

# EAST BETHEL CITY COUNCIL WORK MEETING

June 24, 2024

The East Bethel City Council met on June 24, 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  
                                  Aaron Berg, Community Development Director  
                                  Nate Ayshford, Public Work Director

## 1.0 – White Pines General Store Presentation

Berg presented background information on White Pines General Store. He noted as presented at the last meeting, White Pines General Store was looking for alternative sources of revenue to use the empty lot next door to the store, which included short-term rental manufactured homes. He indicated this was not an approved use and there would need to be a number of things within the City Code that would need to be modified, adopted, or changed in order to make this a possibility. He reviewed what needed to be changed such as zoning and where a manufactured home could be located in the City, etc. He stated right now the zoning was B-1. He noted the City would need to overhaul the Rental Property Code to include short-term licensing inspections also. He indicated the City also did not allow for a shared septic system as well as there would be parking issues. He did not know if this idea would be the best use for this lot.

DeRoche expressed concern that more people would also want to do this. Berg responded that was a possibility once the City opened that door. He believed the City already had a couple of Airbnb rentals that did not meet the City's zoning Code, but they had not received any complaints about them to do any Code enforcement.

Berg indicated they would also need to come up with a system for more frequent inspections as short-term rentals would be turning over more frequently than long-term rentals. He stated there were a lot of hurdles with this proposal and it would get very involved.

Lewis stated he did not see this as being a big sales point on Coon Lake Beach. Berg responded with a lack of a swimming beach or a public access, he didn't know if that would be a draw for vacation rentals in that particular neighborhood.

Mundle noted they already had a campground on the north side for that purpose. Lewis stated they also had a regional park at the east end of the lake.

Look stated staff would share those comments with the petitioner and if they wanted to pursue this, they would come to a future Council work meeting to discuss it.

## 2.0 – Whispering Aspens Pond Treatment

Look stated this was brought up at a recent Council meeting Open Forum regarding odors associated with Whispering Aspens pond. He indicated staff had done some research on this and the challenges with the treatment of this pond.

Ayshford stated the background on this was in the Council packet, along with the estimated cost. He noted this pond received storm water from the development and the residents were concerned about algae growth. He indicated in the past, the City had treated that because on the north section there used to be a sewage treatment plant for that development and after the water was treated, it would go into that pond, which might be what helped some of the sediment loads. He indicated the City had treated it in the past, but once the plant was closed down, the pond was no longer treated.

Ayshford asked if this were something the City should be treating and if so, the City had another 150 stormwater ponds and how would the City decide which ones of those would get treated.

Ayshford stated there were different options for treatment also, such as chemical treatment, a powered aquifer aerator, a wind powered aerator, or a fountain.

Lewis asked if there was any natural means of treating the pond. Ayshford responded he did not know of any, but he was open to suggestions.

Ayshford noted one thing they had discovered was that northeast of this pond, there was another larger pond that drained into this pond and that water was being held back by a beaver dam. He stated they were working with a trapper to get that opened up so they get more flow coming through there. He noted this was a wetland area that drained and all of the storm sewer from the development drained to this pond also.

Ayshford asked the Council if this was something they wanted to pursue.

Lewis stated if they cleaned this pond, it would open up a "can of worms" for the other 149 ponds and there would not be anything left in the budget if all of the ponds were treated.

DeRoche asked if this was a new issue and did it ever go away. Ayshford responded this occurred every year and it was an algae bloom from phosphorus (i.e., fertilizer, grass clippings, etc.).

Mundle stated this pond was unique as it was specifically designed to work with the wastewater treatment plant and in the past the pond had been treated, but once the sewage treatment plant was decommissioned, it lost the design flow through it. He did not know of another pond in the City that had those circumstances.

Miller asked if the pond was on City land. Ayshford responded it was. He noted most ponds were falling on drainage and utility easement, so the City doesn't actually own the property around it. He stated if it were an outlot, sometimes the City would own it.

DeRoche stated he believed nature should take its course.

Lewis requested they revisit this after the beaver dam was taken down to see how the flowage was at that point.

Ayshford asked if this might be something the development would want to pay for. He indicated with that specific development, they would have a way to build that with the sewer and water in there. He noted this was an option discussed at the Park Commission.

Smith asked why was the City mowing around the pond. Ayshford responded it used to be part of the treatment plan operation and they have just always mowed it. He noted it has been that way long before he started working at the City.

Mundle noted this is considered one of the City parks in the development.

Smith stated he did not understand why the City owned this pond when in other developments the City didn't own them. Ayshford stated the City did not own the pond itself, but the City did have a large drainage utility easement over it.

Griffin Munson (?sp) stated he was surprised the City still mowed around the pond and asked if it would be a good idea to just stop mowing around it. He indicated if they kept the grass high, it would discourage people from swimming. Mundle stated nobody swam in that pond.

Ayshford stated mowing only took 15 minutes and they needed to mow around the edge to keep the weeds off of the road.

Smith asked if there were documents that said the pond was a part of the City parks. Ayshford responded they were platted as outlots and the City owns those outlots. He noted one of the outlots had playground equipment on it, and that was considered a City park. He acknowledged he did not know if this was ever designated as an official park, but it was City public property. He believed this might be a legal question for the City's attorney as to what the actual title was.

Look believed there were two different issues – whether the City did or did not own the pond and whether the City treats or does not treat the pond. He noted there was a significant cost in treatment and then there would be other requests for neighborhood ponds to be treated.

### **3.0 – Commercial Kennel Ordinance Revision**

Look noted the City has had some requests in the past to bring commercial kennels into residential districts where an individual wanted to operate an at home business where they watch a number of dogs for people. He noted the Planning Commission had rejected those requests previously and now the City had another one coming before them. He stated this issue centered on Ordinance revisions and who had the ability to revise an Ordinance.

Berg stated the City did not permit commercial kennels or overnight boarding in residential districts. He noted the City had received complaints about Pet Sitting which included them boarding animals overnight. He noted Pet Sitting was sent an Ordinance violation notice and Pet Sitting had hired an attorney (Mark Luther) who asked how they could propose an Ordinance revision.

Berg indicated residents could request an Ordinance revision only of the Zoning Code, or a zoning text amendment, or a rezoning of their property and not a general ordinance revision. He stated Mr. Luther and his client have proposed an Ordinance change to a Ordinance Section 10 which changes the definition of a private kennel and allowed for boarding. He asked if the Council was interested in that Ordinance revision.

Attorney Mark Luther stated he represented Anita Jones. He noted Minnesota Statute Chapter 340, 7.10 said that a kennel was a place where there was breeding, sale, or sporting purposes where dogs are kept. He stated this did not apply to his client as she was not breeding dogs, selling dogs, and did not do sporting purposes of dogs. He stated his client just wanted to have a pet sitting service. He indicated they were not asking for a zoning change and they were not asking for a variance. He indicated they were asking for the definition of a private kennel under the Ordinance that a private kennel could hold more than two or more dogs, as long as the dogs are owned by the owner to a private kennel, it would be allowed where you could have dogs that are not necessarily owned by the owner of the kennel.

Look believed the City could be more restrictive than State law on these matters, but he could check with the City Attorney on this.

Lewis expressed surprise that the State was so restrictive.

Anita Jones, Jewel Street, stated she did not have kennels in her home and she was doing boarding out of her home.

Lewis asked what was Ms. Jones's definition of the word 'kennel.' Ms. Jones responded that her meaning of the word kennel was when dogs were put in an enclosed kennel. She noted she was at her home and a dog was only put in a kennel for safety reasons, but otherwise the kennels were put down and the dogs were allowed to run free in her home. She has a fenced in area outside. She indicated she did not allow barking dogs outside and if they start barking, they go into the house. She stated she did not want her neighbors to be upset about barking dogs and she tried to keep any barking to a minimum.

Lewis stated a primary concern was noise because dogs will bark, and the other is fear of aggressive dogs. Ms. Jones noted all dogs had a meet and greet first and the dog owners had to read and sign her policies which included a trial overnight. She indicated if a dog showed aggression in her care, the dog's owner was called.

Ms. Jones stated she had spoken with her neighbors and one of her neighbors didn't even know she was boarding dogs and her other neighbor said they might have heard dogs barking a few times over the last seven years.

Berg stated the City's definition of a commercial kennel means any place where a person accepts dogs from the general public and keeps such dogs for the purposes of boarding. He noted commercial kennels were not allowed in residential neighborhoods.

Mundle asked for the definition of a private kennel. Berg responded that a private kennel was any place where more than 2 dogs over 4 months of age were kept or harbored, provided that such animals are owned by the owner or lessee of the premises on which they are kept or harbored.

Mundle stated kennel was not a literal meaning that they have kennels at an establishment.

Lewis asked if there was a requirement that they have to be in an enclosed structure for noise purposes. Berg responded under the commercial kennel ordinance, there were requirements but not under the private kennel license.

Smith asked what kind of complaint had the City received. Berg responded staff had a documented written complaint in which the complainant provided a photo ID, and a verified address. He stated it was a legitimate complaint.

Look stated while they had an applicant who was very responsible, the City could potentially have other kennels that were not as responsible at some point.

Look indicated staff was looking for direction from the Council if they were interested in moving ahead with crafting an ordinance revision for commercial kennel and residential kennel.

#### **4.0 – B-Rock Auto Continued Operation**

Look stated according to neighbors, B-Rock Auto appears to be continuing operation of an automobile repair shop out of his home. He asked if Council wanted to pursue the route of prosecution.

Berg noted B-Rock Auto had been given a year to find another location to relocate their business, but that did not happen and he had come to the City for another year extension, which had now expired. He asked if the Council wanted to move forward with prosecution.

Lewis stated it was difficult to enforce the Codes when the value of resident's property depended on Codes being abided by, but the Codes were there to protect the value of peoples property. He acknowledged complaints had been received and this had been a persistent problem. He believed the people who lived in that residential neighborhood had a right to have the Zoning Code be enforced.

Mundle believed the City had been very fair with giving a year to relocate and then giving a year extension.

Miller stated he agreed with what was said and it was a shame when they have businesses that run into issues like this with complaints, but he believed the City had been more than generous for the last two years. He hoped another business in the City could step up if they had some property to rent to help this business out.

DeRoche stated he felt the same way.

### **Other**

Lewis stated a few weeks ago they had a presentation from The Anoka County Election Integrity Task Force. He indicated he had spoken with them since their presentation and the maximum cost to pay election judges to go through and recount the ballots would be \$2,800. He noted people would know that other people had actually looked at the votes. He stated he wanted to approve this and requested it be put on a City Council meeting agenda.

Mundle requested they have somebody from the County give a presentation that would explain and address the concerns that this group brought up.

Look stated staff could look into this. He believed there had been a new State law though that said once the ballots were cast and counted that evening, they went under lock and key. He noted it might be impossible to get the ballots to recount them.

Lewis stated he would speak with the group and see what their read was on this.

### **5.0 – Adjourn**

Meeting adjourned at 6:57 p.m.

Submitted by:

Kathy Altman

*TimeSaver Off Site Secretarial, Inc.*