

EAST BETHEL CITY COUNCIL MEETING

January 8, 2024

The East Bethel City Council met on January 8, 2024, 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: Matt Look, City Administrator
Eric Larson, City Attorney
Aaron Berg, Community Development Director

1.0 Call to Order

The January 8, 2024, 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 Item 6J to the Consent Agenda, approving ES2 Traffic Solution Proposal for additional traffic analysis for Viking Meadows; removing Item 7A.1 to be placed on a future agenda; removal of Item 7A.2 to be placed on a future agenda no later than February 26, 2024. 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

None.

5.0 Public Forum

Mr. James Linder, stated over the years there had been multiple ordinance and permit violations next door to him. He reviewed what the violations were including a second driveway on the property at his tree line, addition to their garage, adding five accessory structures (3 gazebos and 2 sheds), added a roof over their deck, and resurfaced the gravel driveway with asphalt. He indicated he had spoken to the City about the second driveway in the past but was informed the City was more interested in the garage as no permit had been issued.

Mr. Linder indicated he believed this went to Court where the next-door neighbor, Mr. Kraft, plead guilty and since that time, the Court has put him on probation. He stated since that time, multiple citation had been sent to the Court due to the other violations on the property and most of those violations were taken care of.

Mr. Linder noted in November 2023, he received a letter from Mr. Berg describing what Mr. Kraft needed to complete before the probationary period ended. He indicated at that time he noticed some discrepancies as to what he thought was initially voiced versus what was in the letter.

Mr. Linder stated in October he attempted to set up a meeting with Mr. Davis and Mr. Berg to discuss this and find out what were the rules, if things were in compliance, and to explain some discrepancies he believed were there including the gazebos, storage structure, and roof installed above the deck. He asked what changed the City's mind in enforcing these things. He stated Mr. Kraft still continued to use the second driveway and he expressed concern about his trees on the property line. He

pointed out Mr. Kraft also had a bunch of trash on the west side of his property which was not behind a privacy fence.

Mr. Linder stated he was still waiting to hear back from staff as to when they could meet with him. Lewis thanked Mr. Linder and explained there had been a change of senior management recently and with the holidays some things might have been set aside, but he was sure staff would follow up with him.

Mr. Linder noted he just wanted to have an in-person meeting with staff to discuss this. He noted a lot of things had delayed this with the Court including Covid, but he wanted some explanations.

Look stated he has been communicating with Mr. Linder since January 4 by email and he had sent him a letter at the end of December also. He agreed there have been years of issues with them, but if there were further violations, then the City would need to reengage on those violations. He noted according to the December 29 letter, all violations had been caught up.

Mr. Linder stated the reason he was at the meeting was because over the years, the City had said things were in violation and now it appeared to him things had not changed. He noted in a recent letter he received, it appeared everything was okay and if that were the case, he could accept it but he wanted an explanation. Lewis responded that was understandable.

Mr. Linder noted it was difficult to communicate everything through emails also. Lewis stated he believed it was the Council's desire to first of all, treat everyone equally under the law as well as a timely resolution to matters along with complete explanations. He thanked Mr. Linder for bringing this to their attention.

Mr. Linder stated he was hoping to get an explanation for everything. He indicated he was concerned about the trees along his property line with the second driveway. DeRoche responded there was not supposed to be two driveways.

Lewis stated it appeared he needed another visit with Nick. Look stated he was not sure the City could regulate someone driving on their grass, but staff could take a look at this.

Mr. Linder asked when did this change from driving on the grass to being a driveway. He requested a face-to-face meeting with staff to get his questions answered. Lewis stated he did not think this was unreasonable.

Mr. Linder stated he looked forward to hearing from staff regarding this.

6.0 Consent Agenda

Item A: Approve Bills

Item B: Approve Meeting Minutes December 27, 2023 City Council Work Meeting

Item C: Res. 2024-01, Designate Official Newspaper

Item D: Res. 2024-02, Designate Official Depositories for City Funds

Item E: Successful Completion of Probationary Period: Community Development Director

Item F: Res. 2024-03, Setting Meeting Date for Canvassing 2024 General Election Results

Item G: CenterPoint Energy Franchise Agreement Ratification

~~Item H: Approve Updated Purchasing Policy~~

~~Item I: Approve Purchase of 2024 Ford Escape~~

Item J: Approve ES2 Traffic Solution Proposal for additional traffic analysis for Viking Meadows

Lewis and DeRoche requested to pull Item H. **Mundle stated I'll make a motion to approve Consent Agenda as amended. 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.**

Look stated he wanted to have a discussion on Item I also. **Lewis stated I'll make a motion to reconsider the Consent Agenda to also removing Item I. 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 H Approve Updated Purchasing Policy

Lewis asked if the sentence at the end of paragraph 3 should be added to the end of paragraphs 4 and 5 where Council approval was required. Look responded that the majority of the this was following Minnesota State Statute. He indicated the genesis of this was that the City's original purchase policy was changing from \$1,000 to \$2,500. He noted it was pretty easy to get to \$1,000 without trying too hard on some of the expenses. Lewis stated he agreed, but as a point of good order, he believed that sentence should be added to those two paragraphs for consistency.

DeRoche stated he was concerned that the department heads would be making the decision, which he did not think was a good idea. Look responded there were a couple of reasons for that including all of the expenditures were controlled by the budget and all of the expenditures would also come to the Council on the bills list. He also reviewed all expenses prior to the Council meetings to ensure they were in line with reasonable expenditures.

DeRoche expressed concern that vendors might take advantage of this if the City did not see the invoices and only saw the bills to be paid, but he also did not want to ask staff to see every invoice. Larson believed DeRoche's observation was very apt, and it was actually one of the things he was concerned about when he looked over the policy. He indicated because they were dealing with procurement, he did review the policy very carefully and he was pleased with the policy. He noted the policy was providing guidance for thresholds as far as monetary amounts.

Lewis stated I'll make a motion to approve Item H of the Consent Agenda adding at the end of paragraphs 4 and 5 that Council approval was required. 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.**

6.0 I Approve Purchase of 2024 Ford Escape

Look stated the Ordinance essentially called out a specific vehicle and a specific dollar amount for the vehicle. He indicated staff was experiencing difficulty actually trying to get this vehicle due to supply chain issues with Ford. He indicated they have been waiting 2 to 3 years for the vehicle.

Berg stated Ayshford had also informed him that the order was just cancelled after two years of waiting for it and nobody informed the City of the cancellation. He noted they were trying to find something to replace this purchase, which had been authorized over 2 years ago.

Look recommended the motion include that it either be this vehicle or an alternate vehicle that was comparatively priced.

DeRoche asked if they were looking for a gas or diesel vehicle. Look responded it would be a smaller gas vehicle with ratings of 30 miles per gallon.

Smith stated I'll make a motion to approve Item I of the Consent Agenda adding that the City look for another vehicle the same of equivalently priced. 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 New Business. Commission, Association, and Task Force Reports**7.0 A Planning Commission****7.0 A.1 Ordinance Change: Section 28, Architectural Standards****7.0 A.2 Preliminary Plat: 1788 Viking Blvd NE – Capstone Homes, Inc.**

These items were removed from the agenda and will be considered no later than February 26, 2024.

7.0 B Economic Development Authority

None.

7.0 C Park Commission

None.

8.0 Department Reports**8.0 A Community Development**

None.

8.0 B Engineer Report

None.

8.0 C City Attorney

None.

8.0 D Finance

None.

8.0 E Public Works

None.

8.0 F Fire Department

None.

8.0 G City Administrator Report**8.0 G.1 Commission Liaison and Committee Appointments**

Look stated assignments of City Councilmembers to Commissions, Committees, Authorities, WMO's, and other public advisory boards as liaisons or members are recommended by the Mayor and confirmed by the City Council. The following are the Commission, Authority, Committee, and appointed positions recommended by Mayor Lewis for consideration:

Acting Mayor: The Acting Mayor performs the duties of the Mayor in his absence. Councilmember Miller is recommended for appointment to this position for 2024.

Commission Assignments: The Planning and Parks Commissions have a Council Member assigned as a liaison non-voting member. The purpose is to provide a direct link and communication between the Council and Commissions and historical perspective to issues and items affecting those Commissions.

Councilmember Miller is recommended for appointment as the Council Liaison to the Parks Commission for 2024. The Parks Commission meets on the second Tuesday of the month or as needed.

Councilmember Smith is recommended for appointment as the Council Liaison to the Planning Commission for 2024. The Planning Commission meets on the fourth Tuesday of the month or as needed.

Fire Department: Councilmember Smith is recommended for appointment as the Council Liaison to the Fire Department for 2024. The Fire Department has training sessions and staff meetings every Monday unless otherwise noticed.

Police Department: A Council Member is assigned as the Liaison to the Anoka County Sheriff's Department. Councilmember DeRoche is recommended for this liaison position. Meetings are scheduled as needed.

Economic Development Authority: Per EDA By-Laws, two Council members are appointed to this Commission. The EDA meets on the third Monday of the month or as needed. Mayor Lewis and Councilmember DeRoche are recommended for appointment as the Council members for the EDA for 2024.

Sunrise River and Upper Rum River Water Management Organizations (WMO's): The City is statutorily required to participate in the watershed management organizations (WMO's) to review, develop and approve water management plans and budgets for the basin area. The City belongs to both the Upper Rum River WMO and the Sunrise River WMO. The City appoints a Councilmember and a citizen member to each WMO. The WMO's meet bi-monthly with notices provided in advance of the meeting with agenda materials.

Councilmember Mundle is recommended for the 2024 appointment as the Council representative to the SRWMO and Councilmember Miller is recommended as the Council representative on the URRWMO.

Leon Mager is recommended for reappointment as a citizen member to the SRWMO.

Radja Lohse is recommended for reappointment as a citizen member to the URRWMO.

Look indicated since Lewis had made these appointments, he had found out that the Sunrise WMO wanted three people – a citizen member, Mundle, and an alternate in the event Mundle was not able to attend a meeting. He suggested Miller be the alternate on the Sunrise WMO.

The Council agreed with Look's recommendation.

Sandhill Crane Committee: This Committee was formed by a Joint Powers Agreement comprised of the City of East Bethel, Anoka County, MNDNR and the MNPCA. The group plans for public uses within this area. One City Councilmember is appointed to this Committee. This Committee meets as necessary.

A Council liaison will be appointed as needed for the Sandhill Crane Committee for 2024.

Finance Committee: This Committee meets as necessary to provide recommendations for budget development or other City financial matters. Two Councilmembers are appointed to this Committee.

Mayor Lewis and Councilmember DeRoche are recommended for the 2024 appointees to this Committee.

Booster Day Committee: This Committee meets monthly and consists of members of service organizations and citizen volunteers. The committee feels that only one Councilmember is needed for the liaison but welcomes the attendance of any other Councilmember. Councilmember Miller is recommended for the 2024 appointment to the Booster Day Committee.

Anoka County-Blaine Airport Advisory Commission: The City is a member of the Anoka County-Blaine Airport Advisory Commission. Membership on the Commission enables the City to keep

abreast of developments at the airport as they relate to economic development through access to general aviation facilities. The Commission is advisory only and there are no dues or costs to the City to belong. Current municipal members on the Commission include Circle Pines, Blaine, Mounds View, Lexington, Lino Lakes, East Bethel, and Anoka County. This Commission meets on a bi-annual schedule.

Suzanne Erkel served as liaison to this body from 2019 – 2023 and is recommended for the 2024 reappointment. In addition to the liaison selection, Councilmember Mundle is recommended as an alternate to this group.

North TH 65 Highway Coalition: The City of East Bethel joined a Coalition of cities, counties and townships along Trunk Highway 65 from Blaine to and including Kanabec County in September 2006 to support and lobby for transportation improvements within this corridor. The Coalition meets bi-monthly at the Isanti County Government Center in Cambridge. Per the by-laws of the Coalition, a non-elected official can be appointed to the Coalition Board.

It is recommended that Councilmember DeRoche and the City Administrator be appointed to the North TH 65 Highway Coalition for 2024.

DeRoche stated he had no interest in being on this coalition. Lewis asked if Mundle wanted to be on the coalition. Mundle agreed.

Personnel Committee: The City created a Personnel Committee on March 22, 2021 to review matters relating to policies and practices, compensation and benefits, labor relations and collective bargaining, employee relations, staffing and organizational structure, and advise the Council on these issues. Mayor Lewis and Councilmember Mundle are recommended for the 2024 appointments to this Committee.

DeRoche stated he would be interested in being on the Personnel Committee. Mundle agreed.

Nexus Community Advisory Board: The City of East Bethel supported the relocation of Nexus Family Healing and has expressed interest in appointing a representative to this Community Advisory Board.

Councilmember Smith is recommended for the 2024 appointment, with Councilmember Miller as an alternate.

Look stated Mayor Lewis has recommended the appointments as listed in Attachment 1 to the Council's packet and as described above and requests approval from Council for these assignments, including approval of Resolution 2024-06.

Mundle stated I'll make a motion to approve the assignments having Miller as an alternate to the Sunrise River WMO, changing DeRoche to Mundle for Trunk Highway 65 Coalition, and changing Mundle to DeRoche for the Personnel Committee. 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.**

9.0 – Other Items

9.0 A Staff Report

Look stated Frost had informed him that she was currently working on the public record data requested received. He noted these were increasingly burdensome to staff in terms of some of the size of the requests and the staff resources being used, as well as the costs to meet the requests.

Look indicated all the current 2024 licenses had been issued and all of the printed City Code books had also been updated. He noted with respect to Channel 10 and the buzzing heard, he believed the problem had been identified with a power supply and they were currently using a power supply on loan until one came in. Look indicated the Council Chamber now had Wi-Fi. He stated the January newsletter had been reorganized and updated and was going to the printer this week. He noted it would be mailed out shortly. He indicated they were beginning work lists for the 2024 to 2025 website update also.

Look stated staff and election administration training had already begun for this year. He indicated election judge recruitment was also underway. He noted that at the last election there were a lot of questions about the election integrity and if anyone had any concerns about this, the best way to get involved was to become an election judge.

Look updated the Council on his meeting with the League of Minnesota Cities Risk Management Team. He indicated the City was getting a reimbursement in 2023. He noted he had also received information on how to mitigate some claims.

8.0 G City Administrator Report

8.0 G.1 Commission Liaison and Committee Appointments (continued)

Nexus Community Advisory Board

Berg requested the Council approve the Resolution for appointing a City representative to the Nexus Community Advisory Board.

Look stated this was a Resolution appointing a City representative to Nexus Community Advisory Board. He indicated after speaking with Smith and Miller, they had shown interest in being a member and an alternate.

DeRoche asked what did this advisory board do. Look responded this was part of their Community Advisory Board to help guide them and get questions answered. He indicated the City wanted Nexus to be successful in the community.

DeRoche asked if they would be a voting member. Look responded he believed it was an advisory position.

Lewis stated I'll make a motion to approve Resolution 2024-06, Resolution appointing a City representative to the Nexus Community Advisory Board appointing Smith as the member and Miller as the alternate. 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.

9.0 – Other Items (continued)

9.0 B Council Reports

DeRoche asked if there had been any more complaints received from residents regarding the volume of the Chamber microphones. Look responded he had not heard of any more complaints, but it probably had to do with the closeness of the microphone.

DeRoche suggested they get some kind of a VU meter. Berg noted they did have independent control of every microphone in the Chamber and it appeared they were maxed out. He was not sure what they could do to remedy this other than keep reminding people to speak directly into the microphone. He noted they were not the only Council that had this issue.

Mundle stated he attended the recent Sunrise River WMO meeting where different topics were covered. He noted they discussed the 2025 budget and were recommending a \$3.00 increase which would probably come to Council at the next meeting.

Lewis stated one thing that was extremely frustrating to the Council was it being expected that five people could represent 12,000 plus people and know what everybody wanted. He stated it was the Council's job to do due diligence on behalf of the residents of the City. He stated he had been doing some research on Survey Monkey as a way to survey the residents for their opinions.

Lewis stated Look had referred to public data requests received by the City and by law, they had to abide by the requests, but there had been one recent public data request that took a lot of time on behalf of the members of the Council as well as the City Attorney, and the person who made the request had not even come in to look at the results, which have been available for almost a month. He asked if there was anything legally the City could do or what was possible in a situation like this. He also asked if there was some way to dissuade such behavior. Larson responded he understood, agreed, and believed it was very important for both the Council and staff as well as residents to understand that all aspects of City governance were important, but the day-to-day activities of the Council and staff needed to continue. He noted public data was available for the public to view and have access to, but not at the expense of City governance, and the delivery of City services. He indicated there were parameters and limited ways to impose those costs upon those individuals who requested the information.

DeRoche stated it was unfortunate that the Council could not recoup money for the time they might have spent on this. Larson responded that was one of the limitations with respect to the law.

Lewis noted this cost the residents money to the detriment of the City's efficacy and providing services was onerous also.

Lewis stated there has also been concern by residents as to why things were being postponed, tabled, etc. by the Council. He indicated the Council was trying to take everything seriously and to do their due diligence, especially on complex issues. He noted in the situation of Capstone Development, they did not want to be an obstacle to private property owners making money on their property and their ability to sell it, but the Council's decisions had legal consequences and Council wanted to think through everything properly. He indicated Council was not dragging their feet, they were just doing their due diligence and wanted to feel comfortable with making their decisions.

Smith requested Look consider having all of the department heads have a 360 evaluation.

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 7:54 PM.

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.