

EAST BETHEL CITY COUNCIL WORK MEETING

May 29, 2024

The East Bethel City Council met on May 29, 2024, at 6:00 p.m. for the regular City Council Work meeting at City Hall.

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

ALSO PRESENT: Matt Look, City Administrator
 Rodney Sanow, Fire Chief
 Aaron Berg, Community Development Director
 Nate Ayshford, Public Work Director

1.0 – Call to Order

The May 29, 2024, City Council meeting was called to order by Mayor Lewis at 6:00 p.m.

2.0 – Ice Arena Management Discussion

Ayshford summarized the two quotes received for the management of the Ice Arena. He indicated the low quote received was from Gibson Management, which was approximately a 32 percent increase over what they had the past year. He noted the second quote was from an out of State company who would charge travel expenses, so that one was out of the question. Ayshford indicated both proposals would require the arena to operate in the red with the current cost structure.

Ayshford presented a proposal if the City were to take over the management of the Ice Arena. He recommended this option as making the most sense for the residents and the users of the Ice Arena.

Lewis noted he had seen that the Ice Arena had broken even financially since 2013 or 2014 and when he looked at the budget there was no allocation for salaries. He indicated it was easy to make everything look break even or profitable if they didn't include some of the expenses. He asked if they had been accurately accounting for everything in terms of staff time, etc. He also questioned why the depreciation for 2023 drop \$32,000. Ayshford noted the proposal was not an apples-to-apples comparison and the costs were more representative of what the true costs were going to be compared to what they were paying right now. He acknowledged there was some time that was not accounted for such as when staff changed light bulbs, etc. He indicated that was included in the general building maintenance budget and paid for with the public works fund. He explained the budget for the Ice Arena and where the funds would be coming from.

Lewis inquired as to whether public works could manage the Ice Arena in addition to what they were currently doing. Ayshford believed they could. He indicated they had staff that were familiar with the Ice Arena and the person he was proposing for the job worked with the Uouth Hockey Association right now, so he was familiar with the building. He noted this person got called on a lot by the previous management company to take care of things, which he did on his own time.

Ayshford stated staff had a great working relationship with the Youth Hockey Association and Alex Goodwin was in attendance tonight also. He indicated the worse-case scenario was that the City run the Ice Arena for a year and see what changes needed to be made after that year.

DeRoche asked what Gibson did onsite other than paperwork and collect fees. He asked if Gibson had someone on site who was running the arena. Ayshford responded there was no real work done in the summertime, except for ice scheduling which was taking place now. He indicated there was no

onsite manager at all times and there would be seasonal or part-time operators there. He stated Gibson took care of the ice scheduling and the billing for the ice time which would now be the City's responsibility.

DeRoche stated in his opinion this sounded great. He asked the Youth Hockey Association if they would be willing to share in the running of the Ice Arena. Alex Goodwin stated they would be willing to do that and she had had conversation with Ayshford about this.

Ms. Goodwin stated over the past few years when Gibson Management was there, a lot of the slack was picked up by the City and City workers for things that Gibson Management should have been doing. She noted the most disappointing part was they never had any sort of management at the arena. She indicated she saw Gibson there when the ice went in, but that was the only time and the individuals Gibson hired struggled with the maturity on some different levels in making sure things were completed in a timely manner. She stated there was no follow up on things that should have been taken care of throughout the season.

Ms. Goodwin stated she had seen the new Gibson proposal and the only thing she saw that was different were the dates which did not account for the 32 percent increase. In her opinion, she did not think it made sense to continue with Gibson Management. She indicated they had received numerous complaints throughout the year with respect to Gibson.

Ms. Goodwin noted the Youth Hockey Association was more than willing to help out in any way they could. She indicated while they were a small group, they had a lot of volunteers. She noted they would be willing to hold fundraisers to help with building improvements, etc. like they had done in the past. She stated they could also get involved in events held in the summer at the Ice Arena as she believed there were many opportunities for summer events.

Ayshford stated the Ice Arena had no air conditioning and it was not insulated for air. He indicated they might get away with events in the spring and fall, but the summer would be difficult. He noted the City did carry a good-sized balance in the account if there should be some major breakdown also.

Mundle asked why did the City stop running the Ice Arena in the past. Ayshford responded he did not know as he was not with the City at that time, but he understood there was some personality conflicts, but he was not sure.

Look stated he did not know if the City running the Ice Arena was the most favorable option, but he agreed Gibson was not an option and the other bid they received was far more expensive and was definitely not an option. He recommended the City run the Ice Arena for a year and look at this again next year. He requested the Council consider this a short-term possibility until they found another responsible entity or perhaps someone who wanted to buy the business and run it.

Lewis stated businesses sell for more and they sell quicker if they build them up before they try to sell them.

Smith thanked Ms. Goodwin for doing the fundraising. Ms. Goodwin indicated they had big plans.

Look stated this would be on the upcoming Council meeting.

3.0 - Driveway Ordinance Relating to an Improved Street

Berg stated at the May 13, 2024 City Council meeting, there was discussion to revisit and revise the driveway access standards Ordinance. Berg noted the staff had reviewed Section 15 along with the feedback provided by the City Council for driveway access standards and provide a recommended change to address the potential concerns. Berg indicated the City Council should review and discuss

the proposed changes from City staff, provide guidance if any, and authorize the public hearing process for the Ordinance change.

Berg stated he had reviewed the driveway ordinance and standards and realized that all of the districts required a driveway to be paved, including conditional uses in the rural residential district. However, the rural residential district was not included in the list. He noted he decided to potentially strike it in all residential zoning districts and edit it to say driveways located on an improved street in a platted subdivision are required a bituminous or concrete driveway extending from the street to a minimum of 75-feet, with the exception of driveway access to properties located in non-platted rural residential zoning districts. He noted those shall be improved through the public right-of-way to the property line.

Berg stated wherever the right-of-way space had the apron, essentially, he decided to include that, in addition to City driveway access standards, so if it was on a County, road, County road jurisdictional things might apply; if it's on Highway 65, Highway 65 might have some things; and the State might have some things that would apply.

Berg noted one item that had never been covered in the Ordinance was that a second driveway should be constructed and improved to the current driveway standards. He indicated there was nothing that addressed a second driveway. He stated Section 5 was an addition that was carried over from the standards in subdivision design, which required that driveways have to be a minimum of five feet from a neighboring property. So, taking those into consideration, if there are any additional feedback to this Ordinance potential revision, they could run this through the Planning Commission for the public hearing and then bring anything back to the Council for final approval in an upcoming Council meeting.

Berg indicated he would also create an informative flyer that would describe the process for driveways, when a permit was needed, and where to go to get a permit. He stated that brochure would go out with the application. He hoped this would address some of the concerns that were brought up.

DeRoche believed some of it seemed more restrictive. He did not want to prevent residents from doing things unless it was a public safety issue or public hazard. Lewis stated he did not read it that way. Mundle believed this was just explaining things.

Berg responded as of right now in a rural residential district, they would require them to pave 75-feet, and this was essentially allowing those properties in non-platted subdivisions, rural residential property, or agricultural property to only have to pave whatever it was decided on whether that be 30-feet, 20-feet, 60-feet, etc. He indicated they were actually lessening the standard and giving more options for properties that were not in subdivisions.

3.0 – Architectural Standards Ordinance Language

Berg stated they had been discussing the architectural standards and the business zones in the City for almost a year. He noted staff has had a couple of conversations now with Miller to review proposed changes to the architectural standards.

Berg stated staff was recommending they add a section to the existing architectural standards. He indicated this set of standards was permissible outside of the City utility service area, which may be amended from time to time in order to enable the development of properties in more alignment with business needs, while maintaining high architectural standards.

Berg indicated the business design which exhibited architectural control, which seeks to be creative and utilize building lines, shapes, angles, and maximizes integrity. Now, he noted they have expanded the materials, of which Miller was requesting in his original version, which have all been addressed. He noted another item was specifically to address the rear and sides of a building, so that they do not have to match the front facing facade of a building.

DeRoche inquired about windows in the back of the building. Berg responded the developer could do windows if they wanted, but they were not obliged to.

Miller stated they had tried to cover pretty much everything in a simplistic form along with making it simple to follow. He hoped that this was going to attract more businesses to the City.

DeRoche requested the Council be provided with a redlined version. Berg responded this one had already been through Council with redlining three times and now it was back for the Council's final decision based on Miller's opinion. He noted the Planning Commission would not see this again and the public hearing had already been held.

4.0 – Rooster Ordinance

Berg stated at the May 13, 2024 City Council meeting there were multiple complaints by residents who spoke at the Public Forum regarding roosters. He indicated staff have reviewed that Section and have provided a recommended change to potentially address the concerns. Berg requested the Council review the changes and provide guidance. He noted this would facilitate an Ordinance revision which would including holding a public hearing at the Planning Commission.

Berg stated he had looked at the farm animal Ordinance, specifically the section about chickens and recommend in that Section that the City add to the sentence that roosters are prohibited on lots smaller than an acre and a half. Furthermore, no more than one rooster would be permitted on all other parcels.

Lewis asked if this wasn't supposed to be tied to the zoning. Berg responded the Council would make whatever revisions they wanted.

Look stated the City could control this however they wanted to, but the problem was where the chicken coop was located so if it was next door to a neighbor on 10 acres, then it would be right next door.

Mundle recommended the following language: If the rooster is on property, it may be removed by complaints by neighbors. He noted that would handle the complaints, it wouldn't rise to the level of a City nuisance by definition, and if neighbors complained they were obligated to get rid of the rooster(s).

DeRoche noted the issue with this was if two neighbors did not get along and one neighbor was going to complain whether it was an issue or not. He suggested if they could say it could not be within a certain distance to the next person's property. Berg responded if someone had a certain number of acres, they were allowed to free range chickens, which meant they could not control where the chickens walked. He noted this would be putting in restrictive parameters again and he thought the revisions were to remove restrictions. He believed there must be a happy medium somewhere.

Berg recommended dropping this down to one rooster, which might reduce some of the complaints. He noted if this did not work, they could come back and look at this again with the possibility of getting rid of roosters completely.

Smith stated one rooster was fine with him.

DeRoche asked if the residents at the Public Forum had filed formal complaints. Berg responded they had and the Code Enforcement Officer was actively investigating, but he was running into some potential problems with Code language in terms of public nuisance. He noted there was very limited information on what a public nuisance was in the City's Ordinance. He indicated the City Ordinance did reference State Statute, which was more involved, so staff needed to dig into the State Statute and how that applied to the City's nuisance Ordinance.

Mundle asked if they could add roosters to the nuisance Ordinance. Berg responded the City could do whatever they wanted. He requested the Council give him some time to figure out what direction the City needed to go.

DeRoche asked what did the State Statute say. Berg responded that was what he needed to research. He stated he would send the Council the current nuisance Ordinance for feedback and direction. He indicated it was a matter of adopting State Statute language into the City's Ordinance and then they needed to come back with an Ordinance revision to make that happen. He reviewed what the current City Ordinance said with respect to what was a public nuisance.

Look stated roosters also made more roosters and pretty soon they would have to terminate roosters because there would be too many. He indicated hens could lay eggs without roosters. He believed most people wanted the eggs and that was the reason they wanted chickens.

Berg indicated some cities use IUPs to regulate this also.

Miller believed they knew there would be some problems with roosters, but when they started out they had a lot more people who wanted roosters than those who did not want roosters. He indicated what bothered him was that the residents who had come to the Council to complain had been dealing with this for a year and while staff had gone out to look at the situation, nobody from the Council had looked at it. He noted when the Council heard about this it came as a surprise to them.

Berg pointed out what the residents had failed to tell the Council was that staff did go out there and had addressed the situation and there had been significant changes made on the property. But in the meantime, Council chose a different policy on making formal complaints and so staff was not going to waste their time on investigating a verbal complaint when the residents had been informed they needed to file a written complaint. He indicated staff had investigated this seven months previously and this was the first time there was a complaint.

Berg recommended the City start allowing one rooster per parcel for anything larger than 1.5 acres. Lewis believed that was a good start.

5.0 – ESST Update and Direction

Look stated this related to paid on call firefighters earned sick and safe time required by the Minnesota State Legislature for all part-time and full-time employees. He noted this was very similar to what full-time employees earned in terms of sick leave. He asked if the Council wanted to terminate it now, which meant they would pay out whatever had been accrued up to this point. Or did they want to keep it for the balance of the year and pay out at the end of year, which was about a \$10,000 to \$15,000 impact on the budget, or did they want to keep it indefinitely even though it could not be used, but they would get paid this additional benefit for the firefighters.

Mundle stated if they kept it, the firefighters would get the initial bonus paid out at the end of the year. He noted the Council had said before they wanted to find the money and he did not know how to pay them being a better incentive.

Look indicated staff was looking for a consensus to drop the policy as it relates to the new law that had come out. However, he noted the law did not prevent the City from providing that as a benefit.

Lewis stated it seemed more logical to give an increase in pay rather than have this non-required, non-existent kind of safe and sick time. He noted this seemed like an odd thing.

Lewis asked Sanow what he thought the City should do. Sanow stated he needed to look at the fiscal impact of this before he could decide.

Lewis stated this seemed to introduce a confusing element when somebody quits. Sanow responded the policy was that the firefighters would get paid out half of their sick time right now.

6.0 – Assessor Contract

Not discussed.

7.0 – White Pines General Store – Short Term Rental Concept

Berg noted the White Pines General Store had a lot next to them and they were looking at a potential option of selling that lot or finding some revenue source from the lot. He indicated they were proposing tiny homes for potential rental or short-term rentals. He noted the City's Ordinance did not allow for short-term rentals and the Ordinance did not allow for the placement of a manufactured home outside of a manufactured home park. He stated there were a lot of things that would potentially need to be modified in order to allow this to happen, one of which might be offering them a CUP for the space but then the City would need to modify other things to make that happen.

Berg indicated they did not allow multiple residences on one parcel of property. He stated another problem was shared septic for temporary homes and the City did not allow mobile homes or manufactured homes outside of a manufactured home park. He asked if this was something Council was interested in staff exploring further or should staff tell White Pines they should look at another idea for this property.

8.0 – Jail Conversation

Not discussed.

9.0 – Adjourn

DeRoche stated I'll make a motion to adjourn. Mundle 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 6:59 p.m.

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.