

EAST BETHEL CITY COUNCIL MEETING

April 10, 2023

The East Bethel City Council met on April 10, 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
 Fire Inspector, Ben Uden

1.0 Call to Order

The April 10, 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 City Assessor Presentation

Davis stated the City Assessor, Ken Tolzmann, will present the 2023 Assessment Report to City Council at the April 10, 2023 meeting. This report provides general information about the appeals and assessment process, as well as specific information regarding the 2023 assessment. This report does not involve any matters relating to the city budget or tax levy but Mr. Tolzmann will be able to answer questions regarding any matters relating to property valuation.

Davis indicated Minnesota Statutes establish specific requirements for the assessment of property. The law requires that all real property be valued at market value, which is defined as the usual or most likely selling price as of January 2, 2023.

Davis noted the estimated market values for this 2023 assessment are based upon qualified sales of East Bethel properties as well as countywide sales that took place from October 1, 2021 through September 30, 2022. This sales information is a component used to determine individual property values.

Davis stated property owners who have questions or concerns regarding the market value set for their property are asked to contact Mr. Tolzmann before the April 24, 2023 LBAE Meeting . This allows Mr. Tolzmann the opportunity to answer any questions they might have and potentially resolve any valuation issues prior to that meeting. Property owners whose issues are not resolved by the April 24th Meeting, may appeal their valuation to the Local Board of Appeal and Equalization (the City Council) on April 24, 2023 at 5:30 PM at City Hall.

Mr. Tolzmann stated he believed the Council had his report in their packet. He noted there was a lot of information in his packet with specific information, but tonight he wanted to go through and summarize what happened and how they come up with the values.

Mr. Tolzmann thanked the City for the opportunity to come before them and the residents to give the City a better idea of how market values for property taxes are determined. He noted real estate taxes are the means of spreading out the cost of government services and schools. He stated given that nobody wants to pay more than their fair share of the costs, the State, through the Department of Revenue has set up a system for the schools and municipalities to fairly spread out the costs. He indicated to do this the State has made the market value of the property everyone owns as a proportion of the overall market value of the City to represent the individual fair share of the cost or service of the services.

Mr. Tolzmann indicated to ensure the market values statewide are as true and accurate as possible, the Department of Revenue collects all real estate sales information statewide and then through the network of County and local assessors, determine which of the sales are good, qualified arm's length sales and it is those sales which are the basis for the new assessment.

Mr. Tolzmann stated for the 2023 assessment, to be paid in 2024, sales made between October 1, 2022 and September 30, 2023 are used. He noted the Department of Revenue will then analyze all of these sales and through an involved statistical review come up with a time adjusted sales price as of January 2, 2023. Once the final sales price has been established, he indicated all County assessors will separate out the land value from the improvement value for each sale. He noted the purpose for this is to review similar house styles and land types.

Mr. Tolzmann pointed out that with all municipalities countywide, the land is broken into different zones and in East Bethel are 9 plus acre size. He noted they have a zone for home sales in Coon Lake Beach as well as lakeshore sales and commercial industrial.

Mr. Tolzmann stated for this assessment the County did a countywide lakeshore and commercial industrial review. He noted they saw the county lakeshore and commercial rates increase from last year. In indicated in East Bethel and lakeshore base rate went from \$2,800 to \$3,500.

Mr. Tolzmann indicated after reviewing the sale of different styles home homes in the County the building rates for these style homes were adjusted and applied to all parcels countywide. He stated once these new building rates are complete, which are about the same as last year as building rates did not change much, the thing left to do is to determine the land value for each parcel. He stated the land value of each sale, including the new building value, is adjusted as an overall percentage along side all other sales in the respective zone with the goal of reaching a median sale price of 94.5 percent.

Mr. Tolzmann stated this is the process countywide and statewide. He stated all values in the City are valued as a median ratio of 94.5 percent. He indicated the statistical measurements are an assessors report card. He asked the Council if they had any questions.

Lewis stated selfishly he will talk about his place which was up 38 percent in 2 years. He stated the issue had not been resolved. He asked if someone else would be looking at it. He indicated he was on the ALBA so it kind of an awkward situation for him. He asked what did he do in terms of appealing. Mr. Tolzmann stated in the situation of a Councilmember, what he would do is put his name on the list. Lewis responded he did.

Mr. Tolzmann stated at the time they have their final meeting on April 24, the Council or Local Board would make no change at that point and send it onto the County. He indicated that was what the State recommends for an elected official in terms of handling their own personal value.

Mundle noted the County would handle the appeal. Mr. Tolzmann responded he was correct.

Lewis stated on a non-selfish question, did Mr. Tolzmann think that 1.5 hours allotted for the 24th was enough time. Mr. Tolzmann responded that if there was something that needs to be looked at or cannot be resolved on that night he was happy to go out and take a look.

Lewis asked if he had received many calls. Mr. Tolzmann responded he had not had a lot of calls and it has been really quiet. Lewis responded he was surprised.

Mr. Tolzmann stated when he looked at the sales they had last year, a lot of those sales came through when the interest rates were still low. Lewis stated he was always dealing with leads and lags in his business.

Mr. Tolzmann stated now the interest rates have gone back up so what he was looking at for this coming year was that values may come down a little bit with respect to lakeshore sales. He noted the rate increases put on this year were fairly accurate. He indicated if they need to adjust the lakeshore rates for the coming adjustment, they will do that. He stated they do this for each zone also.

Lewis thanked Mr. Tolzmann. He stated he requested him being at tonight's meeting and he thought it was a good educational opportunity for the residents. He noted this was 80 percent of what supported the City budget. He stated their property taxes were a big chunk for most people, including himself and he can always use a refresher also. He indicated he should know how the process was run and it was important.

Mr. Tolzmann stated he did not think most people realized how involved the process is and there is some real brain power at the State. Lewis stated he had not realized this.

Mundle stated for any residents who planned on attending the Board of Equalization meeting on April 24, to contact Mr. Tolzmann via phone first and talk to him about it as they might be able to resolve it before coming to the meeting. Mr. Tolzmann highly recommended this and indicated his phone numbers are: 651.605.5125 – Office and 612.865.2149 – Mobile.

Informational; no action required.

4.0 B Fire Code Variance – 1835 Viking Blvd

Uden stated that RL Automotive is an auto body repair shop that has been in operation since 2004 and paint spray finishing is a common part of their business. An annual fire inspection on 12/9/2021 noted that the building's paint booth did not have a fire suppression system. On 12/28/2021 the business was sent a letter outlining the fire code violation. The letter informed the business that the deadline for compliance would be 12/31/2022 for the suppression system to be installed. On 1/18/2023 the follow up inspection was performed and it was noted that the suppression system had not been installed. The business owner stated the letter was never delivered and the business was granted an additional 90-day extension to review the situation and come up with a resolution.

Uden noted the Minnesota State Fire Code 2020 section 2404.4 States, *"Spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system complying with Chapter 9. Protection shall extend to exhaust plenums, exhaust ducts and both sides of dry filters where such filters are used."*

Uden indicated Minnesota State Fire Code Sections 102 & 105 as outlined in attachment 4 in this packet provide the guidance on why requirements for this system are not "grandfathered in" based on operational provisions.

Uden stated the MN State Fire Code 2000 edition was the adopted code in effect in 2004 and was identical to the current code language regarding this issue and can be found in attachment 4 in this packet

Uden noted the property owner has filed an application for (Attachment 2 to Council's packet) and is seeking approval of a variance to eliminate the requirement of a fire suppression system installation as required by MN State Fire Code. The variance request application is required per Minnesota State Statute 299F.011, Subd 5.

Uden stated Minnesota State Statute 299F.011, Subd 5 states *"No appeal to the state fire marshal for a variance from orders issued by a local fire official from the State Fire Code shall be accepted until the applicant has first made application to the local governing body and the local unit has acted on the application."*

Uden indicated the East Bethel City Council is the local governing body in this matter and would hear the initial appeal for a variance. At the hearing for the variance, the Council may move to approve, deny, modify, or defer the variance request to the Minnesota State Fire Marshal's Office.

Uden stated consideration of a variance requires the requesting party to show that all of the following conditions are met:

- A. There is substantial compliance with the provisions of the Fire Code
- B. The safety of the public and building occupants will not be jeopardized.
- C. Undue hardship will result to the requesting party unless the variance is granted.

Uden indicated the owner of the property has addressed the conditions of the variance request as part of the variance application exhibited in Attachment 2 to Council's packet.

Uden stated City Council is presented with a request from RL Automotive for a fire code variance request to eliminate the requirement of a paint booth fire suppression system based on the conditions described in the Variance Application (Attachment 2 to Council's packet) at 1835 Viking Blvd NE.

Uden stated staff recommends that Council consider modifying the variance request by granting the business owner a time extension for the fire suppression issue to be addressed or refer the matter to the State Fire Marshal's Office to rule on the request for the variance. Alternatively, as the local governing body in this matter, City Council may elect to approve, modify, or deny the variance based on the information contained in the variance application, should they feel this situation does not meet the thresholds for compliance or require action by the State Fire Marshal's Office.

Smith stated I'll make a motion to approve the variance for 1835 Viking Boulevard NE. Lewis stated I'll second. Harrington asked any discussion?

Harrington noted as far as liability, this building was about 24 feet from another business and if something catastrophic happened, would the City be liable for the building next door. Larson responded he cannot tell the Council how a Court would rule, but this body does have discretion with respect to a variance application and as long as that discretion is utilized based upon a record in support of the variance, the Courts have been holding in favor of municipalities and governmental entities. He indicated it came down to the efficiency of that particular record. He stated obviously this question "hits the nail on the head" and this only becomes an issue if something catastrophic were to happen with either substantial property damage or a severe personal injury.

Mr. Larson stated in his career where he has both brought personal injury actions as well as defended them, that in such an event the Plaintiff's counsel would look at as many defendants as possible and could possibly look at the City of East Bethel.

Mr. Larson indicated whether this record is sufficient would be up to a Court to determine. He hoped a Court would dismiss it on Summary Judgment, but there is sufficient record here that he would feel comfortable himself defending the City, and if they wanted to look at additional means of trying to abutress that record, they could look at that as well.

Mundle inquired about precedence. He noted the City approved a similar request sometime last year and now they have this one in front of them, as well as there being 4 or 5 other businesses that at such time when they come around to being inspected would have a similar issue. He asked if approving two of them set any sort of precedence that they would have to approve the rest of them. Mr. Larson responded he responded no, the Courts are clear that these are specific to the applicant and it is possible to win and equal protection but they would need to have essentially all of the factual matters in perfect alignment such as close in time, as well as that they are very substantially identical with respect to facts, and even different locations would essentially take care of that particular similarity. He indicated he has dealt with this many times and each applicant needs to stand on their own facts and circumstances and the applicants cannot look at others.

Mr. Larson noted on a policy matter that was separate and it was up to the City as to how they want to deal with these variances and how it is looked at by the businesses.

Davis stated the motion should be for approval of Resolution 2023-23, which is before the Council.

Harrington asked Smith if he wanted to amend his motion. Smith responded he did.

Smith stated I'll make a motion to amend for approval of Resolution 2023-23. Lewis stated I'll second. Harrington asked any discussion? To the amended motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That amended motion passes. **Amended motion passes unanimously.**

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

4.0 C Public Hearing – MS4 Ordinance Amendments

Davis stated as the City of East Bethel has a population greater than 10,000, we are federally required to obtain a Municipal Separate Storm Sewer System (MS4) permit for managing non-point source storm water. Non-point source storm water is generally the overland flow of storm water that does not originate from a single discharge, otherwise known as point-source storm water.

Davis indicated the City of East Bethel has developed a Storm Water Pollution Prevention Plan as required by the National Pollutant Discharge Elimination Program, which authorizes City's to discharge storm water to the public water system. The goal of the Storm Water Pollution Prevention Program is to reduce the discharge of pollutants into receiving waters to the maximum extent practicable. The NPDES permit is issued through Minnesota Pollution Control Agency and must be renewed every five years.

Davis noted to comply with five-year renewals requirements of the permit, city ordinance changes are required. The three ordinances that require amendment include Salt Storage, Animal Waste, and Infiltration. These requirements are attached as Ordinances 2023-03, -04 and -05 to Council's packet.

Davis stated staff is requesting that City Council conduct a public hearing to receive comments on amendments to Ordinance 2023-03, 2023-04 and 2023-05 and at the conclusion of the hearing and

City Council discussion of this item, approve those amendments to Ordinances 2023-03, -04 and -05 as exhibited in Attachments 1, 2, and 3 to Council's packet.

Harrington opened the public hearing at 7:26 p.m.

There were no comments

Harrington closed the public hearing at 7:26 p.m.

Harrington stated I'll make a motion to approve Ordinance 2023-03, Ordinance 2023-04, and Ordinance 2023-05. Mundle stated I'll second. Harrington asked any discussion?

Lewis stated these were out of the blue and there was no background - no forewarning that this was coming. He indicated he read through them and it seemed vague. He noted for example, on the animal waste one, what constituted a sanitary manner of handling animal feces. He noted it was not defined. He indicated he was not "hip" on that one. Davis responded he was not totally sure either but these are ways to address the requirements in a straightforward, simple manner.

Lewis asked where does the impedance come from. He asked if it was the permitting process. Davis responded they are at the end of the five-year period on the permit and they have to have the Ordinance changes to update the City's Ordinances with the current requirements.

Lewis noted this was a Federal requirement for all cities of 10,000 or more people. Davis responded that was correct.

Lewis asked on the 2023-04, the level of detail was amazing to him for such matters. He wanted to know on the sale storage one, which is 05, it does not define what best management practices are. Lewis stated it was vague terms. Davis responded best management practices are identified by the permit itself.

Lewis stated he had no idea what they are. Davis responded they can table this if he wants to and he can get those for him.

Lewis stated it just seems like they are being asked to approve something about which they have virtually not knowledge...at least he doesn't and maybe everyone else is all read up on it, but he isn't and he does not know a thing about it until he read this. He indicated he didn't know if the others felt differently, but would they think they should be more informed before they approve this. Smith stated he agreed.

Lewis stated that was the thing and he mentioned it a couple of meetings ago and at the last regular meeting was that their job was to basically do good due diligence. And good due diligence requires good information and a brain to digest it and use it, so he did not feel they had anything close to enough information or knowledge about the subject to confidently approve it.

Miller noted they just had a work meeting and why wasn't this brought up at the work meeting. Davis responded the Ordinance changes they thought were simple, straight-forward, and they are required. Lewis stated they were benign.

Davis stated if they want to discuss this it can be scheduled for a work meeting. Lewis stated he wasn't trying to be difficult, but he just felt so ignorant about the subject he at least feels it is incumbent upon him and maybe them to become more educated about it. He stated if it seems silly to everybody else, that's fine and he'll stand down, but otherwise he just wanted to table it and get more information. Smith agreed.

Mundle asked if they had a timeline for approval of these. Davis responded they could wait until the 24th if needed.

Lewis responded they might as well get the Sunrise River one at the same time because it repeatedly refers to the Atlas 14 precipitation data. He asked if anyone knew what the Atlas 14 was. He stated he had no idea what that was. Davis responded this was a chart published by the National Weather Service that lists frequency rates for significant storm events (1-1,000 flood stages). He indicated this is what the engineers refer to get the rainfall rates.

Harrington asked what the Council want to do. Lewis stated he wanted to table this.

Lewis stated I'll make a motion to table Ordinance 2023-04 and Ordinance 2023-05. Smith 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 opposed. That motion passes.
Motion passes 3-2

4.0 D Public Hearing – SRWMO Plan Amendments

Davis stated City Code Appendix – A, Zoning, Section 35, Grading, Filling and Excavation needs to be amended to comply and be consistent with the SRWMO Watershed Management Plan.

Davis indicated The Bureau of Water and Soil Resources has approved the Plan and per Statute 103B.235 subd. 4, the City is required to amend its official controls to be consistent with this document. The SRWMO does not have a permitting program but has developed minimum standards that each member must adopt. These standards are adopted through ordinance and, at the least, be as protective as and consistent with the SRWMO Regulatory Standards (Attachment 2 to Council's packet), Municipalities implement these requirements through their permitting processes.

Davis stated Ordinance amendments (Attachment 1 to Council's packet) incorporating the use of Atlas 14 in drainage calculations and clarification of the use of buffers in drainage and utility easements will satisfy the updates to make our ordinances consistent with the plan requirements.

Davis indicated staff is requesting that City Council conduct a public hearing to receive comments on amendments to Ordinance 2023-06 and at the conclusion of the hearing and City Council discussion of this item, approve those amendments to Ordinances 2023-06 as exhibited in Attachment 1 to Council's packet.

Harrington opened the public hearing at 7:33 p.m.

There were no comments made.

Harrington closed the public hearing at 7:33 p.m.

Lewis stated I'll make a motion to table this as well for the same reason as the last bunch. Smith stated I'll second. Harrington asked any discussion?

Lewis asked where did this new text come from. Davis responded this was something they have been working on with the Sunrise WMO for the last six months. He indicated at the next meeting he will have the City Engineer at the meeting.

Lewis stated they need to have a method for getting them up to speed because again maybe it is just him and he is ignorant and everyone else is all "hip", but he is not and he wanted to get up speed and he believed the engineer can get them there.

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

There were no comments made.

6.0 Consent Agenda

~~Item A: Approve Bills~~

~~Item B: Minutes: Tabled Minutes, March 13, 2023 Council Meeting~~

Item C: Approve Meeting Minutes, March 27, 2023 City Council Work Meeting

~~Item D: Successful Completion of Fire Chief Probationary Period~~

~~Item E: Resolution 2023-22, Accepting Bids for 183rd Ave Reconstruction Project~~

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

~~Item G: Purchase of Equipment—Tandem Axle Trailer~~

~~Item H: Ice Arena Locker Room and Bathroom Flooring Bids~~

~~Item I: Firefighter Resignation~~

Item J: 2023 JPA Street Maintenance Bids

Lewis requested to pull Items A and B.

Smith requested the pull Items D, E, F, G, and H.

Harrington requested to pull Item I.

Lewis stated I'll make a motion to approve the Consent Agenda as amended. 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.** However, as there was no second, this item will be reintroduced at the April 24, 2023 meeting.

6.0 A Approval of Bills

Lewis asked about the permit inspection surcharge in the amount of \$2,400 plus. Davis responded that for each permit they are required to have a surcharge that is paid to the Minnesota Department of Labor and Industry. He indicated for the flat fees they pay \$1.00 and those based on valuations, the fee is based on a certain valuation. He believed the reason that one was so high was because of the Holiday Speedway project that is going on, which was a substantial project based on valuations.

Lewis asked if they pay the State based on the moneys they collect for inspections. Davis responded that is correct.

Lewis asked what the City Admin SESU Welcome Center was. Davis responded that was the fee for the continuing education conference/training that Carrie Frost goes to for City Clerk certification status.

Lewis asked about the charge for sewer operations Met Council Environmental Services loan payment of \$63,188 plus and professional services fee of \$52.65 plus. Davis responded that the professional service fee is the monthly flow charge to accept and treat the sewer at the sewer treatment plant.

Lewis asked if this was based on volume received and treated. Davis responded that was correct.

Davis stated the \$63,000 was 12 times that. He noted they had gone over this briefly when they discussed the Reserve Capacity Loan back in January. He stated that was the fee paid each year which is equal to the flow charge which is applied to the payment for the waste treatment plant, the rapid infiltration basins, and the force main that connects those.

Lewis asked if that was for the short fall. Davis responded that was what they were required to pay each year under the contract. He stated this was the loan payment they are paying Met Council for the wastewater treatment plant, the rapid infiltration basins, and the force mains. He noted in addition to that they get their City SAC fees also.

Lewis asked if this was the loan that continued to grow until they reached 2 million. Davis responded part of it was and once they reach 2 million, this goes away.

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 Minutes: Tabled Minutes, March 13, 2023 Council Meeting

Lewis stated they had talked about the Timesavers thing and they came up with the cost of full detailed minutes as opposed to verbatim transcription. He indicated maybe this will work as they don't want to spend any more money than they had to, but they also wants the Minutes to be as accurate as possible. He asked if for a while if they can try when Timesaver is done with their work and ready to submit it to Davis, they submit it to all of the Council at the same time, so all eyes see the same product coming from them and then they can have a "hair pulling contest" about what's right and what isn't.

Davis stated they can get it submitted as soon as it's received by staff.

Lewis stated he wanted to do this instead of jumping into a full transcription at 60 or 50 percent of the cost. He indicated he was game to try it and give it a shot.

Lewis stated I'll make a motion to approve Item B of the Consent Agenda. Miller 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 D Successful Completion of Fire Chief Probationary Period

Smith asked what was a successful completion of the Fire Chief's probationary – what is involved and who made the decision it was successfully done. Davis responded that was based on a performance review he did on his job.

Smith asked if he did everything he was supposed to do. Davis responded he had.

Smith asked if anyone had heard from any of the other firefighters what they think. Davis stated they have never done a reverse 180 review. To date, all of the reviews have been done at this level.

Smith asked if the decision was made by him. Davis responded that was correct and that was his recommendation based on the performance review.

Smith stated I'll make a motion to approve Item D 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 2023-22, Accepting Bids for 183rd Ave Reconstruction Project

Smith asked with the bids for this who looked through them. He asked if the City Engineer looked through all of them. Davis responded yes.

Smith noted the lowest bid to the highest bid was \$132,274 difference. He asked why would there be such a big spread. Davis responded a lot of it depended on how hungry the contractors were. He

noted sometimes somebody will just put in a bid hoping they will get it with a higher number. He indicated sometimes there can be huge spreads on bids.

Smith asked when the City Engineer goes through the specs if they are all using the same materials. Davis responded that was correct. He indicated there was a spec book prepared.

Smith stated I'll make a motion to approve Item E of the Consent Agenda. Miller 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 F Resolution 2023-20, Declaring 1997 Felling Trailer as Surplus Property

Smith stated he looked at the trailer and met with Nate and Tim and he inspected the trailer with them and it was at the end of its life so they are exactly right on with it. He wanted everyone to know he went there and took care of it. Lewis thanked him.

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

6.0G Purchase of Equipment – Tandem Axle Trailer

Smith stated met with Nate and Tim and everything is fine and the trailer they are going to purchase is the least expensive but it is a good trailer as well. Lewis thanked Smith for the extra effort.

Smith stated I'll make a motion to approve Item G 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 H Ice Arena Locker Room and Bathroom Flooring Bids

Smith stated when he got here tonight, Davis gave him some estimates and stuff on this floor in the Ice Arena. He indicated he has not had a long time to look at it and he didn't know if the other Councilmembers had a chance either, but they are not "under the gun" for this and he would like to have more time. Davis responded that is fine. He would like a decision at the next meeting though as he would like to get started so they are not faced with a deadline.

Smith stated I'll make a motion to table Item H 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 I Firefighter Resignation

Harrington thanked Kim Swanson for her five years of service on the Fire Department. He indicated she was a tremendous asset to the Fire Department and she will be missed. He wished her the best.

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

Mundle stated he echoes the Mayor's comments. Smith agreed and stated anyone who dedicates their time to the Fire Department is fantastic.

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

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

No Reports given.

8.0 Department Reports

None.

9.0 – Other Items

9.0 A Staff Report

Davis stated he sent out an email last week that they had received a notification from the Coon Rapids Animal Humane Society that they had a K9 Flu infection in their kennels and they are going to be closed down a minimum of 4 to 8 weeks. He noted they took the impounded dogs and trying to find another location was a challenge. He stated the City of Anoka does not take any extra animals. He indicated he had received an email yesterday from Christine Dahlman who had a good source to check which is Northwoods Humane Society in Wyoming but when he called them they are not open on Mondays. He stated he had called the Isanti County Animal Control Officer and they are willing to talk to staff about taking the dogs on a temporary basis, but they won't come down to the City to pick them up but would consider meeting someone in Isanti or Cambridge to do an exchange. He noted their charge is \$100 for the pickup, 62.5 cents a mile, and \$30/day for the kennel fee which is reasonable. He stated they will be getting a temporary contract from them unless they hear something else from Northwoods. He indicated this is what staff found for a temporary solution for now and he believed it would work out until Coon Rapids can get their facility back up.

Smith asked if it was okay for the Sheriff to cross the line to bring the dogs there. Davis responded it was.

Smith asked if there was any liability to the City for the Sheriff doing this. Davis responded there wasn't and it was the same as if they were serving a subpoena out of the County.

Davis stated staff received a notice today about opioid settlements and Cities are eligible for certain funds. He noted the Council discussed last year that East Bethel wasn't interested as they had no way of implementing it, but whatever they got must have gone to junk mail because they received something from the National Board of Minnesota Cities today noting they had not signed the agreement. He indicated he did not know how much money they would get, but if they got any their money would go to the County to benefit their program. He asked if they wanted to participate in that. He stated he would get the Council some information on this.

Mundle requested Davis get something together for the next meeting. Davis stated they would need to call a special meeting on Monday before the EDA meeting if necessary. He stated he would get something to the Council on this for their direction.

9.0 B Council Reports

Smith stated he had a couple of different concerns. On Cambia Hills the way he understood it City staff and some Councilmembers met with them. He stated it was his opinion that all of the Council should know when these meetings are taking place. He indicated he had not heard a word about it and did not know anything about it. He believed all of them should be informed before these even happen if they are going to do that. He asked how did the Council feel about it.

Lewis asked if that was the Finance Committee. Harrington responded it was Lewis, Davis, and himself.

Smith stated it was when they met with him beforehand. Davis stated they had requested a meeting with them and they had met with them the first week in January.

Smith stated with something like this, they should let the whole Council know what is going on as they wanted to be transparent with everything and it's important. He stated if they are going to be there they should know about it beforehand. Lewis agreed.

Smith stated they all need to keep in touch with what's happening and they don't need surprises and that concerns him on this. He stated if they are all on the same page with that – with any businesses or whatever they are doing – they all need to know what's happening. He asked if that was understood.

Miller stated he was very happy about a few things that have transpired lately with parks and trails committee. He stated he had asked for some visions and some outlooks to see what they wanted to do; what they saw the City, and what direction they needed to go. He stated the Committee Chairman sent him an excellent report about goals and focuses and he was very excited about getting together with that Committee. He indicated they have a meeting tomorrow night and they might start going over some of these things. He stated they had a starting point on the parks and trails and that was important in East Bethel. He thanked the people who responded to him and the Chairman who took the time to go in depth and above and beyond. He believed these will be excellent topics to talk about.

Lewis stated he was happy to hear that.

Mundle stated any residents with potholes on City streets to let the City know, and any potholes on County streets to let the County know. He stated they had an upcoming Town Hall meeting on April 26 at 6:00 p.m. at the Senior Center.

Harrington stated he had no report.

9.0 C Other

None.

9.0 D Closed Session

9.0 D.1 Closed Session: Attorney Client Privilege, Cally Nelson, MS Sec. 13D.05 and 595.02, Subd 1(b)

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 litigation commenced by Tammy Gimpl v. City of East Bethel. The purpose is to confer with the attorney that has been retained to represent the interest of the City of East Bethel. He stated because the closed meeting involved Attorney Client Privilege, it will not be tape recorded. He noted the meeting was pursuant the MS Sec. 13D.05 and 595.02, Subd 1(b).

Larson indicated since the meeting was not recorded, for the record he wanted to note that for the closed session the attendance will be Mayor Tim Harrington, Councilmembers Kevin Lewis, Tim Miller, Bryan Mundle, and Jim Smith. Staff that will be present will be City Administrator Jack Davis, City Attorney Eric Larson, and the attorney that has been retained to represent the City is attorney Cally Kjellberg-Nelson.

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 7:56 p.m. for the purposes that City Attorney's indicated. Lewis 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. He noted the time was approximately 8:23 p.m. and the closed session has been concluded and they are now back in the regular session.

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 8:25 PM.

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.