

EAST BETHEL CITY COUNCIL MEETING

November 13, 2023

The East Bethel City Council met on November 13, 2023, at 7:00 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Kevin Lewis Brian Mundle Bob DeRoche
Tim Miller Jim Smith

ALSO PRESENT: Jack Davis, City Administrator
Eric Larson, City Attorney
Aaron Berg, Community Development Director
Nate Ayshford, Public Works Manager
Carrie Frost, Administrative Coordinator

1.0 Call to Order

The November 13, 2023, City Council meeting was called to order by Mayor Lewis 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 under bills paid Supplemental Payment Summary of \$105 and under the Consent Agenda adding Item K Scoreboard for East Bethel Ice Arena. DeRoche stated I'll second. Lewis asked any discussion? To the motion, all in favor say aye. All in favor. Lewis asked any opposed? That motion passes. Motion passes unanimously.

4.0 Presentations and Public Hearings

4.0 A Candidate Interview – City Administrator Position

Lewis stated there had been a lot of speculation and talk, and just to address the obvious question of "What is the point of a change? What is the reason? What is the purpose?" He indicated it was just widely believed in corporate world, government, non-profits, fraternal organizations, faith communities, and just about any kind of organization you can think of, that occasional change in senior management is a healthy thing for any organization whether it is business, government, or otherwise. He noted Davis has been the City Administrator for 12.5 years as compared to his predecessor which was 7 years. He stated what it does is it brings a fresh perspective, a different person's experiences, a fresh perspective to the job, and if there is any baggage to overcome it, it kind of goes with the person and you start making fresh baggage.

Lewis indicated with respect to the attributes they were looking for (what he was looking for in particular) and kind of drove this process was someone with intelligence, good character, integrity, and a breadth and depth of experience; not just in government operations, but in business (ideally entrepreneurial) so they know how businesses operate. He noted this is a very diverse job and you have to have a lot of different experience; it is a broad kind of job that requires broad experience. He stated also municipal and/or County and/or State experience knowing how the different levels of government operate would be very useful as well.

Lewis stated he could get into a lot of reaction to some of the stuff that has been said, not just because it was addressed at him, but what bugged him was when facts were confused with opinions.

He indicated a famous Senator by the name of Patrick Davis Moynihan – “he was a very liberal Democratic Senator from New York State, and he is famous for a lot of things,” but one thing was a quote that said, “You are entitled to your own opinions, you are not entitled to your own facts.”

Lewis stated facts as he thinks John Adams said, “facts are stubborn things, they are either real or they are not.” He wanted to make it very, very clear for the record that before an acquaintance of his recommended the person they were going to interview, he had not so much as heard the person’s name before. He indicated he had never met him, had any relationship with him, none of it. He stated those that have been promoting that storyline are just making it up out of whole cloth. “Just so you know. And that is on the public record and I will stand by that, no problem.”

Lewis said he wanted to give a brief introduction by way of reading an excerpt of that person’s resume:

Education – Full Degree from Bethel College in International Relations, Political Science. Minor in Economics.

Master’s in Public Administration with emphasis on governments, governance, and policy from Grand Canyon University.

Professional Experience – City of East Ramsey elected Councilmember representing the city at large as Mayor pro tem for five years.

Lewis stated this person was born and bred in Anoka County and is an Anoka County resident.

Anoka County elected Commissioner representing District 1, Anoka, Ramsey, Nowthen, and Saint Francis 2011 to present.

Lewis stated this was 13 years as the years are inclusive on the Board of Commissioners of Anoka County and the Board Chair this year.

Chair of the Finance Committee, the Regional Rail Authority, and Internal Audit Committee. Vice-Chair of Transportation, past member of the Transportation Advisory Board.

Lead Commissioners on Highway 10 and Highway 47 project improvements.

Successfully lobbied Federal and State for federal transportation investment dollars in Anoka County.

Implemented debt reduction strategies, self-insurance strategies, and cost saving measures that led to tax cuts and reduced government spending.

Lewis stated this person was also an entrepreneur. He noted they have had their own business for 23 years headquartered in Anoka, which was a printer and distributor of campaign sign products and coordinator of political advertising needs. He indicated this person had established the company from ground up and provided print solutions for 300+ US Congressional, Governor, State Senate, and State House Representatives. He stated this person advised on numerous campaigns and maintained a 40 percent market share in the Minnesota marketplace.

Lewis stated that was the person they were going to be talking to and a little bit about their background. The only other thing he wanted to read in for anyone watching and for the record: “As I conducted phone interviews with two references, one was a County Administrator in Minnesota, and the other was a County Attorney. And they were people who knew this...you know references are always a skewed view, if you can call them references, and I have never come across a bad reference. People don’t give you names of people who are going to run them down. But, still these are people

with some substance and in the case of the woman who was the County Administrator for 33 years of working with Anoka County, so she knows the County extremely well and worked her way up all of the way up at a time that wasn't so easy for women."

Lewis stated "The candidate is a principled individual with a reputation for integrity. Candidate has extensive practical, that's 17 years, experience as an elected representative at the municipal and County government levels, this includes day-to-day experience working with staff at both levels to produce results which best serve residents. Intelligent, well educated, and self-motivated to not only work toward established goals, but also possesses a curiosity to learn more about all matters affecting outcomes, especially the points of view of others."

Lewis stated, "It is important for the position that Jack has filled for the past 12 ½ years and this person is being considered to fill. It is great to be principled and have your opinions thought out, but if you can't hear other people, you are not very effective. You have to be able to hear the other people whether you agree or not, at least respect them and be able to work with people. That is why he is up for consideration for the City Administrator as I'm a bit hard-headed, but that's my problem."

Lewis stated, "The candidate has hands-on experience working down an excessive debt burden to a manageable level. When he came into the County Board of Commissioners, Anoka County had a very high debt level in a situation analogous to ours, I'll put it that way, and it took a lot of work across a lot of years to work that down and get it under control. But that is useful experience, I think for our situation. Private sector experience as owning his own business for the past 20 plus years. That is important to understanding the business sectors' needs in attracting the same kind of people to East Bethel. I don't think it can replace experience owning your own business, working in a business, whatever with just studying about it and you have to actually do it on a day-to-day basis to know what it's like."

Lewis stated, "Both references that County staff will be able to work well with the candidate since they are well acquainted and have a mutual respect already. Business contacts at the State Capitol should prove useful to East Bethel's concerns being heard, including grant seeking, input to transportation system design, etc."

Lewis stated this came from the business this person had been doing campaigns for people at the State level as he made a lot of contacts, "so you have the ability to form relationships with people who might be able to help you out if they are still in power at the State level."

Lewis noted they were still a little early and he did not think this person was here yet. If not, they can just move to the next thing on the agenda. He had suggested 7:15 p.m. and they got done a little quicker than expected.

Lewis stated, "That was the background and when they get here, they get here. Not because they're sitting... four of the key people with the staff of East Bethel who are sitting in the room right here now, but that is...you can say a lot of good things about Jack, and on the 27th in the afternoon they are having an open house in honor of Jack to not only recognize his contributions to the City but one thing that is very important to this person who is being considered is the quality of the staff that we have in East Bethel and for the key employees of the City who are sitting right here and that is a tribute to that gentleman right there. You can always tell a good manager, by the quality of their staff and this person is enthusiastic about working with all of you guys – he has watched videos and has seen all of you people and how you conduct yourselves. And I might have put in a good word or two for you too."

Lewis recommended proceeding to the next item and coming back to this item once the person gets here.

4.0 B Delinquent Utility Public Hearing, Res. 2023-79

Davis stated that East Bethel Code of Ordinances, Chapter 74, Sec. 74-126 (b) provides for the collection of delinquent accounts through the property tax assessments. This ordinance provides the opportunity for property owners that are delinquent in payments to the City for utility services to come before the City Council to state their objections. This public hearing meets the requirements of the Ordinance. Davis noted the public hearing must be conducted before the final certification of delinquent amounts is forwarded to the County for collection with property taxes.

Davis stated the Council set November 13, 2023 as the public hearing date for individuals wishing to object to the delinquent charges being collected through the assessment process. All affected property owners were notified via U.S. Mail and were instructed to contact Staff if they intended to speak before the City Council. No affected property owners contacted staff. Davis indicated the final list of properties with delinquent charges must be provided to the County Auditor no later than November 30, 2023 (Minnesota Statute 429.061, Subd. 3).

Davis requested that the Council conduct a public hearing for delinquent utility charges for collection on the 2024 property taxes. At the conclusion of the hearing, if there is no evidence or statements that support the modification of the assessment list, Council is requested to approve Resolution 2023-79, as a final certification for delinquent utility charges for collection with 2024 property taxes.

Lewis opened the public hearing at 7:16 p.m.

Brian Bezanson, resident, asked if there was a split between rental properties and homeowners. Davis responded they appear to be all homeowners. Mr. Bezanson stated he was stunned with so many properties being in arrears. Davis noted this has remained almost unchanged for the past ten years. Mr. Bezanson stated he remembers back in the days when he had to get every paycheck in the bank right away.

Lewis closed the public hearing at 7:18 p.m.

DeRoche stated I'll make a motion to adopt Resolution 2023-79, Final Certification of Delinquent Charges for Collection with 2024 Property Taxes. Miller stated I'll second. Lewis asked any discussion? To the motion, all in favor say aye. **All in favor.** Lewis asked any opposed? That motion passes. **Motion passes unanimously.**

4.0 A Candidate Interview – City Administrator Position - Continued

Lewis welcomed Matt Look as the candidate for the City Administrator position.

Matt Look, 9036 Collins Drive, Ramsey, thanked Council for the opportunity to interview for the position. Mr. Look noted he started his political career by finishing a four-year degree at Bethel College 30 plus years ago, in International Relations, Political Science, and he had a minor in economics. He noted he had a professor that worked for Henry Kissinger under the Nixon administration and this professor had ties with the Central Intelligence Agency, and they were looking for candidates for a program, so he interviewed for that program and was moving along in being considered for that program until the Clinton administration cancelled funding for it.

Mr. Look stated his trajectory changed at that point and he went into corporate America. He noted he worked for 3M for a short while, and then he worked for McLean Midwest and Heating, Ventilating and Air Conditioning. After that he went to work for Modine Manufacturing out of Wisconsin, which is also a large company.

Mr. Look stated he started a printing company in the year 2000, which catered to political candidates. He stated his first customer was Senator Rod Grams and since then he has had many customers, many of which are at the State legislature with some being Federal. He stated that afforded him an opportunity to lobby extensively at the State, County, and City levels.

Mr. Look noted that as he was working with the various candidates, he could not understand what would possess someone to run for a City Council, so he thought he would try it, at which time he was elected to the Ramsey City Council. He indicated he served four years on the Ramsey City Council. He noted during that time he was frustrated with the County with some of the things that were going on, and he decided to run for the County Board.

Mr. Look stated he was elected to the County Board and has been serving on the County Board now for 13 years. He indicated he has been in public service for 17 years. Mr. Look indicated this year he was voted by his peers as Chair of the Board. He noted he had served as Vice Chair in the past.

Mr. Look stated he had enjoyed working with the County and the County employees are dedicated to serving the constituents. He indicated it been a "great tour" on the County Board, but after almost 20 years in public service, he started thinking what being a post-Commissioner would look like with his background.

Mr. Look noted he had also served as the Chair of the Finance Committee, and Chair of the Regional Rail Authority. He indicated he had also served on the Transportation Committee, the Building Maintenance and Construction Committee, IT Committee, Public Safety Committee, property records and taxation to name a few. He stated that he currently served on 17 Boards and Commissions.

Mr. Look stated he has had extensive public experience. He stated he also has a Master's from the Grand Canyon University. He indicated he believed he had the skills, whether in finance or in lobbying, to directly relate to some of the projects that the City might be working on in the near future. He stated his goal would be to help manage and implement policy set forth by the policymakers, and to continue the legacy that Davis has had over these years. He asked if the Council had any questions.

Lewis requested the Council focus on three areas: Qualification, vision for what Mr. Look would want to do if offered the job, and what questions Mr. Look has for the Council.

Mundle asked Mr. Look how he found out about the position. Mr. Look responded he was informed by a colleague that this position was or would become available. He indicated there was a coordination with the Mayor to meet. He noted he had never met the Mayor before and had never considered working for East Bethel in the past and it was a good time to learn and chat a bit.

DeRoche asked what Mr. Look could do for East Bethel with respect to social media and hearsay. Mr. Look responded there were two ways to handle social media – they could ignore it, or they could face it head on. He stated he faced things head on and setting the record straight. He believed in social media today with the advent of Covid, there was a desire to retell narratives and to change history. He indicated whatever the truth was, it needed to be addressed. He stated it was important to have a positive message to always be reminding people of the good work the City was doing; the good projects that are underway; and there will always be challenges. He stated there would always be opportunities in those challenges. He indicated a lot of constituents do not spend the time the Council spent on topics, so they might not have all of the information. He stated it was important the residents had faith in the Council and understood that the work they are doing is good and important and they can trust that the Council was going to look out for them in the end.

DeRoche asked Mr. Look how important did he think it was to have a good line of communication between himself as a City Administrator and the residents. Mr. Look responded it was important to answer questions honestly and respectfully on various topics residents asked him. He noted if he tried to hide things that would come out and it would become an integrity issue at that point. He stated sometimes the truth hurts, but as long as he was being honest, he believed that would be respected.

Miller asked Mr. Look if he was a micromanager, or did he sit back and let staff do their job based on their qualifications. Mr. Look responded he was not a micromanager. He stated his expectation was with hiring professionals that he let the professionals do their work. He noted if a staff member was not capable of doing the work, that was a different scenario, but he would encourage them to get training or resources they needed to get their job done. He stated he wanted to give people the ability to think outside of the box and come up with other ideas that were not thought of before.

Smith stated it was his opinion that the City was over ordinated. He asked Mr. Look if he had any ideas as to how to get things done without dragging it out and keep things moving forward. Mr. Look responded he would take a look at this. He noted he was not sure of the process of how everything worked yet. He believed the door was wide open as far as the policies the Council set and how to set it as long as it was within the law.

Smith believed it moved way too slow and he was hearing Mr. Look was not afraid to dig into stuff, which is what he is looking for.

Lewis stated Mr. Look is currently the Chairman of the Board of Commissioners of Anoka County and he will be phasing into this job and out of that job over the course of the next couple of months. And they were able to work together on details and come to a reasonable agreement with Mr. Look working for 60 percent of the City Administrator's salary in this interim period with it not accumulating for later. He noted Mr. Look could not give 100 percent to the job here, but he was probably going to give more than 60 percent of it and he plans to phase out of the other job. He indicated that was a deal making ability that he respected, and he believed Mr. Look would be very helpful in working with staff and working with developers in town along with government officials. He noted how you really get things done was by having a ability to do that kind of stuff, which was on Mr. Look more than him.

Lewis asked Mr. Look that given what he now knows and based on his background, and knowing he is going to learn a lot more in the next couple of months, what would be his primary goal if he were the City Administrator for the next year or two and what is top of mind for him going into this. Mr. Look responded that was multifaceted. He indicated he wanted to come in and learn the City's culture, get to know the staff, and ensure the transition is smooth and not shocking to anyone. He stated he wanted to get to know the business community and the interests that are out there. He believed this would happen organically and it would take some time. He indicated he wanted to look at some of the challenges that they have in terms of issues that are brought up or whatever the challenges are that are currently on the table and how could they work to solve those and handle those things most efficiently. He stated he wanted to make sure they could get things done reasonably without creating enemies. He indicated he wanted to follow things efficiently and give out accurate information along with making sure everyone was heard. He noted he wanted to ensure that the policies set were implemented also. He noted the Council was paid the big bucks for the policy and it was staff's responsibility to implement what Council wanted.

Lewis noted he got the sense that they could count on Mr. Look to give them feedback and to have give and take which would provide the best results.

Mundle asked Mr. Look to explain his understanding of the principles of municipal budgeting and financial management. He asked how would he come in to set up the budgets and handle expenses. Mr. Look responded with the County in prior years there was always this desire to take the last year's budget and add inflation to it, which essentially made up the new budget, but this year they did a zero-based budget where they went back and had staff identify every single dollar that they needed as a way to reset things for them. He noted if they haven't turned over every single rock to try and determine where the costs were going and how much expenses they had, it made it hard to go to the taxpayer and say they needed more revenue. He believed an honest evaluation had to be made and from there the budget would be decided. He stated they all know that the needs had to be handled first, so he would spend a lot of time looking at the budget and trying to determine what costs were versus what was budgeted and at the end of the year, how much was being spent of that budget versus maybe overspent, or whatever the issue(s) might be.

Mundle asked Mr. Look how he has managed growth in his previous positions and the challenges he faced. Mr. Look responded there was development that can happen and then there's development that was waiting to happen but needs an incentive to happen. He explained a development in the City of Ramsey called Town Center and the challenges they faced with that development. He indicated they needed to find the find things that would tip development in their favor such as shorter commutes. He stated the improvements that would be done on Highway 65 were going to radically change the area here and controlling that change was going to be up to the Council.

Lewis stated it was all about finding the leverage point.

Miller asked Mr. Look why he was attracted to this position. Mr. Look responded the size of East Bethel was perfect and he believed it would afford him the opportunity to really develop in this position. He believed he was well suited for the challenges East Bethel faced and it would take some thinking outside of the box to get some of the work done and coming up with different ways to trying to handle the challenges.

Mundle asked Mr. Look if he knew of the challenges East Bethel had and if he was familiar with the water and sewer system. Mr. Look responded he was familiar with the debt service portion of the water and sewer system.

Mundle noted one of the biggest things as to why East Bethel had to develop was to keep tabs on the water and sewer, and the other portion was economic development and how to adequately fit that development into the culture of East Bethel. Mr. Look stated he believed the infrastructure was there and now they had to find out how that fit with their culture. He noted that was important because when the City developed, it could offset some of those costs. He stated the alternative was to try and approach the legislature and identify ways to try and mitigate some of those costs, which if Council agreed, that would be something he would certainly work on.

Lewis stated he believed they could do more with regard to grant seeking to get debt relief or remediation and Mr. Look's background would be helpful for that. He stated he also felt very strongly, and he was working on it independent of what he is doing with the City of East Bethel, was to get the law changed in Minnesota so that four people sitting on a City Council could not put millions of dollars of debt on their residents without a referendum. He noted under the law that is legal, but he believed it was completely immoral and he was working on his own time to change that law. He stated Mr. Look might be able to counsel him with respect to pressure points. He stated that law needed to be changed and it should be submitted to the residents and not decided by people during their lame duck period before they had to leave office. He believed Mr. Look's background would be helpful for the City as well.

Mr. Look stated this legislature might not be the one to write to and try and tackle that, but that did not mean Lewis should not lay the groundwork and to make people aware of it. He noted sometimes they could definitely impact change as there are people who could come to their aid, but it boiled down to making somebody aware of what was going on as they might not even be aware of it. He noted it was important to educate people.

Mundle asked Mr. Look what was his approach to managing personnel issues such as hiring, discipline, and performance evaluations. Mr. Look responded in terms of hiring, it was important to make sure that their qualifications were going to meet the requirements of the job and managing that employee along the way to make sure they were meeting the goals of that position. He indicated it was hard to hold somebody accountable if they were not giving them reviews along the way and evaluating the work product. He stated with respect to discipline, his philosophy is "You're going to see the light, and you'll hear the horn and if you're still on the intersection, it's gonna get messy." He stated giving people discipline was not an area anyone liked or enjoyed but give people a fair warning that it was not working out, that they were not meeting expectations, and they need to improve in specific areas - along with giving them ample time opportunity. He noted it could boil down to resources such as education. He stated if it was just a lack of working out, then there had to be a change with a possible amicable separation at that point. He stated he would make sure that everything was done to try and improve that employee and get them to where they needed to be to fulfill the requirements of the position.

Lewis stated that being clear what the expectations are is so critical for employee success. He noted most of them have managed one person or another at some point in their lives and his heart went out to them because it "sucks" to fail and the employer knows the employee is not cutting it. He indicated it was so frustrating, and hopefully you can find something else that will work out for them, but it's a mutual interest kind of thing. He stated nobody likes dealing with it - it's just a heartbreaking thing.

Mundle asked Mr. Look what experience he had with working with unions. Mr. Look responded at the County level they did not negotiate with the unions and they hired attorneys to do that for them. He noted one of the reasons they did that was because non-union people would get the same increase that the union people did, which from his standpoint, was a conflict of interest. He indicated it would be up to Council if they would want an attorney to do the negotiations with the union. He stated by having an attorney do the negotiations, all sides were reasonably happy. He stated his goal was to make sure that both sides were reasonably happy.

Lewis stated he definitely believed in arm's length negotiations in that situation. He indicated vested interest and all that don't work.

Mundle stated I'll make a motion to table this to the next Council meeting to allow staff to do the proper background checks and to have an employment packet.

Lewis stated that information was given to Council earlier today. Mundle stated he had a full-time job and did not have time to fully evaluate everything.

Lewis stated he was not in favor of the motion and as no one seconded the motion, it had died for lack of a second.

DeRoche stated I'll make a motion to appoint this applicant to the City Administrator position pursuant to the contract that is part of the package and subject to a background check. Miller stated I'll second. Lewis asked any discussion?

Mundle asked what the offer was. Lewis responded there was a termination without cause, and there was a six-month severance, which was the same as Mr. Davis's contract. He noted the salary being offered was \$146,621, but until February 22 when Mr. Look would be severed from the County employment, Mr. Look would work at 60 percent of the normal salary. He stated this was not being accumulated for later payment. He noted there was four weeks' vacation, in recognition of Mr. Look's extensive career. Mr. Look would get the same fringe benefits as the other employees get.

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

Motion passes unanimously.

4.0 C Res. 2023-67, Counting Write-In Votes for Elective Offices

Frost stated that in the last session of the Minnesota Legislature, changes were made to election law that went into effect on July 1, 2023. Among these are changes that cities can now adopt a Resolution requiring that either:

- OPTION 1: Write-in candidates must submit a request in order to have their individual votes tallied; or
- OPTION 2: Write-in candidates will only have their individual votes tallied if the total number of write-in votes for the contest is greater than or equal to the fewest number of votes cast for a non-write-in candidate.

Frost noted counting only registered write-in candidates aligns with the write-in recording process with Federal, State, and County offices.

Frost stated this information was presented at the September 25, 2023 City Council meeting, but no action was taken on the item. The Election Coordinator will present information and answer questions about the process of counting write-in votes for municipal contests in the elections.

Frost indicated the City's election staff recommends approving Resolution 2023-67, which utilizes Option #1 for counting write-in votes, and requires any write-in candidates to submit a request to have their individual votes tallied.

DeRoche asked why this had not been done before. Frost responded that was the way it was done at the State and County and this would have the City fall in line with how it was done at the State and County. DeRoche commented that made sense.

Lewis asked what happens to the write-in votes that were not requested in advance to be counted. Frost responded they would be counted, but this was not something they will do just by default.

Lewis stated he did not follow. He indicated they've got a bunch of Popeyes and Minimes, and they didn't request to be counted as a write-in, so what happens to it. Frost responded it still counted as a vote on there, but it was a group of write-ins.

Frost stated she was just the staff person and she would count them if Council wanted her to. Lewis stated his concern was all of the things they've gone through with elections in the past several cycles. Not East Bethel necessarily, but in the larger picture and he was naturally skeptical of anything that allows anybody with malintentions to divert votes or count them a different way. He stated he was a little cynical. He indicated this was where he was coming from; it was his problem; and his cross to bear.

DeRoche stated I'll make a motion to adopt Resolution 2023-67, Resolution for Counting Write-In Votes for Local Elective Office. Miller stated I'll second. Lewis asked any discussion? To the motion,

all in favor say aye. **All in favor.** Lewis asked any opposed? That motion passes. **Motion passes unanimously.**

4.0 D Easement Vacation – 4455 224th Avenue NE

Berg stated that on April 15, 1998, February 13, 2023, and March 27, 2023 property owners in the Oak Meadow Estates requested and were granted partial easement vacations. The property owners at 4455 224th Avenue NE have the same easement on their property and are requesting a partial easement vacation.

Berg indicated 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 quit-claim deed be executed in the name of the city to cover road easement along 33' of each lot abutting the future street.”

Berg noted in April 1978, the final plat of Oak Meadow Estates was recorded and is included as Attachment 3 for your review. 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.

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. Additionally, the current residential road standard in East Bethel would call for a total of a 66' right of way matching the recommendation of the City Engineer in 1975.

Berg noted the parcel of land abutting the north lot line of 4455 224th Avenue NE is a developed lot in the Deer Haven Subdivision. The City has no plans to construct a future road in this easement. Berg indicated the City Engineer and the Public Works Director have reviewed the propose vacation request and have no concerns or objections.

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 4455 224th Ave NE with the conditions set forth in attached Resolution 2023-76.

Lewis opened the public hearing at 8:21 p.m.

There were no comments made.

Lewis closed the public hearing at 8:21 p.m.

Mundle stated I'll make a motion to adopt Resolution 2023-76, Resolution Granting a Partial Easement Vacation at 4455 224th Avenue NE, Oak Meadows Estates. DeRoche stated I'll second. Lewis asked any discussion? To the motion, all in favor say aye. **All in favor.** Lewis asked any opposed? That motion passes. **Motion passes unanimously.**

5.0 Public Forum

Brian Bezanson, 22337 Quincy, stated he was surprised that Mr. Look was going to resign from the Anoka County Board. Lewis stated Mr. Look is on a National board where he represented the County and they were having a meeting in Washington in February, so he wanted to complete his work on

that before he handed it off. He noted in the interim, Mr. Look would be working on a 60 percent salary as a give-and-take with the City of East Bethel.

Mr. Bezanson stated someone in East Bethel had forwarded him an opinion that was written by the Attorney General's office on an inquiry from the Anoka County Sheriff about whether someone could serve on the Anoka County Board and still take the administrator job in East Bethel. Lewis stated Mr. Look had inquired at the Attorney General's Office regarding this and found out there was nothing in the law that precludes him from doing this, but he had told Mr. Look that the City would not be interested in him working for both the County and the City on a long-term basis. On the interim, that was fine.

Mr. Bezanson stated just because something was legal, did not mean it was right and in his opinion, why it might be legal to use this as a hiring process where to him, it was obvious that this was a done deal when Mr. Look came in tonight. He stated the Council had implied that. He again stated, just because it was legal, did not mean it was right. Lewis thanked him for expressing his opinion and that was why they had the Public Forum.

Lewis stated just so everyone knows, every step of the way he was working with the City Attorney to make sure everything was legal and he was aware, and it was his original intent, to advertise it, etc. the typical way and then he happened to run into Mr. Look and he honestly could not imagine finding anyone else better suited for this job. He stated if Mr. Look was acceptable to the rest of the Council...then someone on the Facebook page (and he would avoid Facebook like a "hot poker"), but his wife was on it and people keep sending him stuff. He noted people wanted to know why they were not hiring a professional like they are doing at the County level and the estimate for hiring a consulting firm to find a City Administrator in the salary range they were talking about would have cost the City \$35,000 to \$45,000 and that was a considerable amount of money. He indicated if their likelihood was 1 in 20 or 1 in 30 of finding someone equally or better than Mr. Look, and they were going to save all of that money too. He noted if it doesn't work out, then it could be advertised.

Mr. Bezanson stated if this did not work out, it was on Lewis. Lewis responded, absolutely.

Mr. Bezanson stated Lewis was running a one-man gang on this deal and if he was telling the truth, why didn't Lewis let everyone know who it was until the packet came out, and it was his understanding that the packet did not come out until today. Lewis stated the packet came out this morning and that was because there was enough "B.S." out there that he did not want to provide any more material to make up nonsense. He indicated it did not take a village to hire a public administrator, a City Administrator; it takes a City Council who is informed, elected, and accountable to the people. He stated they can all put it on him as he took the lead on it and he was very impressed when he met Mr. Look when he is not that easily impressed meeting people. He noted he was aware of all of the things they are dealing with such as the water and sewer and the indebtedness and he thought this was a good fit. He noted Mr. Look's personality and his ability to work with other people, that was key too. Mr. Lewis stated the finger can be pointed at him.

Mr. Bezanson stated he spent one partial and two four-year terms as a councilmember and he had been involved in the vetting and hiring of employees, and at the time they had a City Clerk and there was not a City Administrator so he understood the entire process and how it should be run. He stated they would vet with two people. Lewis stated that was fine and he got it. He indicated this was a call on his part and he was admitting it.

Bezanson stated to go back to where he was before he was interrupted, they would have two people cut the list down to three and then those three would be interviewed by the entire Council. He noted

it has been done once before and people have been hired that way. Lewis stated one of the reasons he is on the City Council is because he is the only one with experience hiring that gentleman over there. He was here when David got thrown out a window and they hired Jack.

DeRoche stated when Davis came in there was not a bunch of applications, interviews, etc., and he wanted to get the record straight. Mr. Bezanson stated he understood that.

DeRoche stated people on the internet and in the so called “know” are saying Davis was brought up from his position as an Assistant City Administrator; he was the Public Works Supervisor. He noted Davis was brought up because of his past experience, so the hoopla of having a lot of applications was “crap,” and Lewis stated he was not acquainted with Mr. Look. DeRoche indicated Lewis had asked him to be on the Council, not because he was Lewis’ neighbor, but Lewis knew that he had experience on the Council and not because they are neighbors or he knew somebody. He was asked to be on the Council because of his experience. He stated if people wanted to make “crap” up, that was fine but make it based on the facts.

Bezanson stated, “Don’t say ‘you’ when you are talking to me about stuff being fabricated.” He stated he did not belong to any internet sites other than one that was strictly a twin cam gearhead site and a fishing site. He stated to him, social media was going to be the downfall of this Country.

DeRoche stated Bezanson had insinuated that Lewis was an acquaintance of Mr. Look. Bezanson stated he did not.

Mundle asked if there were any more facts that people wanted to talk about. If not, they should maybe put this to a close. Mr. Bezanson stated he had his say.

Lewis stated he appreciated Mr. Bezanson for being here and expressing his opinions and thoughts.

6.0 Consent Agenda

~~Item A: Approve Bills~~

Item B: Approve Meeting Minutes October 23, 2023 City Council Work Meeting

~~Item C: Approve Amended Meeting Minutes, October 9, 2023 City Council Meeting~~

~~Item D: Planning Commission Reappointments — Tanner Balfany and Glenn Terry~~

~~Item E: State Election Funds Agreement~~

Item F: Res. 2023-78, Accepting Work for the Anderson Meadows Development

Item G: 2024 Pay Equity Report: 2023 Compensation Plan

Item H: Res. 2023-82, Accepting Work for the 181st Ave Street Reconstruction

Item I: METC Reserve Capacity Loan

Item J: Pay Estimate No. 2 for the 2023 Street Improvement Project

~~Item K: Score Board for East Bethel Ice Arena~~

Mundle requested to pull Item K for discussion. DeRoche requested to pull Item D. Smith requested to pull Item A. Lewis requested to pull Item C, Item E, and Item I.

Mundle stated I’ll make a motion to approve Consent Agenda, as amended. DeRoche stated I’ll second. Lewis asked any discussion? To the motion, all in favor say aye. **All in favor.** Lewis asked any opposed? That motion passes. **Motion passes unanimously.**

6.0 A Approve Bills

Smith questioned the charge on page 19 for the Fire Department for \$960 for meetings. Davis responded that was a conference for Fire Chief officials that the Fire Chief goes to annually.

Smith asked what the Hass Alert charges was for on page 20 under the Fire Department. Davis responded that was for the purchase of the emergency notifications for the optic cams on the vehicles.

Smith asked on page 21 under recycling operations, what were the payments to the Cedar East Bethel Lions for. Davis responded the \$1,200 was what the Lions were paid annually because they operate the center during the week by helping come to the recycle center to help sort the cardboard and glass containers. The \$400 was what the Lions paid to subcontract that out for running the recycling Saturdays.

Smith asked if the City received anything back from recycling. Davis responded the City received some back, but all of this was paid for from the recycling grant and it was not paid from the City or general fund levies. He noted the City received a \$68,000 grant from the County to pay for the costs.

Lewis inquired under planning and zoning what was the SSTS, LLC in the amount of \$10,850 for. Davis responded that was the first half payment for the traffic study.

Lewis asked under payroll what was MSRs/HSA/HCSF for. Davis responded that was the full State retirement system and health savings accounts.

Lewis asked what was HCSB. Davis responded that was the health care.

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

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

6.0 C Approve Amended Meeting Minutes, October 9, 2023 City Council Meeting

Lewis stated his comments acknowledging Troy for his extreme amount of work over the years to make sure that the firemen and good pension system were back in the notes as they should have been the last time he looked at them, but now the Minutes said October 10 when they should say October 9. He requested they be changed to October 9.

Lewis stated I'll make a motion to approve Item C of the Consent Agenda with the correction of the date to October 9. DeRoche stated I'll second. Lewis asked any discussion? To the motion, all in favor say aye. **All in favor.** Lewis asked any opposed? That motion passes. **Motion passes unanimously.**

6.0 D Planning Commission Reappointments – Tanner Balfany and Glenn Terry

DeRoche stated the Planning Commission was recommending the reappointments of Balfany and Terry. He indicated he had some reservations that he wanted to discuss with staff at another time, but for now he was okay with the two reappointments. Davis stated if DeRoche had comments, they could go over those now, or they could meet at a future time.

DeRoche stated he wanted the way this was done to be restructured. He noted that the people on the Commissions were supposed to be representative of all of the people, and he believed the Chairperson of the meetings should get the facts out and not keep repeating it over and over and over and over. He believed that was why the meetings were taking so long. He stated those needed to be separated out, the point was made, the information was given, and they needed to move on. He stated whoever sits in the Chair position needs to deal with the facts and cannot take things personally. He stated the Council had to make decisions and it is not based on what they like, but it is based on the facts coming before them.

DeRoche stated he thinks it troubles people when they go to the Planning Commission and all they hear is, "I don't like that, or I don't like structures this way, etc." He stated it was fine that they don't

like it, but he believed they should keep that to themselves, or just keep it to themselves. He indicated he was the Council liaison to the Planning Commission and he was not in charge of it, so it was not his situation, but those were his concerns.

DeRoche stated Balfany had a lot of knowledge and a lot of history, and one thing people had to realize was when Commissioners left, the Commission lost all of that knowledge. He noted new people came onto the Commissions and knew nothing, which could lead to a worse situation.

Lewis stated he did not appreciate it very much on February 27, 2023 when three members of the Planning Commission showed up at a Council meeting and two of them spoke to them over something simple and they seemed outraged. He noted Balfany himself said that it was “ridiculous” what they were proposing. He stated what they were proposing was a word that was used often in the City Code – resident – actually be defined. He indicated he had happened to look in the definitions and nowhere in the City Code did it define the word resident. He stated you have to be a resident to be on the City Council and you have to be a resident to be on the Commissions.

Lewis indicated all they were doing was using the State approved definition for the term resident, and these people acted “like we murdered their dog. I mean, it's like it was ridiculous.” He believed Balfany’s behavior was ridiculous, and he did not enjoy or respect it one bit.

Lewis stated for that reason, he was was not inclined to agree with DeRoche. However, he indicated he has had a lot of people give him second chances in life when he misbehaved, so he was inclined to do the same with others. He noted in all honesty, his personal opinion was that a person who clearly was the Chair at the time and led the contingent that showed up here and gave the Council a dressing down as if we were doing something wrong, in his opinion does not deserve to be the Chairman anymore. He hoped that the Planning Commission would have Sharon Johnson be the Chairman. He stated that was his personal opinion.

Smith agreed with Lewis and noted he would definitely be in favor of Sharon Johnson as the Chairman and that was his opinion.

Lewis noted this would be up to the Planning Commission as they approved their own Chairman, but he hoped they would at least listen to what the City Council was saying.

Lewis stated I’ll make a motion to approve Item D of the Consent Agenda. DeRoche stated I’ll second. Lewis asked any discussion? To the motion, all in favor say aye. All in favor. Lewis asked any opposed? That motion passes. Motion passes unanimously.

6.0 E State Election Funds Agreement

Lewis asked what was the basis for allocation of the funds. Ms. Frost responded that she believed it was based on the percentage of registered voters.

Lewis stated I’ll make a motion to approve Item E of the Consent Agenda. DeRoche stated I’ll second. Lewis asked any discussion? To the motion, all in favor say aye. All in favor. Lewis asked any opposed? That motion passes. Motion passes unanimously.

6.0 I METC Reserve Capacity Loan

Lewis stated he pulled Item I because he was the pain in the neck that wanted to look at the alternative amortization for the Metropolitan Council reserve capacity loan. He indicated it was good that they did a quick analysis and based on Jeziorski’s opinion, which and he valued a great deal, they were just going to go with the 10-year amortization and that way it was consistent, the least interest accrual, and it was only \$100,000 difference per year anyway. He was glad they went through the exercise, but he would defer to Jeziorski’s opinion on this.

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

Mundle asked if the City was locked into this or in five years could it be changed. Davis responded if conditions change, it could be renegotiated or it could be paid off.

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

Motion passes unanimously.

6.0 K Score Board for East Bethel Ice Arena

Mundle asked Davis for an introduction on this item.

Davis stated this was an issue they have had with the scoreboard. He indicated the scoreboard operated in a very harsh and unforgiving environment of extreme temperatures, humidity, and condensation issues, and as a result, the scoreboard was having issues that are beyond repair.

Davis noted this had happened a year earlier than they had budgeted for replacement. He indicated they have had a lot of complaints from parents to solve the problem temporarily. He stated the scoreboard was visible from the player's bench and the coaches' side from the west end, but it was not visible from the bleachers' side, so there was an issue that this scoreboard needed to be replaced.

Davis indicated if they are going to replace it this year, the order needed to be placed now because it would take until January for it to come in and to get any use out of it and try to mitigate some of the concerns of the parents of the St. Francis Youth Hockey Association and the high school team had. He noted there were funds available for the scoreboard without endangering the cushion that was available for emergency repairs. He noted they could accumulate these funds as to payments that they get from US Rentals to the end of the year. He stated they should be back up around the \$100,000 minimum that they need to keep for emergency repairs.

Mundle asked if this would be installed in January. Davis responded that was correct. He stated in staff's conversations with the Youth Hockey Association on this being a project for next year, ways have been discussed to increase the advertising revenue. He noted to help pay this back, these scoreboards would have the capacity to have ads placed on them.

Davis stated they had also talked about some other fundraisers, and they might even have to look at the potential for examining the rental charges for the next year. He indicated they were going to be in okay financial shape if the Council decided to do this, but they would have to look at some other sources of revenue to help the City get this fund replenished faster.

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

DeRoche asked why did a locker room clock cost \$725. Ayshford responded the locker room clock would correspond with the main clock, so the team could tell when the period intermissions were over. He indicated that was not included with what they were purchasing as it was not an option. He stated that was one of the add on items. He indicated he did not understand why it was so expensive either, but that was not included in with what they were proposing. He indicated team names were also another option they were not purchasing as that would add another \$10,000 to the cost.

DeRoche asked what canvas floor artwork was. Ayshford responded that underneath the scoreboard was a big panel where they could have whatever they wanted such as the City logo, or it could be somebody who wanted to sponsor the rink, or it could be something fun like a Sandhill Crane.

DeRoche asked if St. Francis Hockey kicked in for any of this. Ayshford responded all of the funding came from the ice rentals and there was no public funds or tax dollars spent on it.

Lewis asked if this was all money from the youth hockey in high school ice rentals-based cash flow positive. Ayshford responded yes.

Davis stated staff had been working with the Youth Hockey Association and had a great relationship with them. He noted the Association had done fundraising and had contributed some funds over the past two years for improvements in the arena.

Lewis asked why was the City still in the business of owning an ice arena. He noted East Bethel was a government entity and not a business. Davis responded the short answer was that no business wanted it.

DeRoche asked what benefits did the kids from East Bethel get when the Hockey Association and high school from St. Francis pretty much dominated the rink. He asked when did the East Bethel kids get time in the arena.

Lewis asked if they have considered opening the ice arena up for public skating. Davis responded it was open for skating on Wednesdays from 3-5 p.m., but they were not attracting too many people. He indicated they could not afford to give the prime ice time away because they needed that revenue to run the arena. He stated they had an outdoor rink also which was available for skating all of the time. He noted as long as they were going to have to run the arena to have it cashflow, they were going to have to sell prime ice time to the high school or Hockey Association. He explained that the funds generated to run the ice arena were generated from user fees and not tax dollars for its operation.

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

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

7.0 A Planning Commission

7.0 A.1 Variance Application Reconsideration – 185XX 3rd St NE

Berg stated at the October 9, 2023 City Council meeting, a Planning Commission recommendation to deny the variance request was approved by a unanimous vote of the City Council.

Berg referenced Sec. 4, Sub. 10. I. Reapplication, indicating: No application for a variance for a particular use on a particular parcel shall be resubmitted for a period of one year from the date of denial of the previous application unless a decision to reconsider such matter is made by a majority vote of the full City Council.

Berg indicated the applicant immediately requested a decision be made in order for him to reapply for a variance for a front lot line reduction from 200 feet to the 105.88 feet, for a single access point as opposed to two in his current request. The City Council requested this be brought back to the Planning Commission for a recommendation in regard to the resubmittal for a variance within a one year period.

Berg stated on October 24, 2023 the Planning Commission discussed the reconsideration request and unanimously recommended that the City Council deny the applicant's request to allow a reapplication for a front lot line reduction for a period of one year, beginning on October 9, 2023.

Berg requested that the City Council consider the Planning Commission's recommendation and direct staff to inform the applicant of the Council's final reconsideration decision.

DeRoche stated his decision was the same as the first time Council heard this and he did not see this as a benefit to the City.

DeRoche stated I'll make a motion to deny. Smith stated I'll second. Lewis asked any discussion?

Smith stated the residents spoke loud and clear as to what they wanted on this and it did not benefit the City and that was why he was in favor of the denial.

Lewis noted the Planning Commission considered this matter very thoroughly and he commended them for doing that.

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

Motion passes unanimously.

7.0 A.2 Use Variance Request – 1311 229th Avenue NE

Berg stated in 2012, B & T Trucking, an over the road trucking company that has been in business for over 20 years purchased 1311 229th Avenue NE and relocated a truck/ motor freight terminal to the City. Berg indicated the property is located in a Light Industrial (I) District and according to Section 48 – 6 A. Trucking and Motor Freight Terminals are a prohibited use. As truck/ motor freight terminals are not permitted in any zone of the City, B & T Trucking was required in 2021 to obtain an IUP. This would ensure compliance for continued use in the city as a legal nonconforming.

Berg noted the property owners approached the City inquiring about constructing an additional 50' by 60' storage building to the property. An existing slab with foundation already exists immediately west of their existing building. Although an IUP (Res. 2021-28) was granted on May 10, 2021, the use of the property remains legally nonconforming. Expansion of legal nonconforming uses have been approved by previous City Councils albeit under differing permissions (existing CUPs or previously approved plats prior to zoning changes).

Berg stated at the September 11, 2023 City Council meeting the potential expansion was presented to the City Council who gave a positive informal recommendation for staff to work with the property owner to seek formal approval of the expansion.

Berg noted on October 24, 2023, the Planning Commission held a public hearing, discussed the request and made a findings of fact in regards to the request along with a recommendation of approval of the variance.

1. The property owner proposes to continue the legal, nonconforming use of the property. The existing use of the property is considered a reasonable use and is allowed by city code as a legal, nonconforming use. B & T Trucking would like to expand the structures so they can continue to operate his businesses efficiently by storing the commercial vehicles on site.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner. B & T Trucking has been operating a business from the property in a Light Industrial Zone since 2012. On September 21, 2016, City Council adopted regulations prohibiting Trucking and Motor Freight Terminals. The business can only be expanded with an approved variance.
3. The variance(s) will not alter the essential character of the locality. The business has been at this property since 2012. The existing structures and commercial vehicles have been a

mainstay of the business. The presence of the commercial vehicles and the expansion of the buildings will not alter the character of what already exists on the property.

Berg stated the City Council should review the request, consider the Planning Commission's formal recommendation and approve the variance with conditions as presented in Resolution 2023-72.

Mundle stated I'll make a motion to approve Resolution 2023-72, Resolution Approving a Variance for the Expansion of a Legal Nonconforming Use on a Light Industrial (I) Property Located at 1311 229th Avenue NE, for PINS 32-23-23-34-0005 & 32-34-23-34-0006 with conditions. Miller stated I'll second. Lewis asked any discussion? To the motion, all in favor say aye. **All in favor.** Lewis asked any opposed? That motion passes. **Motion passes unanimously.**

7.0 A.3 Preliminary Plat – Strandlund Farm

Berg stated on July 25, 2023 a Concept Plan for a 21-Lot Rural Residential Subdivision, Strandlund Farm, was presented to the Planning Commission. After a public hearing and Planning Commission recommendations the developer made revisions and presented a revised Concept Plan to the City Council on August 14, 2023 for feedback.

Berg indicated on October 10, 2023 the developer submitted an application for the Preliminary Plat of Strandlund Farm. The plat consists of 20 buildable single family rural residential lots on 73.90 acres. Of the proposed lots, one lot is at the minimum of 2.00 acres. The average lot size in the proposed plat is 3.27 acres therefore all lots meet city code requirements.

Berg stated this subdivision will be accessed off Luan Drive NE / Anoka County Highway 74 by the creation of a new section of 219th Avenue NE. The new section of 219th Avenue and all internal streets will be constructed to the minimum design standards.

Berg noted the Anoka County Highway Department was sent the Preliminary Plat for review. A comment letter was received on October 19, 2023 and is included as Attachment 5 to Council's packet for review. Any and all comments from the Anoka County Highway Department will need to be satisfactorily addressed by the developer prior to filing a final plat.

Berg stated the Public Works Department reviewed the submitted preliminary plat and are in support of the subdivision as proposed with the recommendation of removal of the gravel cul-de-sac on 219th Avenue and make the full connection to the platted road.

Berg indicated the City Engineer's comments were received on November 7, 2023 and are included as Attachment 4 to the Council's packet. The developer will need to satisfactorily address any and all comments prior to filing a final plat.

Berg stated the Fire Department's comments regarding cul-de-sac radius identified in the Concept Plan were satisfactorily addressed.

Berg indicated the Building Official had no comments at the preliminary plat stage of the development.

Berg stated the Parks Commission reviewed the initial concept plan at their August 8, 2023 meeting and made a recommendation of park fees in lieu of land with the possible exception of providing a trail easement from the cul-de-sac to 221st Avenue NE. The updated preliminary plat will be reviewed at the November 14, 2023 Parks Commission Meeting.

Berg noted the park dedication fee is determined by 10% of the fair market value of the undeveloped land; not to exceed \$2,000.00 per acre. Staff will work with the property owner to determine the

amount required for park dedication fees, which will need to be paid prior to the release of the final plat for filing with Anoka County.

Berg stated on October 24, 2023, the Planning Commission held a public hearing where two residents spoke. They were immediate neighbors on 219th Avenue NE and expressed concerns related to the road connection, water runoff, soil testing and the creation of a berm. After a review of the Preliminary Plat the Planning Commission, by a 4-0 vote recommended to the City Council approval of the Preliminary Plat.

Berg requested the City Council review the request, consider the Planning Commission's formal recommendation, and approve the Preliminary Plat of Strandlund Farm as presented, with conditions identified in Resolution 2023-73.

Mundle stated I'll make a motion to approve 2023-73, A Resolution Approving the Preliminary Plat of "Strandlund Farm" for Property Legally Described in Exhibit A attached to the Council's packet. DeRoche stated I'll second. Lewis asked any discussion? To the motion, all in favor say aye. **All in favor.** Lewis asked any opposed? That motion passes. **Motion passes unanimously.**

7.0 A.4 Preliminary Plat: Classic Commercial Park 5th Addition

Berg stated in November 2019, T & G Land, Inc. filed a Final Plat for Sauter Commercial Park Fourth Addition which included a 20-acre Outlot for future development. In January 2020, CD Properties North, LLC. purchased the property. CD Properties North, LLC has submitted a Preliminary Plat, known Classic Commercial Park Fifth Addition, application to divide the existing Outlot into 3 parcels. The plat consists of two Commercial parcels and an additional Outlot. Berg indicated staff had reviewed the submission along with the Sauter Commercial Park Fourth Addition Plat details and offer the following comments:

A Commercial Site Plan must be reviewed and approved prior to the issuance of any building permits. Required submittal plans include, but are not limited to, the following: grading and drainage, architectural, landscaping, lighting, storm water, and utility plans.

The lot will be served by municipal sewer and water. All fees associated with municipal services are required to be paid prior to the issuance of any building permits.

Cash-in-lieu of land will be collected prior to the issuance of any building permits. Required park fees will reflect the most current fee schedule at the time the building permit is issued.

Berg stated on October 24, 2023 the Planning Commission held a public hearing and recommend approval of the Preliminary Plat for Classic Commercial Park 5th Addition.

Berg requested the City Council review the preliminary plat request, consider the Planning Commission's formal recommendation, and approve the Preliminary Plat as presented in Resolution 2023-74.

Lewis inquired that when the park fees were calculated, was that based on the property being marketed. Berg responded it was based on the raw land value, but not yet marketed.

Smith stated I'll make a motion to approve Resolution 2023-74, Resolution Approving the Preliminary Plat of "Classic Commercial Park Fifth Addition" Legally Described as: Sauter's Commercial Fourth Addition, Outlot A. Miller stated I'll second. Lewis asked any discussion? To the motion, all in favor say aye. **All in favor.** Lewis asked any opposed? That motion passes. **Motion passes unanimously.**

7.0 A.5 Final Plat: Classic Commercial Park 5th Addition

Berg stated in November 2019, T & G Land, Inc. filed a plat for Sauter Commercial Park Fourth Addition which included a 20-acre Outlot for future development. In January 2020, CD Properties North, LLC. purchased the property. CD Properties North, LLC has submitted a Final Plat, known Classic Commercial Park Fifth Addition, application to divide the existing Outlot into three parcels. The plat consists of two Commercial lots and an additional Outlot. Berg indicated staff had reviewed the submission along with the Sauter Commercial Park Fourth Addition Plat details and offer the following comments.

Berg noted a Commercial Site Plan must be reviewed and approved prior to the issuance of any building permits. Required submittal plans include, but are not limited to, the following: grading and drainage, architectural, landscaping, lighting, storm water, and utility plans.

Berg stated the lot will be served by municipal sewer and water. All fees associated with municipal services are required to be paid prior to the issuance of any building permits.

Berg noted cash-in-lieu of land will be collected prior to the issuance of any building permits. Required park fees will reflect the most current fee schedule at the time the building permit is issued.

Berg stated on October 24, 2023 the Planning Commission held a public hearing and recommend approval of the Final Plat for Classic Commercial Park 5th Addition.

Berg requested the City Council review the Final Plat request, consider the Planning Commission's formal recommendation, and approve the Final Plat as presented in Resolution 2023-75.

Smith stated I'll make a motion to approve Resolution 2023-75, A Resolution Approving the Final Plat of "Classic Commercial Park Fifth Addition". Miller stated I'll second. Lewis asked any discussion? To the motion, all in favor say aye. **All in favor.** Lewis asked any opposed? That motion passes. **Motion passes unanimously.**

7.0 B Economic Development Authority

None.

7.0 C Park Commission

None.

8.0 Department Reports

8.0 A Community Development

None.

8.0 B Engineer Report

None.

8.0 C City Attorney

None.

8.0 D Finance

None.

8.0 E Public Works

None.

8.0 F Fire Department

None.

8.0 G City Administrator Report

8.0 G.1 Sunrise River WMO Joint Powers Agreement Amendment

Davis stated the City of Ham Lake approved the Sunrise River Water Management Organization amended JPA Agreement at their October 2, 2023 Meeting. This concludes a year of discussions with Ham Lake regarding their consideration to leave the Sunrise River WMO and finalizes their decision to remain as a member.

Davis noted the current JPA was approved in 1985 and has only been amended once. That revision was in 2011 and changed the timing of invoicing to the members from annual to a semi-annual billing cycle. Davis indicated the Sunrise River Water Management Organization was established pursuant to a JPA which was entered into among the member communities in accordance with Minnesota Statutes, sections 103B.201 thru 103B.255. Davis stated the SRWMO board recognized a need to update the JPA and worked with the WMO's attorney to develop the updated JPA.

Davis noted the member communities agreed to replace the formula previously used to divide non-operational costs with set percentages that reflect the last division generated by the formula. The parties agreed dividing the costs using fixed percentages rather than a formula was the best means of allocating non-operational costs and agreed to an equal percentage division (25% each) of operational costs.

Davis stated the amendments proposed to the JPA are mainly referencing conditions and requirements to State Statutes which govern the operation of the WMO. These type of changes ensure the JPA is not static and stays current with any legislative changes. The main procedural amendment was to determine the number of member votes required to approve the annual SRWMO budget.

Davis indicated the City of Columbus approved both the amended JPA and the 2024 Budget at their October 25, 2023 meeting. On September 26, 2023, Linwood Township Supervisors voted to accept the JPA concepts and will be voting on the approval of the JPA and 2024 Budget at their upcoming meeting.

Davis requested that the City Council consider approval of Resolution 2023-80, a Resolution Approving an Updated Joint Powers Agreement for the Sunrise River Watershed Management Organization.

Mundle stated I'll make a motion to approve Resolution 2023-80, Resolution Approving an Updated Joint Powers Agreement for the Sunrise River Watershed Management Organization. Lewis stated I'll second. Lewis asked any discussion? To the motion, all in favor say aye. **All in favor.** Lewis asked any opposed? That motion passes. Motion passes unanimously.

8.0 G.2 Sunrise River WMO 2024 Budget

Davis stated the Sunrise River Water Management Organization (SRWMO) is a joint powers organization consisting of Columbus, East Bethel, Ham Lake, and Linwood. The SRWMO Joint Powers Agreement provides rules and procedures for operation of the SRWMO. Membership in Watershed Management Organizations and Watershed Management Districts is mandated by the Minnesota Bureau of Soil and Water Resources (BSWR) for all municipalities in the seven county Metro area.

Davis noted through the SRWMO, the communities 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. City Councilperson Brian Mundle and Citizen Member Leon Mager are East Bethel's representatives on the SRWMO. The SRWMO Board does not have employees. Instead, it works through cooperative efforts of the member cities and townships or contracts with the Anoka Conservation District or other consultants.

Davis indicated the SRWMO's draft 2024 budget is submitted to each member City/Township annually for their comment and approval and is exhibited as Attachment 1 to Council's packet. Any requests to modify this budget need to be submitted to the SRWMO prior to their April 7, 2022 meeting. 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 in the draft 2023 SRWMO Budget.

Davis stated the draft budget submitted for consideration is \$47,186 and would be funded by proportional amounts from the member municipalities. For comparison, the average budget from the preceding three years was \$45,190. Davis reviewed the previous nine years budget and the City's portion.

Davis indicated the SRWMO 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 stated East Bethel's portion of the budget, as presented in Attachment 1 to Council's packet, is proposed to be \$13,456 for 2024 or an increase of 6.4% from the 2023 City share of \$12,647. Davis recommended the City Council consider approval of the SRWMO Draft 2024 Budget as exhibited as Attachment 1 to Council's packet.

Mundle stated I'll make a motion to approve the SRWMO Draft 2024 Budget. DeRoche stated I'll second. Lewis asked any discussion?

DeRoche inquired as to how the percentages were figured out on the top with Linwood at 47 percent, etc. Davis explained the new ratio that was discussed was public waters and public lands was the ratio of two acres in the watershed. But what they decided to do was market value and that market value really had no influence on this, so there would be a percentage assigned to each one to cover those operating costs.

Mundle believed this would be a more consistent method as the calculations did not need to be done every year and they would pretty much know where they were going to fall.

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

9.0 – Other Items

9.0 A Staff Report

Davis stated he had no staff report.

9.0 B Council Reports

Smith stated he had an exciting time touring the sewage treatment plant and water plant for the City along with a member of the staff of the Met Council and also Nate Ayshford. He stated Wednesday night from 6 p.m. to 9 p.m. was the fall Town Hall meeting which was being held in the Senior Center. He stated both he and Miller attended the grand opening or ribbon cutting for NEXUS Psychiatric Residential Treatment Facility and he wished them well.

Mundle stated he attended the Sunrise WMO and the additional money they had requested for attorney's fees with respect to the JPA Agreement had come in under budget, so the City would be getting \$109.75 back. He asked if the City wanted this as a check, or as a credit against next year's budget payment. He noted there was also some work that needed to be done on the bylaws where the money could be applied also. Davis recommended they apply the credit to that payment. Lewis agreed.

Mundle stated there would also be a boundary change between the Sunrise River and Coon Creek Water District with some very small changes right around Coon Lake.

Mundle stated he had attended the Highway 65 Coalition meeting and summarized for Council what was discussed at that meeting.

DeRoche stated last weekend on Coon Lake there was an armed robbery off Elm where some items were stolen. He noted people should not keep their garage door openers in their vehicles as they can be used to enter homes.

Lewis noted his *East Bethel Bulletin* was still not in his mailbox. Davis responded there was an issue with the mailing list when they switched printers where it was misplaced and it had to be resent to them. Lewis asked if they would be getting it in time to advertise Davis's recognition event on the 27th.

Smith stated during NEXUS negotiations he believed they said that once they were ready to operate, they would have a monthly meeting. He indicated he would like to have a Councilmember(s) attend those meetings. He requested staff check with NEXUS on what the schedule of those meetings will be.

Miller stated Smith and him had spent time with Fire Chief Sanow reviewing the Fire Department's complete budget from the top to bottom with the goal being of trying to identify the true wants versus the needs of the Fire Department and to get a better understanding of how their budget operated. He noted the Fire Department's budget would be adjusted to make it more clear for the Council to understand for the future. Smith noted the Fire Department would have an actual budget by December 11.

9.0 C Other

None.

10.0 Adjourn

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

Meeting adjourned at 9:32 PM.

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.