

EAST BETHEL CITY COUNCIL MEETING

April 24, 2023

The East Bethel City Council met on April 24, 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
 Mike Jeziorski, Deputy City Administrator/Finance Director

1.0 Call to Order

The April 24, 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 adding Item K under the Consent Agenda, Supplemental Bill List. 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 2022 Audit Presentation: Abdo – Res. 2023-29, Accepting 2022 Audit

Jeziorski stated Brad Falteysek from Abdo was in attendance to present the 2022 audit.

Mr. Brad Falteysek, Abdo presented the 2022 Audit presentation.

Harrington thanked Abdo for their thorough work on the audit.

Davis recommended adoption of Resolution 2023-29, accepting the 2022 Annual Financial Report for operations and activities of the City of East Bethel for fiscal year 2022 and direction to submit the report to the State Auditor.

Lewis stated I'll make a motion to adopt Resolution 2023-29, Resolution Accepting and Adopting the 2022 City of East Bethel Annual Financial Report. Smith stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

4.0 B Coon Lake Regional Park Long Range Plan – Res. 2023-30

Ayshford stated that Karen Blasko, Parks Planner with Anoka County Parks, will present the Coon Lake Regional Park Long Range Plan. Coon Lake County Park is approximately 110 acres and is located on the east end of Coon Lake in Columbus Township. The park was approved for Regional Park status in 2021 and as part of that designation, a long-range plan must be in place before the County is eligible for Metro Regional Park funding.

Ayshford indicated the East Bethel Park Commission provided comments to the draft master plan at their December 13, 2022 meeting and have reviewed the attached Long-Range Plan at their April 11, 2023 meeting.

Ayshford stated the East Bethel City Council, along with other local communities, will be asked to submit a resolution of support for the project.

Ayshford noted the Parks Commission unanimously voted to recommend support of the Coon Lake Regional Park Long Range Plan and recommends that City Council approve Resolution 2023-30 supporting Anoka County's efforts to redevelop the park.

Ms. Karen Blasko, presented the Coon Lake long-range plan. She indicated the Met Council had approved this park be added to the regional park system.

Harrington asked if the public could still make comments on this. Ms. Blasko responded they could.

Mundle stated I'll make a motion to adopt Resolution 2023-30, Resolution of Support for Anoka County's Coon Lake Regional Park Long Range Plan. 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 Anoka County Sheriff's Report

Lieutenant Derek Peters presented the March 2023, Sheriff's Report, stating the Sheriff's Department noting they had responded to 357 calls with 54 medicals, 3 assaults, 1 damage to property, 21 arrests for miscellaneous violations, and 37 traffic citations.

Informational; no action required.

4.0 D Fire Department Monthly Report

Fire Chief Sanow presented the March 2023 report and noted that they responded to 73 calls, of which 55 were medical, 5 crashes, 7 alarms, 2 burning/smoke, 2 other, 1 fire, and 1 mutual aid. He stated if someone wanted to burn, they must obtain a burning permit from the City Hall and the fire must be extinguished before leaving the burn site. He noted yard waste, leaves, tires, treated lumber, railroad ties, and building material cannot be burned. However, brush can be burned. It is permissible to have a 3x3 foot recreational fire that has to be 25 feet away from any structure and only logs from trees can be burned in a recreational fire. He noted a portable outdoor fireplace is allowed but must be 15 feet away from any structure. He stated fires must be attended to at all times and extinguished before leaving. For open burning, he said to check the DNR website to see if it is permitted.

Lewis asked if a burning permit can be acquired online. Davis responded there was no cost for a burning permit but generally a burning permit cannot be acquired online as it is through coordination with other agencies. He stated if it is inconvenient for a citizen to come into City Hall for a permit, it is possible to call the City Hall and a permit can be emailed. Lewis requested this information be put in the next newsletter as an option to coming into the City Hall.

Informational; no action required.

4.0 E Public Hearing: Ord. Amendments – MS4 Permit

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 the Minnesota Pollution Control Agency. The City's current permit is included as Attachment 1. The permit replaces the previous permit that was in place in 2013. The expiration date shown on the General Permit in Attachment 1 is two years behind the schedule of the 2013 permit due to COVID related issues in the timely issuance of the 2018 permit.

Davis stated several Code updates are required to comply with the new permit. The three Codes that require amendments are:

1. City Code Chapter 10, Animals
 - Section 18.5 of the General Permit (Attachment 1) requires a regulator mechanism be developed to remove and properly dispose of pet waste on City-owned property. Ordinance No. 2023-03, which is included as Attachment 2, adds Section 10-1. Animal Waste to City Code Chapter 10.
2. City Code Chapter 66, Subdivisions
 - Section 18.6 of the General Permit requires a regulator mechanism be developed to require proper salt storage at certain facilities. Ordinance No. 2023-05, which is included as Attachment 3, adds Section 66-171 - Salt Storage, to the City Code Chapter 66. Best Management Practices are defined in the MPCA Administrative Rules, Chapter 7090. Storm Water Regulatory Program, 7090.0080, subpart 2.
3. City Code Appendix A, Zoning, Section 35, Grading, Filling and Excavation
 - Section 20.7 of the General Permit (Attachment 1) has added a new water quantity requirement for linear projects. Ordinance No. 2023-06, which is included as Attachment 4, adds Paragraph 7.B.2.b.iv to address this requirement. Section 27.18 of the General Permit provides a definition for linear projects.
 - Section 20.9 of the General Permit (Attachment 1) addresses when infiltration systems are prohibited. Ordinance No. 2023-06, which is included as Attachment 4, adds Paragraph 7.B.2.c which includes the new permit language and replaces Paragraphs 7.B.2.c and 7.B.2.d.

Davis stated staff is requesting that City Council conduct a public hearing to receive comments on amendments to Ordinance 2023-03, 2023-05 and 2023-06, and at the conclusion of the hearing and City Council discussion of this item, approve those amendments to Ordinances 2023-03, Ordinances 2023-05, and Ordinances 2023-06 Paragraphs 7.B.2.b.iv and 7.B.2.c.

Harrington opened the public hearing at 7:49 p.m.

There were no comments made.

Harrington closed the public hearing at 7:49 p.m.

Mundle stated I'll make a motion to adopt Ordinance 2023-03, City Code Chapter 10 – Animals. Ordinance 2023-05, City Code Chapter 66 – Subdivisions, Ordinance 2023-06, Paragraphs 7.B.2.b.iv and 7.B.2.c as exhibited as attachments 2, 3, and 4 in Council's packet. 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.

4.0 F Public Hearing: Ord. Amendments – SRWMO Management Plan

Davis stated the Minnesota Board of Water and Soil Resources (BWSR) coordinates the water and soil resources planning and implementation activities of counties, soil and water conservation districts, watershed districts, watershed management organizations, and any other local units of government.

Davis indicated Watershed management organizations, such as the SRWMO, are required to prepare, adopt, and implement a watershed management plan in accordance with the requirements of MN Statues Sections 103B.205 to 103B.255.

Davis noted after the watershed management organization’s (WMO) watershed plan is approved and adopted, pursuant to section 103B.231, the local government units, such as East Bethel, having land use planning and regulatory responsibility for territory within the watershed, must prepare a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the WMO plan.

Davis stated appendix B of the SRWMO Watershed Plan includes the Regulatory Standards for the watershed. East Bethel is responsible for implementing the official controls to enforce these Regulatory Standards. The two ordinance revisions required to comply with the SRWMO Regulatory Standards include:

City Code 66, Subdivisions, Article IX, Wetland Protection, Section 66-255 – Buffer Strips

Chapter 66 of the City Code already requires the preservation of buffer strips around wetland boundaries. A copy of Ordinance No. 2023-04, which requires these buffers to be contained within a drainage and utility easement, is included as Attachment No. 2. This revision is consistent with the SRWMO Regulatory Standards.

City Code Appendix A, Zoning, Section 35, Grading, Filling and Excavation, Part 7.A.1 and 7.B.2.g.

Davis stated the revisions require Atlas 14 precipitation data to be used in estimating storm water runoff rates consistent with the SRWMO Regulatory Standards.

Davis indicated Atlas 14 provides precipitation frequency estimates for durations of 5-minutes through 60-days at average recurrence intervals of 1-year through 1,000-year for eleven Midwestern states: Colorado, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin. The typical storm recurrence used to evaluate development sites in East Bethel includes the 2-year, 10-year, and 100-year. The information in Atlas 14 supersedes precipitation frequency estimates previously used in the publication “Weather Bureau’s Technical Paper No. 40 (TP-40), Rainfall Frequency Atlas of the United States for Durations from 30 Minutes to 24 Hours and Return Periods from 1 to 100 Years (Hershfield, 1961).”

Davis noted a comparison of the precipitation values for the 2-year, 10-year, and 100-year 24-hour storm events for the TP-40 and Atlas 14 is as follows:

| Storm Event | TP-40 (Old Standard) Rainfall (Inches) | Atlas 14 (New Standard) Rainfall (Inches) |
|--------------------|---|--|
| 2-Year | 2.70 | 2.82 |
| 10-Year | 4.10 | 4.18 |
| 100-Year | 5.90 | 6.91 |

Davis stated staff is requesting that City Council conduct a public hearing to receive comments on amendments to Ordinance 2023-04 and Ordinance 2023-06 and at the conclusion of the hearing, City Council is requested to approve those amendments to Ordinance 2023-04 and Ordinance 2023-06 Part 7.A.1 and Part 7.B.2.g.

Harrington opened the public hearing at 7:52 p.m.

There were no comments made.

Harrington closed the public hearing at 7:52 p.m.

Mundle stated I'll make a motion to adopt Ordinance 2023-04, City Code Chapter 66 – Subdivisions; Ordinance 2023-06 Part 7.A.1 and Part 7.B.2.g as exhibited in attachments 2 and 3 to the Council's packet. 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.**

4.0 G Public Hearing: Ord. & Fee Schedule Amendments – Park Dedication Fee

Davis stated 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.

Davis indicated 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.

Davis noted these lower fees were adopted to compensate for higher operations and amortization 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 area municipalities.

Davis 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.

Davis indicated based on discussions from both of those meetings and discussions at the March 13, 2023 Park Commission Meeting, the 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.

Davis stated the Park Commission was aware of the pending litigation at the state level 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 this case is settled, the City's Fee Schedule can be amended to reflect any new requirements.

Davis noted the Park Commission recommended 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.

Davis stated the recommended fees would increase park revenue for new development and be comparable with fees charged by neighboring cities. The fees would be included in the City Fee Schedule and would be reviewed annually and adjusted as deemed appropriate to balance demands for park facilities and improvements with the market conditions for development projects.

Davis indicated this item was discussed at the City Council Meeting on March 27, 2023 and was tabled to enable the preparation of a resolution to approve this recommendation. In addition to Resolution 2023-32 to change the City Fee Schedule, revisions to City Ordinance 66-195 are required to remove those references to fees based on a percentage of appraised value.

Davis stated staff's recommendation 1 is requesting that Council hold a Public Hearing to discuss revisions to the ordinance and consider approving those changes to City Ordinance, Chapter 66, Article VII, Section 66 – 195, Public Land Dedication.

Davis stated staff's recommendation 2 is requesting that Council approve Resolution 2023-32, Amendment to the 2023 Fee Schedule – Park Dedication Fees. These changes would align the Fee Schedule with revisions to City Ordinance 66 -195.

Harrington opened the public hearing at 7:57 p.m.

There were no comments made.

Harrington closed the public hearing at 7:57 p.m.

Mundle stated I'll make a motion to adopt Ordinance No. 2023-32, Amendment to the 2023 Fee Schedule. 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.**

Mundle stated I'll make a motion to adopt Resolution No. 2023-07. 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.**

5.0 Public Forum

There were no comments made.

6.0 Consent Agenda

~~Item A: Approve Bills~~

Item B: Approve Meeting Minutes April 3, 2023 City Council Work Meeting

Item C: Approve Meeting Minutes, April 10, 2023 City Council Meeting

Item D: Res: 2023-31, 2023 Street Re-Surface Improvement Projects

~~Item E: Ice Arena Locker Room and Bathroom Improvement Projects~~

Item F: Seasonal Employee Hire

~~Item G: Chloride Application for Klondike Drive~~

Item H: Res. 2023-26, Amending Finding Date on Res. 2022-56

Item I: Res. 2023-33, Municipal Request for MSA Project Funds: University Avenue Project

~~Item J: April 10, 2023 Consent Agenda: Items C and J Re-vote~~

Item K: Supplemental Payment List

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

Harrington asked any discussion? Lewis requested to pull Items A, G, and I. Smith requested to pull Item E. Harrington pulled Item J.

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

6.0 A Approve Bills

Lewis inquired about the software licensing bill for \$9,800. Davis responded that was for the Public Data Service System for the Fire Department. He indicated this was the annual fee.

Lewis stated I'll make a motion to approve Item A 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 E Ice Arena Locker Room and Bathroom Improvement Projects

Smith noted he had seen the samples of the new flooring and it was nice. He indicated he had seen a couple of roof leaks and he wanted to make sure the leaks were fixed before the new flooring was put in.

Smith stated I'll make a motion to approve Item E of the Consent Agenda subject to getting the roof fixed. Lewis stated I'll second. Harrington asked any discussion?

Harrington stated there was no taxpayer money being spent on this improvement project and the money had been raised from people who rented the ice arena.

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

6.0 G Chloride Application for Klondike Drive

Lewis asked if soap stock had ever been considered. He indicated this was a residue left over from the soap manufacturing business and years ago this was what was used. He noted it keeps the dust down. He asked Ayshford to look into this. Ayshford indicated he had never heard of this and asked if Lewis knew of any companies who did this. Lewis responded he did not, but he hasn't researched this. Ayshford responded he would look into this.

Lewis stated I'll make a motion to approve Item G 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 I Res. 2023-33, Municipal Request for MSA Project Funds: University Avenue Project

Lewis inquired about the diagrams that were in the Council's packet which did not appear to apply to University Avenue. Ayshford believed those diagrams were for Item D.

Lewis stated I'll make a motion to approve Item I 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 J April 10, 2023 Consent Agenda: Items C and J Re-vote

Davis noted at the April 10, 2023 Consent Agenda, Items A and B were pulled by Council Member Lewis. Items D, E, F, G and H were pulled by Council Member Smith. Item I was pulled by Mayor Harrington. Council Member Lewis made a motion to approve the consent agenda as amended but there was discussion prior to a second to the motion. After the discussion, the second to the motion was not made and the vote was taken on Consent Agenda items C and J. Although the motion passed

unanimously, these items need to be reopened, a second to the motion made, and the Consent Agenda vote of April 10, 2023 retaken.

Lewis stated I'll make a motion to approve Items C and J from the April 10, 2023 meeting. Smith stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

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

No reports given

8.0 Department Reports

8.0 Community Development

8.0A1 IUP Extension Request – 655 198th Avenue NE

Berg stated the automotive repair business known as B-Roc's, Inc. has been operating at the residential address of 655 198th Avenue NE for approximately 11 years. On November 8, 2021, an administrative hearing was held at the City Council meeting. Staff was directed to discuss with the Planning Commission the possibility of amending the zoning code to allow automotive repair in the residential districts as a home occupation. On March 7, 2022 the Planning Commission and City Council held a work session to discuss a possible zoning text amendment; at which time it was determined that the code would not be amended to allow for automotive repair businesses in residentially zoned districts.

Berg stated a Compliance and Limited Enforcement Waiver Agreement was drafted by the City Attorney and fully executed by both parties on May 26 2022 to allow B-Roc's, Inc. to continue operation at this location while a search for a commercial property to relocate the business could be done.

Berg noted the Compliance and Limited Enforcement Waiver Agreement is set to expire on May 31, 2023. Broc Vierzba is requesting an extension due to his inability to locate a suitable property in which he can relocate the business.

Berg requested the City Council discuss the extension request and provide direction to staff in regards to this matter.

Mundle stated I'll make a motion to approve an extension request for approximately one year (May 31, 2023 – May 31, 2024). Smith stated I'll second. Harrington asked any discussion?

Mundle asked if there has been progress on the attempts to find a new location. Davis responded staff had a meeting with Mr. Vierzba approximately six weeks ago where Mr. Vierzba indicated he had made several attempts to relocate the property but was having a difficult time finding a place in the city.

Smith stated he was at the property today and it looked like it was a fine setting. He indicated he could not figure out why Planning would say no to it. Davis responded at the time this was brought up, there had been seven complaints from the neighborhood. He stated there was a complaint concerning a little girl who was almost hit by a delivery truck, along with numerous complaints about increased traffic and driving at high speeds. He believed the business generated extraordinary amount of traffic that was normally associated with an IUP. He noted Mr. Vierzba was very cooperative in working with the City and he believed there are some valid complaints, but the City decided Mr. Vierzba would be given an extension to relocate and Mr. Vierzba has apparently made some efforts to find a new location but has not yet been successful.

Smith asked when complaints were received are they written and signed. He noted this business has been there for 11 years. Davis responded they are not written and signed, but they are made by people who have given their names.

Smith suggested a complaint form be made to be filled in and signed by the person making the complaint. Davis noted this was also an illegal activity in this zone; an auto repair shop cannot be operated in a residential zone. Smith noted he has been doing this for 11 years though.

Davis stated the City's policy is if there are no complaints, staff did not go after anyone, but in this situation there were several complaints received. He indicated the City also did not accept anonymous complaints.

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

8.0A.2 Res. 2023-24 and Res. 2023-25, 19848 E. Bethel Blvd NE

Berg stated on June 19th, 1996 the East Bethel City Council adopted Resolution 1996 - 30 and further adopted amended Resolution 1996 – 30A on October 16, 1996 regarding a property division and combination at or near 19848 E. Bethel Blvd. NE.

Berg noted at the conclusion of the division and subsequent a real estate transaction, one of the two new parcels (PIN: 22-33-23-33-0004) was intended to be combined with that of the new owner (PIN: 22-33-23-34-0002), as a condition of the approved property division. The condition was due to a lack of road frontage and access as required by Chapter 66 – Subdivisions - Article VI. – Design Standards - Sec. 66-163. - Lots. (e) Lot frontage. All lots must have frontage on a public street. The required lot frontage is measured at the public right-of-way. Flag lots are prohibited.

Berg indicated subsequently, the proposed combination request was sent to Anoka County Property Records where it was rejected as a result of parcels being located in two adjacent watersheds. PIN: 22-33-23-33-0004, the new parcel, is located in the Upper Rum River WMO while PIN: 22-33-23-34-0002, is located in the Sunrise River WMO. Resolution 1996 – 30A was adopted to include the provision that the parcels cannot be combined and therefore not be sold individually without City Council approval.

Berg stated on April 14th, 2023 the City received a fully executed purchase agreement and property division between Ahmed Phuly, 19848 E. Bethel Blvd. NE and TH Construction of Anoka. The purchase agreement is contingent upon city approval of a division of 19848 E. Bethel Blvd. NE and the independent sale of PIN: 22-33-23-33-0004 from PIN: 22-33-23-34-0002. Phuly is proposing to divide 1.74 acres off of his existing 6.23-acre parcel (PIN: 22-33-23-34-0002) creating a two separate parcels. Appendix A – Zoning. Section 42. – Rural Residential (RR) District. 7. – Development Regulations A. Minimum lot regulations. 1.) Lot Area Two acres, with a density not to exceed one unit per two and one-half acres. Granting Phuly's division request will create a lot below the minimum lot area however, under the purchase agreement TH Construction of Anoka, who owns PIN: 22-33-23-34-0005, the 20.76 acres adjacent to and immediately south, would be combining the two creating a 22.50-acre parcel eliminating the minimum lot area concern.

Berg indicated additionally, in the contract TH Construction of Anoka is proposed to purchase PIN: 22-33-23-33-0004, the 16.72-acre parcel, identified in Resolution 1996-30A, as needing City council approval prior to sale. TH Construction of Anoka owns PIN: 22-33-23-33-0002, an adjacent 5.13-acre parcel, which will be combined with PIN: 22-33-23-33-0004 creating a new 21.85-acre parcel. The two

newly created parcels, although in two different watersheds cannot be combined however, they are adjacent to one another eliminating the ordinance requirement of Lot Frontage.

Berg stated this division and subsequent combinations will leave Phuly with a 4.66-acre parcel at 19848 E. Bethel Blvd NE (PIN: 22-33-23-34-0002) which meets all minimum lot standards outlined by City Code and eliminates the restrictions identified in Resolution 1996-30A.

Berg recommended approval of a lot division for PIN: 22-33-23-34-0002 and subsequent combination of the 1.74 acres with PIN: 22-33-23-34-0005, with the conditions set forth in Resolution 2023-24. Additionally, staff recommends approving the independent sale of PIN: 22-33-23-33-0004, separate from PIN: 22-33-23-34-0002, as identified in Resolution 1996-30A, with the conditions set forth in Resolution 2023-25.

Lewis stated I'll make a motion to approve Resolution No. 2023-24, A Resolution Approving the Administrative Lot Split for PIN 22-33-23-34-0002, 19848 E. Bethel Blvd. NE, East Bethel, MN.

Mundle stated I'll second. Harrington asked any discussion?

Harrington asked for an explanation where the watershed districts were. Berg pointed out where the watershed districts were on the map.

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

Motion passes unanimously.

Smith stated I'll make a motion to approve Resolution 2023-25, A Resolution Approving the Sale of PIN 22-33-23-33-0004, 19848 E. Bethel Blvd. NE, East Bethel, MN, Separately from PIN 22-33-23-34-0002. 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.**

8.0 B Engineer Report

None.

8.0 C City Attorney

None.

8.0 D Finance

None.

8.0 E Public Works

None.

8.0 F Fire Department

None.

8.0 G City Administrator Report

8.0 G.1 May 2023 Work Meeting Agenda

Davis stated Council's monthly Work Meeting is scheduled for Monday, May 1, 2023 at 7:00 PM. The following item(s) are recommended for discussion: City Council Minutes Discussion; Discussion of a Conduit Bond Issuance Proposal for a potential Cambia Hills purchaser; SRWMO Compromise Agreement; and review of Roads and Parks Capital Improvement Program.

Davis recommended that City Council set the agenda item(s) as presented or other items as desired for the May 1, 2023 Work Meeting.

Smith requested a discussion regarding storage containers be added.

Miller stated I'll make a motion to approve the Work Meeting agenda as presented. 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.**

8.0 G.2 Town Hall Meeting Agenda

Davis stated the Spring Town Hall Meeting is scheduled for April 26, 2023. He reviewed the agenda.

Davis noted representatives from the Anoka County Highway Department and the Anoka County/Blaine Airport Commission will be present in the 6-7 PM Informal Session for any questions residents may have regarding their services.

Davis requested the City Council approve the agenda for the Spring Town Hall Meeting.

Lewis stated I'll make a motion to approve the agenda for the Spring Town Hall Meeting. 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.**

8.0 G.3 Temporary ACO Contract

Davis stated the City's contract kennel facility for impound and quarantined dogs, Animal Humane Society Coon Rapids, was identified with canine influenza in one of their shelters. This was reported to the Minnesota Board of Animal Health and their facility will be closed for a period of 4-8 weeks beginning April 6, 2023 to isolate the infection.

Davis indicated in the interim, the City needs to temporarily contract this service with another provider. The nearest facility that meets our requirements is Isanti County Animal Control in Ogilvie, MN. Staff did find a service in North Branch but they only take dogs during normal business hours, Tuesday – Saturday, and would not accept dogs that were quarantined for bite incidents

Davis stated the City will only incur charges should dogs be taken to Isanti County Animal Control and not claimed by their owner.

Davis recommended the City Council approve a temporary contract for services with Isanti Animal Control to provide impound and quarantine kenneling for a term of 90 days.

Larson noted he had reviewed the contract and had approved it.

Mundle asked if they do not need the full 90 days, did they have to give them 30 days' notice. Davis responded they would just let it expire. He indicated if the City did not use their services, there was no charge.

Mundle asked if the City was contracted to use them exclusively if the canine influenza at the other facility got better quickly and reopened. Davis responded no, they are only contracted with them if the City requests their service.

Mundle stated I'll make a motion to approve a temporary contract for services with Isanti Animal Control to provide impound and quarantine kenneling for a term of 90 days. Lewis stated I'll second. Harrington asked any discussion? To the motion, all in favor say aye. **All in favor.** Harrington asked any opposed? That motion passes. **Motion passes unanimously.**

9.0 – Other Items

9.0 A Staff Report

Davis stated he had no reports.

9.0 B Council Reports

Smith stated he attended the EDA meeting and when it came to the staff reports it was noted there was good news about Cambia Hills, there was a buyer interested, and they are in the final stages of putting that all together. He stated he had not heard anything about this and it was news to him. Davis responded the news had just broken. He indicated the process for the City is that they are going to discuss the bond issue at the Work Meeting. The receiver has announced someone wanted to purchase the facility and this was the breaking of the news.

Smith stated this was broken at the EDA without letting any other Councilmembers know anything about it. He asked if the Council shouldn't have known about this. Davis stated he thought everybody knew about it.

Smith asked how they would know. Harrington believed Smith had made a comment at the last meeting about Cambia Hills and everyone should be involved in these meetings, so he must have known about it.

Smith stated he did not know anything about this. Harrington stated Smith had made the comment about it.

Smith asked if Harrington was here when the Superintendent was here. Harrington stated he was in attendance when the school Superintendent was at Council.

Smith stated now they got a letter as of 3 this morning basically going against everything that they had said. Davis stated from what they've said, the City has done their part and what the School District was saying was a separate thing.

Smith asked who authorized Davis and Harrington to act on their behalf. Harrington noted Lewis was there too.

Smith stated Lewis was at one meeting. He asked if they are supposed to do this all together. Davis responded they are, but they did not authorize anything. He noted they had a preliminary meeting with the School Chairman and the School District Superintendent at their request and they told them that there was some discussions going on about Cambia Hills and they would be kept posted. With that, they said that they would like to come to City Council and present what some of their plans were and how they wanted to work with the City and he told them there may be some questions about Cambia Hills that might come up. He stated they never authorized anything – they only informed them of some things going on.

Smith stated he has had a lot of complaints from people just with the EDA calling him asking what was going on and that this was a done deal. Davis responded this was not a done deal.

Smith stated from Davis's comments and the way they took it (he did too) is that this is the final process and it was going forward. Davis responded no, this was still preliminary. He said there was a potential buyer but there still were a lot of things that needed to be worked out.

Miller stated there were questions in his mind also. He said Davis said, "The best news of all, negotiations are in the final phase of discussion and we should be announcing they have a deal within the next couple of weeks." He stated that was where he was confused also as they had just heard about this.

Mundle assumed that was between the receivership and the interested party interested in purchasing it – that their talks among themselves were at the final stages. Davis responded that was correct and this was all contingent too on what the City decides on the conduit bond issue, which was going to be discussed at the Work Meeting and also on what they can work out with the School District.

Miller stated Davis created confusion as he was watching this and all of a sudden the best news was coming out and it was in the final phases and they were going to announce it. Davis acknowledged he could see where there could be some confusion and if he misspoke, he apologized.

Lewis asked Davis to please redouble his efforts when there were meetings with outside parties on city related business to inform the rest of the Council ASAP. He believed that would avoid a lot of this. He indicated he was in that meeting, but he was also surprised by what he heard when he watched the EDA meeting. He stated that was what they were getting at and asked Davis to redouble his efforts to make sure they are all in the same loop at the same point at all times. Davis responded he would.

Smith stated he also had a question about the closed session regarding Gimpl's lawsuit against the City. He stated he was concerned that the Mayor and Davis had attended a mediation and the rest of the Council knew nothing about this. He asked if the rest of the Council should be informed about this. Davis responded it was over and there wasn't anything to report. He stated they were asked to come to the mediation; they had no input in it; they reported that was why they had the closed session.

Smith stated the way the City should be run was through the Council, which meant all of them and Davis worked for them. Davis responded that was correct.

Smith stated it bugged him when things were going on and they get secondhand information on it after the fact and it was done. He asked Davis to let the rest of the Council know what is happening and if he has any questions about it, to ask him. Lewis responded, "Ditto". Davis stated he understood.

Smith stated on December 12, when they met (himself, Miller, and Lewis) they had talked about how they were going to get key cards and codes to the buildings and they had not received anything. He asked if there was a reason. Davis responded he did not know if they wanted key cards to everything but if they do, all they have to do is to direct him to do it.

Smith directed Davis to do it. He asked if they needed to make a motion. Davis responded yes.

Smith stated I'll make a motion to give the Council key card access to all of the buildings the City owns for inspection purposes. Lewis stated I'll second. Harrington asked any discussion?

Lewis asked how they quantify that as he did not want key cards for everything. But if a Councilmember wants them that's okay. Davis noted there were different keycards for each system.

Smith stated he wanted to inspect the buildings on his own time and he did not want to take staff/employees time. He indicated he wanted to check on the maintenance.

Smith asked if he was clear on this. Davis responded he was.

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

Miller stated he had no report.

Mundle stated the EDA meeting had a presentation by the Connexus Energy Community Engagement person. At the next EDA meeting, they will have representatives from the U of M. He noted highway cleanup was this weekend at 11:00 a.m. at St. Andrews Church.

Lewis stated he had no report.

Harrington stated he had no report.

9.0 C Other

None.

10.0 Adjourn

Lewis 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 8:47 PM.

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.