along there also.

Smith stated he would like to take a look at this also to see the situation. Peterson responded she would love if they would come over. She thanked them.

Davis asked if this should be scheduled for a Work Meeting discussion to see what the options are. Lewis responded it would be neat if they could get an update on this at the April 3 Work Meeting. He wanted a cursory look at the situation to see if they can make reasonable accommodations for the people in that neighborhood and not just based on her concerns, which are the most pressing literally, but the other people who live in the neighborhood. He thought if someone lives in a neighborhood and owned the property, your rights trump people who want to get to a park and go right through your property. He thought you are the one with the trump rights.

Ayshford stated he believed the initial thought was to provide access to the park for people who lived in the neighborhood, but the trail was never built at the time. He indicated this was dedicated parkland that connects to John Anderson. Lewis stated that did not compel them to do anything in particular. He believed this needed to be revisited and that was his opinion. Smith agreed.

Lewis asked if they needed a motion of some kind. Davis responded no, staff had direction.

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

No reports given.

7.0 A Planning Commission

None.

7.0 B Economic Development Authority

None.

7.0 C Park Commission

7.0 C.1 Park Dedication Fees

Ayshford presented staff's report stating the current park dedication fees were established by an ordinance revision that was approved on August 5, 2015. Article VII, Section 66-195 of the City Code was amended to include reduction of the not to exceed fee for residential park dedication from \$6,000 to \$2,000 per lot exempting one habitable homestead per subdivision (if applicable) and reducing the park dedication for commercial/industrial developments from a not to exceed fee of \$4,500 to \$2,000 per acre.

Ayshford noted within the current ordinance, the City can either elect to require dedication of up to 10% of new residential developments for parkland or receive funds equal to 10% of the market value of the property prior to development, not exceed \$2,000 per lot. For commercial or industrial development this is lowered to 5% with a not to exceed value of \$2,000 per acre.

Ayshford indicated these lower fees were adopted to compensate for higher water and sewer costs of the City's small customer base stand-alone utility system. Lower park dedication fees were put in place to maintain the competitive balance required to offset the lower SAC and WAC charges of market area municipalities.

Ayshford stated the need to update these fees to meet the demands for parks improvements and new facilities was discussed at the December 13, 2022 Parks Commission Meeting and the joint City Council Work Meeting and Park Commission meeting on February 6, 2023.

Ayshford stated based on discussions from both of those meetings and discussions at the March 13, 2023 Park Commission Meeting, the Park Commission unanimously recommended moving to a per unit fee for residential developments. The recommendation included a \$2,000 per unit fee in new

single- family developments and a \$1,500 per unit fee for new multi-family developments. They also included a recommendation for a 25% per unit reduction in multifamily developments that include public recreation facilities.

Ayshford indicated the Park Commission was aware of the pending litigation regarding commercial/industrial park dedication fees but recommended making changes to our current policy in conjunction with the residential changes to keep the process easy to understand and consistent. They recommended a per acre fee of \$2,000 for new commercial/industrial development. Once the court system rules on the issue, the City’s code can be changed to reflect that.

Ayshford stated the recommended fees would increase park revenue for new development while not being so high as to be a deterrent to prospective developers. The fees would be included in the annual City Fee Schedule and would be reviewed annually and adjusted as deemed appropriate to balance demands for park facilities and improvements with market conditions for development projects.

Ayshford indicated the Park Commission recommends that City Council consider approval of a \$2,000 per lot park dedication fee for single family development(s), \$1,500 per unit park dedication fee for multi-family developments with a 25% fee reduction for those that include recreation facilities available for public use and \$2,000 per acre park dedication fee for commercial/light industrial developments and amend City Fee Schedule to reflect these changes.

Lewis stated point for clarification, or however you say it, why don’t you need a Resolution for something like this but we need them for other things. Davis responded they do need a Resolution for this.

Lewis asked if this was just preliminary before a Resolution. Davis responded that was correct and he recommended this be tabled for the Resolutions at the next meeting on April 10.

Harrington stated I’ll make a motion to table this item. 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.**

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

8.0 E.1 2023 JPA Street Maintenance Project Bids

Ayshford stated the following projects were approved to be bid as part of the 2023 JPA Street Maintenance program by City Council on January 23, 2023. These projects have been identified in the 2023-2027 Street Capital Improvement Plan (CIP) and include:

1. 200,000 LF of pavement markings
2. 100,000 LF of crack sealing

Ayshford indicated the allocated budget for crack sealing and striping the above listed streets was \$200,000. These projects will be funded from the Street Capital Fund as identified in the 2023-2027 Capital Improvement Plan. On Friday March 10th, the City of Coon Rapids received and opened bids for the North Metro Street Maintenance Program.

Ayshford noted the bid costs for our portion of the JPA project were as follows:

Striping, 200,000 LF @ \$0.0866/LF	\$17,331.00
Crack Filling 100,000 LF @ \$.50/LF	\$50,000.00
Contingency (5%)	\$ 3,366.00
<u>Administrative Cost (1%)</u>	<u>\$ 710.00</u>
Total Project Cost	\$71,407.00

Ayshford stated the bid results are consistent with past costs and this project is budgeted in the 2023 Street Capital Fund. This contract can be amended regarding the inclusion of additional line item bid quantities.

Ayshford indicated the remainder of the budgeted amount would remain in the Street Capital Fund and will help with anticipated higher costs of planned overlay and reconstruction projects.

Ayshford noted staff has reviewed the bids and recommends acceptance of the 2023 JPA Street Maintenance Agreement bids in the amount of \$71,407 and authorization to submit a letter of concurrence to the City of Coon Rapids indicating our participation in this project.

Lewis stated again a Resolution question. Was there a Resolution that has to be done? Davis responded not on this one. Lewis stated this was just a motion to approve the expenditure.

Lewis stated I'll make a motion to approve the 2023 JPA Street Maintenance Agreement bids in the amount of \$71,407 and authorize the submittal of a letter of concurrence to the City of Coon Rapids indicating the City's participation in the project. Smith stated I'll second. Harrington asked any discussion?

Harrington asked for an explanation on the City's potholes.

Ayshford stated this year has been a lot worse for potholes due to the daytime high temperatures and the nights below freezing. He stated they have a few developments they would be discussing closer to budget time – Hidden Haven Development, Cedarbrook Addition, and a couple around Coon Lake that are older developments that they are going to have to take a hard look at possibly doing a reconstruction project on some of these. He indicated they were designed in the late 70's, early 80's and they did not have adequate street stormwater drainage so the water flows across the street so it stays wet all of the time, especially in the Spring when the snow melts which was a recipe for disaster for potholes.

Lewis asked if Lakeshore Drive would be one of those. Ayshford responded that was just patching right now. He indicated this was a sand road paved over. Lewis expressed surprise.

Harrington stated if anyone had a pothole to call City Hall or call Public Works. He indicated he had received about 10 calls and they were not potholes, but craters. Ayshford noted the material used this time of year was a winter cold batch. He indicated they can't use hot mix yet until the frost comes out of the ground. He noted the contractor had run out and they just got it back in stock on Friday.

Harrington noted they didn't have a hot patch truck anyway as it was in for repair. Ayshford stated that should hopefully be ready to go soon, but they had other ways of doing it also. He indicated once they got warmers temperatures, they would be out in full force all day, every day.

Motion accepted.

8.0 F Fire Department

None.

8.0 G City Administrator Report

8.0 G.1 Commission Appointment Policy Revision

Davis stated as City Code Chapter 2, Article IV, Section 2-71 was amended as item 4.0 A on the agenda of the March 27, 2023 City Council Meeting, the Commission/Authority Appointment Policy needs to be updated to reflect the Code changes.

Davis requested Council approval of the amended Commission/Authority Appointment Policy.

Smith stated I'll make a motion to approve the amended Commission/Authority Appointment Policy. Miller stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **Lewis, Miller, and Smith.** Harrington asked any opposed? **Mundle and Harrington.** That motion passes. **Motion passes 3-2.**

8.0 G.2 Upper Rum River WMO 2024 Budget

Davis stated the Upper Rum River WMO is a joint powers organization consisting of Bethel, East Bethel, Ham Lake, Nowthen, Oak Grove and St. Francis. Statutorily, all municipalities in the seven county Metro are required to participate in the Water Management Organizations or Districts. The Minnesota Board of Water and Soil Resources (BWSR) is the state agency that oversees and monitors the operations of the WMO's.

Davis noted the member cities of the URRWMO jointly address water resources issues in this watershed. The organization is operated by an appointed board which consists of two representatives from each member locality. The URRWMO Joint Powers Agreement provides rules and procedures for operation of the organization. City Councilperson Tim Miller and Citizen Member Radja Lohse are East Bethel's representatives on the URRWMO.

Davis indicated the URRWMO's draft 2024 budget is provided to each member city for their input and is attached for review. Any requests to modify this budget need to be submitted to the URRWMO prior by April 25, 2023. After that date, and absent any comments or direction from East Bethel, our portion of the budget would be considered approved at the level indicated for 2024.

Budgets for 2024 (proposed) and the previous six years are as follows:

<u>YEAR</u>	<u>URRWMO BUDGET</u>	<u>EAST BETHEL PORTION</u>
2024	\$41,814	\$ 9,173
2023	\$44,814	\$ 9,739
2022	\$42,656	\$ 9,256
2021	\$44,218	\$ 9,641
2020	\$52,943	\$10,462
2019	\$33,935	\$ 7,651
2018	\$32,000	\$ 5,298

Davis stated the URRWMO understands that fluctuating budget proposals can be difficult for the members to accommodate and they recognize the difficulties this can pose. As opposed to levying

excess dollars in years of lesser obligations and carrying those funds forward to years with projected increased costs, this is still a better budgeting option to deal with these changing requests for funds.

Davis noted the proposed 2024 URRWMO Budget is \$41,814 as compared to the 2023 budget of \$44,814. East Bethel's portion of the 2024 budget, as presented in Attachment 1 to Council's packet, is proposed to be \$9,173 or a decrease of 5.8% from the 2023 City share of \$9,739.

Davis recommended the City Council consider approval of the URRWMO Draft 2024 Budget.

Smith stated I'll make a motion to approve the URRWMO Draft 2024 Budget. 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.**

8.0 G.3 April Work Meeting

Davis stated the Council Work Meeting is scheduled for Monday, April 3, 2023 at 7:00 p.m. The following items are recommended for discussion: Two Ordinance revision considerations requested by Councilmember Smith; ISD 15 presentation; Community Development Director position advertisement; Sunrise River WMO Joint Powers Agreement Update; and Request for a Cat Ordinance.

Smith stated he wanted to say something about the Cat Ordinance. Personally, it was a waste of time. Harrington agreed.

Smith stated next thing would be a squirrel ordinance. He stated they needed to get real about this stuff and they had enough ordinances here. He said to scratch that one and that was his opinion.

Miller stated he wanted to replace the cat ordinance with a discussion on the exterior farm storage; exterior business storage amendment; and enhancing security business amendment looked at. He requested those three items be on there.

Lewis stated I'll make a motion to approve the April 3, 2023 Council Work Meeting agenda as amended. Miller stated I'll second. Harrington asked any discussion?

Lewis stated like all of his fellow residents of East Bethel he received his property tax estimation for the coming year and after they went out to dinner to celebrate it, they came home and contemplated. He didn't know about you guys, but his taxable market value has gone up 38 percent in two years. He and his wife apparently were asleep last year or they would have appealed it, but he definitely plans to appeal this one which will be a neat trick since he is on the Local Board of Appeal and Adjustments so he hasn't figured out how we will do that yet. Last year, he had to go to the County to get it rolled back because the City of East Bethel wouldn't accommodate him and the County rolled back 80 percent of the increase.

Lewis requested – more than a request – and that with all of the residents of East Bethel facing this, he would like Mr. Ken Tolzmann to attend the April 10 regular meeting of the City Council and explain his methodology. He stated he used to be licensed in real estate and he did mergers and acquisitions, which meant he had to do valuations on commercial businesses, which was way harder than residential real estate because it's not just cookie cutter and everyone's unique, and so it is a whole different level of the game and he's been going around with Ken Tolzmann for a long time about his property valuations and he just thought in the interest of informing the populous of East Bethel that it would be good if he just presented a 15 or 30 minute summary of how he goes about these property valuations because he used to do this stuff and it befuddled him so it must be really confusing to some other people, or at least a few others. But he would like to see that on the agenda for the April 10th meeting. He really would. Davis responded he will extend that invitation to him.

Lewis asked Davis to use his most persuasive language in doing that.

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

8.0 G.4 Sunrise River WMO 2023 Budget Amendment

Davis stated the Sunrise River Water Management Organization (SRWMO) conducted meetings on October 4 and 19, December 6, 2022 and March 1, 2023 with City Administrators and Council member liaisons from each member municipality to discuss amendments to the Joint Powers Agreement (JPA) that would update the agreement to align with current state statutes and consider a new funding formula for assigning costs to the members. This JPA was adopted in 1985 and has been amended just once in 2010. That amendment only changed the timing of invoices to the members from an annual to a semi-annual basis.

Davis indicated these meetings did not produce any resolution on a funding formula that would be acceptable to all the members (East Bethel, Columbus, Ham Lake and Linwood) with Ham Lake being the only dissenter to an agreement.

Davis noted after the March 1, 2023 Meeting, which included representatives from the Board of Water and Soil Resources (BWSR), the DNR and the Anoka County Attorney's Office, Ham Laker remained resolute in their position on the funding formula and the requirement for ratification of the proposed annual budget. Ham Lake's stance on this matter was unchanged even as attorneys made clear at our March 1 meeting, that state law prohibits requiring unanimous ratification of budgets. MN statute 103B211 Subd. 1(c) states decisions by a joint powers board may not require more than a majority vote, except a decision on a capital improvement project, which may require no more than a two-thirds vote.

Davis stated the funding formula remains a point of contention. The most recent Ham Lake council meeting reaffirmed that their City will accept only one option. The three other municipalities have considered that option at length, and none have accepted it.

Davis noted Columbus, East Bethel and Linwood committee members are of the opinion that we proceed with the JPA amendments as agreed upon by the majority of the JPA members. Due to the issues above, the \$8,000 in legal fees budgeted for this matter have been expended and an additional \$4,000 is needed to finalize the agreement.

Davis stated Columbus has already proposed and received authorization from their City Council to contribute another \$1,000 towards the attorney fees to finalize the JPA amendments. It has been requested that East Bethel, Linwood and Ham Lake consider the same \$1,000 authorization from their Councils/Town Board to enable the JPA amendments to move forward and allow the preparation of the 2024 SRWMO Budget by the end of May 2023.

Davis noted \$8,000 was included in the 2022 SRWMO Budget to complete this task but due to concerns by the City of Ham Lake with the funding formula for the member's annual contributions and votes for budget approvals, an additional \$4,000 in legal costs for this matter will be required to conclude this work. This cost would be a contribution of \$1,000 from Columbus, East Bethel, Ham Lake and Linwood.

Davis indicated the additional contribution of \$1,000 from each member does not get us past Ham Lake's objections but it will enable the completion of the JPA amendments and have this step completed to expedite the preparation of the 2024 budget. This additional allocation is a cost that will be incurred either at this time or at some future date. The approval of this allocation by

Columbus, East Bethel and Linwood puts the burden of this matter back in Ham Lake's domain and shows our collective effort to come to some resolution of the JPA amendment.

Davis stated the City of Ham Lake has stated they will consider opting out of the SRWMO unless there is a change in the funding formula that lowers their cost. However, it is unlikely that this is an option for them as there is no sentiment on Anoka County's behalf to take over their WMO area and BWSR has given indication that they are not favorable to consideration of their exit.

Davis stated staff is seeking direction from Council as to the request for an additional \$1,000 allocation to the SRWMO to pay for additional legal fees to complete the Sunrise River WMO JPA amendments.

Lewis stated he is amazed as how unretractable Ham Lake has been. It is amazing. Davis stated it was costing the City a lot more money. He indicated the options are if they don't go this way and they choose to fight it, the four member WMO might need to be dissolved and turned into a 3 member WMO, which meant they needed to do another set of JPA's which would increase the cost more. He hoped by putting some additional pressures on Ham Lake they may come around. He indicated he has been told that they will be sending their Mayor and Council person to the next Sunrise River WMO meeting on April 6, which was something they have not done in the past when they have usually only had citizen representatives. He thinks maybe the right message did not get back to the City Council. He noted one of the problems they have had with them was they were not sending the right people to the meeting and hopefully they can get something done, but in order to complete the SRWMO needs another \$4,000 to be split equally among the four members and that is what they are requesting be authorized tonight.

Lewis stated I'll make a motion to approve the \$1,000. Harrington stated I'll second. Harrington asked any discussion?

Harrington stated the last meeting he was at, Ham Lake thought they could get out but BSWR told them no and the County doesn't want them, Coon Creek Watershed District doesn't want them, and you have to be in a watershed. He believed one way or another they are going to be in this, but like Davis said they are costing us more money.

Lewis stated it seemed a strange thing to dig your heels in at.

Harrington stated they only paid a small thing like \$3,000 a year.

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

None.

9.0 B Council Reports

Smith stated at the March 13 meeting, Ms. Murphy handed the Council a packet on her situation which was a small one and he had asked Davis for information on this which he had given him a thick packet, but none of the information Ms. Murphy provided was in Davis's packet. He asked why. Davis responded he had a green folder and he showed it to him and told him there was an email in there with the City Attorney's and his response to that and it was found to be no basis for it. He stated he did not get a copy of that and had no access to it.

Smith stated what's in Davis's packet was basically emails of him going back and forth with Ms. Murphy along with several duplicates, so it was a waste of his time looking at this when there is a lot

of information right here that he needs to get. Davis responded he did not receive Ms. Murphy's packet and it was not given to him.

Smith responded really, he didn't get this? Davis responded no, she did not give one to him. Smith stated really? He noted everything in there he understood that the City should have and the City did not have this? Davis responded he did not have it, but he did have one that was given to him secondhand back last fall and he assumed it might be the same thing but he did not know. Smith stated okay and he would get him a copy of all of this.

Smith stated he just wanted to find out why. He stated all of the reading he had to do made no sense compared to what he saw.

Miller stated the last meeting he attended with the Parks Commission was a good meeting. He handed out some ideas to try and get a better visions and goal to get the Commission unified and start thinking there is a lot of things to do and how to do it and just get more input.

Lewis stated inspired by Miller's lead on the matter, tomorrow night he was going to be serving as a City Council Liaison to the Planning Commission and he worked up a very concise little handout for them to look over and there is an older saying from the Bible saying, "My people perish for lack of vision for lack of knowledge." He thought they can always spend more time as a people of East Bethel to clarify their mutual vision for our City and the Planning Commission was the real nexus of that exercise. So he was putting it out there to actively pursue defining the vision and the strategies and most importantly to him anyway is the two-way communication with the residents of East Bethel. Anything we can do, not just to the people of East Bethel, but from the people of East Bethel to the City, not only the City Council, but the staff and enhance to quality of communication and the breadth of it and the depth of it is all to the good because the more they all get on the same page it is a lot easier to row the boat when they are all pulling in the same direction.

Mundle stated the EDA meeting was cancelled for the past month. He attended the North Trunk Highway 65 Corridor Coalition and several interesting projects were discussed such as potholes and Anoka County wants to know if there are any potholes in the County Road and if there are they request they be contacted to let them know.

Mundle indicated the first project will be the resurfacing of Highway 65 in 2024 that will be from County Road 10 in Blaine to 217th in East Bethel which will be a \$40 million cost and with that they will be upgrading and replacing some surfaces along with replacing the box culvert at Viking. He indicated some of the prep work will be in the fall 2023, but the bulk of it will be done in 2024. The next project will be for the project going from 99th up to 117th, Blaine has a project they want to do on Highway 65 to eliminate traffic lights to make traffic flow a lot easier and a preliminary layout plan has been presented. He stated the plan was very, very interesting and that will be presented this spring to the Town Hall for the residents of East Bethel to see so that they know what is going on in that area.

Mundle stated June and July they hope to have the final approval of the preliminary plan from MnDOT and currently they have \$42 million raised and they are looking at \$130 million more to have the project totally funded. He stated they are looking at different funding opportunities including going to Washington to get some federal grants. As far as the timeframe as to when this will happen the earliest if everything fell into line was 2025, but it was more likely going to be 2026 or 2027 but there was serious money being thrown into this project and it will happen in some way, shape, or form. He believe the end result of this will be very good for the East Bethel residents.

Mundle stated Athens has rezoned their Highway 65 corridor for commercial. He indicated previously it was more spot zoning, but with this they open the whole thing up for commercial but they were having a one year moratorium on it so that they can get all of their ducks in the rows and get everything in order. He found that to be a very interesting change for Athens.

Harrington stated he had received a letter from Jasmine Putnam from the Arbor Day Foundation, which he read. He asked Ayshford to pass this on.

9.0 C Other

None.

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 8:40 PM.

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.