

# EAST BETHEL CITY COUNCIL MEETING

August 26, 2024

The East Bethel City Council met on August 26, 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  
Rodney Sanow, Fire Chief  
Aaron Berg, Community Development Director  
Carrie Frost, Administrative Coordinator

## 1.0 Call to Order

The August 26, 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. 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.**

## 4.0 Presentations and Public Hearings

### 4.0 A Anoka County Sheriff's Report

Lieutenant Derek Peters presented the July 2024, Sheriff's Report, stating the Sheriff's Department had responded to 442 calls for service including 4 assaults, 4 thefts, and 2 damage to property, 31 custodial arrests, 135 traffic stops, and 45 traffic citations.

Lewis asked about a standard procedure for dog bites, due to the incident which occurred last month.

DeRoche asked about children being assaulted at the bus stop at the north end of town. Peters responded he had not seen any reports regarding this issue.

**Informational; no action required.**

### 4.0 B Fire Department Monthly Report

Fire Chief Sanow presented the July 2024 report and noted that they responded to 105 calls, of which 80 were medical, 7 accidents, 5 fires, and 3 alarms. He stated they have responded to 654 calls for service, compared to 620 at this point in 2023. They are projected to respond to a total of 985 calls for the year. Sanow updated that they will be training with the Anoka County Sheriff's Marine Unit at Coon Lake County Park access on September 9, 2024.

DeRoche asked about any heat strokes. Lewis asked about the online training that is included in the bill list.

**Informational; no action required.**

**4.0 C Resolution 2024-53, Resolution in Support of Post-Election Review**

Look presented Resolution 2024-53, supporting an increase in the number of post-election reviewers (PER), which hand-count for the purposes of verifying the integrity of the machine tabulators.

Administrator Coordinator Carrie Frost stated there is a struggle to find enough election judges due to the lack of increase in judge wages and long hours worked.

DeRoche stated he would vote against this resolution if voted on tonight due to the taxes it would put on the election judges.

**Lewis stated I'll make a motion to adopt Resolution 2024-53, Resolution in Support of Post-Election Review. Motion died for lack of second.**

**5.0 Public Forum**

Pamela Kolodziej, 485 224<sup>th</sup> Lane NE, stated that she was an election judge for the past 30 years. She asked if Resolution 2024-53 is regarding a post-election review or an election re-count. Lewis clarified it is for a post-election review. Ms. Kolodziej presented information from the State website regarding the required post-election review and the County Canvas Board, which randomly selects precincts. Ms. Kolodziej stated there were 22 differences between the machine and the hand-counting done for the 2020 election. Ms. Kolodziej concluded that there is a severe lack of election judge volunteers in East Bethel.

**6.0 Consent Agenda**

Item A: Approve Bills

~~Item B: Approve Meeting Minutes August 12, 2024 City Council Work Meeting~~

~~Item C: Approve Meeting Minutes, August 12, 2024 City Council Meeting~~

Item D: Approve the Upper Rum River Watershed Management Organization Joint Powers Agreement

Item E: Res. 2024-52, Amending the filing date for Resolution 2024-18 and approving Administrative Subdivision, 737 Sims Road NE

Item F: Res. 2024-55, Domestic Violence Awareness Month

Item G: Res. 2024-56, Proclamation of Constitution Week

DeRoche requested to pull Item B. Lewis requested to pull Item C. **DeRoche 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.**

**6.0 A Approve Meeting Minutes, August 12, 2024 City Council Work Meeting**

DeRoche stated that in the discussion, it came out that there had not been any communication with Jeremy Foss for a while. Look stated that he does not believe the end result will be any different than before; he would expect 3 notifications, citations to be sent and paid, and then go back to square 1. Look stated that generally, people comply and then slip back into the same violations over time.

Lewis stated that in line 44-45, page 2 of the Work Meeting minutes, everything written after "themselves" should be deleted. Look stated that "DeRoche" should be replaced with "Mundle" on line 27, page 3 of the Work Meeting minutes.

**DeRoche stated I'll make a motion to approve Item B of the Consent Agenda as revised. 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.**

**6.0 B Approve Meeting Minutes August 12, 2024 City Council Meeting**

Lewis stated that in line 16, page 2, “area” should be replaced by “arena”.

**Lewis stated I’ll make a motion to approve Item C of the Consent Agenda as revised. 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 New Business. Commission, Association, and Task Force Reports****7.0 A Planning Commission****7.0 A.1 CUP: Exterior Storage, 21125 Highway 65/BoatWorld**

Berg presented the application the City received on June 12, 2024, from Randy Crumpler, owner of Crumpler Properties, LLC and BoatWorld, for a Conditional Use Permit (CUP) for Exterior Storage on a parcel, 21125 Highway 65 NE, which he had recently purchased. The parcel is adjacent to the BoatWorld parcel at 21155 Highway 65 NE. Crumpler wanted to extend the exterior storage of boats and pontoons from the BoatWorld business onto the adjacent parcel.

Berg explained that both parcels are in a Central Business (B-2) Zoning District, whereby City ordinance, Exterior Storage and Exterior Display of Merchandise associated with retail sales and services is identified as a Conditional Use, requiring a permit. Look stated that after reviewing the zoning code staff have identified that Boat Sales are called out specifically as a Conditional Use in a B-3 Highway Commercial Zone only and not as a Permitted Use in a B-2 zone. Retail Sales and Services conducted completely within the structure is permitted in a B-2 zone.

Berg stated that staff have determined that BoatWorld’s use of 21155 Highway 65 NE is a Legal Nonconforming Use and has been continued through transfers of ownership prior to the rezoning.

Berg referenced Section 05 (2): A nonconforming use may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.

Berg stated the newly purchased parcel, 21125 Highway 65 NE, has no legal nonconforming designation and should conform to the current zoning code. Crumpler is proposing a new retail operation occurring inside the building on the parcel however it is not boat or pontoon sales but wants to extend the storage of BoatWorld’s Exterior Storage onto the new lot.

Berg referenced Section 24. – Exterior Storage 5. - B-2 District. Under the current proposal, the Exterior Storage and Display of Boats and/or Pontoons would not meet the conditions of city ordinance and the expansion of the non-conformity is not allowed by city ordinance or MN State Statute without variance. Crumpler has advised city staff that he does not want to combine the two lots which would necessitate a variance due to the nonconformity classification.

Berg reference Section 46 – 4.O. does however identify that, other uses similar to those permitted in this section as determined by the city council as a Conditional Use.

Berg stated that on July 23, 2024, the Planning Commission held a Public Hearing which there was no public comment. After a review of the application material, discussion and hearing from the applicant the Planning Commission, by a 6-0 vote recommended approval of the CUP with the condition that the area be screened.

Berg stated that the City Council should review the request, consider the Planning Commission’s formal recommendation and approve with modified conditions or deny the Conditional Use Permit as presented in Resolution 2024-54.

Mundle asked if the entire area where the new fence would be screened. Crumpler stated that the Davenport side needs to be screened.

Crumpler stated that the existing fence would match the new height.

DeRoche asked what would be stored. Crumpler stated inventory of boats would be stored there. Berg stated the exterior storage regulations do not meet any of the criteria of the proposed storage, taking down the fence and bringing inventory from one property to another is technically an expansion of a legal non-conformity, the B-2 zoning Code states that the exterior storage has to be in relationship to the business occurring inside the building, and the exterior storage can only be a certain size based on the ratio of the footprint of the building.

DeRoche asked, from a public safety standpoint, would fire engines be able to get in and around. Crumpler stated that they also need to get 16,000 lb. forklifts with 20-foot extensions in between the aisles for access. DeRoche stated that once a CUP is issued, it goes with the property if sold.

Mundle asked if this could be done as an Interim Use Permit (IUP) instead. Berg stated that the B-2 Zoning Code calls out exterior storage as specifically a conditional use. Berg stated that the interim uses identified in the Code include, grading activities, communications towers, and other uses similar to those permitted in this section permitted by the City Council.

City Attorney Larson asked if there was a public hearing held on the Conditional Use Permit. Berg stated there was. Larson also stated that they could do an Interim Use Permit but asked what the interim would be, if it is specific to the business, or if there would be a review in a year or two.

Berg stated that the resolution would have to be rewritten to spell out the potential conditions wanted in an interim use. Larson stated that with a CUP, you cannot put in a condition that it ceases upon sale according to State law.

Crumpler asked if the interim could be indefinite as long as he is the owner, without the need for revisiting.

Larson stated if they desire to change the CUP to an IUP, the City Council should table this discussion to the next meeting to allow staff to craft an Interim Use Resolution to be passed and placed on the consent agenda.

Lewis clarified that other conditions could be put on the CUP. Larson said that a condition can define what is being stored. Look stated that the CUP could be passed with a condition that it has to be marine storage and sales.

**DeRoche stated I'll make a motion to adopt Resolution 2024-54, A Conditional Use Permit to Allow Exterior Storage at 21125 Highway 65 NE, East Bethel, PIN 17-33-23-12-0005, as amended, adding the condition that storage is limited to marine products, such as boats and pontoons. Mundle 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**

None.

**9.0 – Other Items****9.0 A Staff Report**

Look stated that he sat in on a County taxation meeting and updated that there will be a shift from residential to commercial properties in terms of tax burden. Lewis asked how that is affected. Look stated that it has to do with sales of properties and the 7% interest rates. Look stated they will likely see concerns from businesses where the taxes are shifting.

Look stated there was a low turnout for the Primary vote but will have the opposite for the general election.

Berg stated that the next work meeting is scheduled for September 9, 2024.

**9.0 B Council Reports**

Miller stated that social media is blowing up regarding Whispering Aspens and he thinks the City Council needs to sit down and discuss it. He would like it to be placed on the next Work Meeting agenda.

**10.0 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 8:15 p.m.

Submitted by:

Lilian Rokosz

*TimeSaver Off Site Secretarial, Inc.*