

EAST BETHEL CITY COUNCIL MEETING

September 9, 2024

The East Bethel City Council met on September 9, 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
Christina Benson, City Attorney
Aaron Berg, Community Development Director
Mike Jeziorski, Deputy City Administrator/Finance Director
Carrie Frost, Administrative Coordinator

1.0 Call to Order

The September 9, 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. 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 Adoption of 2025 Preliminary Levy and Budget

4.0 A.1 Preliminary 2025 Budget

Look stated that on June 13, 2024, the City Finance Committee met with City staff to review and discuss the 2025 budget. On July 22, 2024, City staff and/or Contracted Personnel from the Administration, Finance, Community Development, Fire, Police, and Public Works Departments presented their budget proposals to the entire City Council.

Look stated that based on inputs from the Finance Committee, Department Heads and City Council, the preliminary budget was prepared for review at tonight's meeting and to consider its approval.

Look added that the preliminary 2025 general fund expenditure budget is projected to increase by 3% or \$195,300. This expenditure increase would then result in a corresponding levy increase of 3.1% or \$194,600 to balance the 2025 budget.

Look noted the following cost drivers:

Staff – Salaries and Benefits

Per Union Contract – 3.5% COLA increase for 9 Union / 13 Non-Union / 35 Paid on Call

Per Union Contract – increase to \$1,475 per month cafeteria contribution

A 50% increase in Mayor and Council Member Salaries, removed based on work meeting discussion

Increase in Commission Members Compensation, discussed at the work meeting.

Overall, Salary and Benefits - \$129K increase over 2024

Contracted Services

Law Enforcement Contract – 5% or \$73K increase

City Assessor Contract – 2% or \$1K increase

City Attorney Contract – 0% or \$0K increase

Metro-INET JPA - \$4.7% or \$4K increase (Estimate per Metro-INET)

Audit Contract - \$2K increase

Elections – \$17K decrease

Transfers

Equipment Replacement Fund - \$16K increase

Street Capital Fund - \$50K increase

Park Capital Fund - \$10K increase

Look stated that the City has a fund balance policy that states that the City will maintain an unassigned fund balance in the General fund of at least 40% of next year's budgeted expenditures. The City ended 2023 with a general fund balance of \$4,716,292.

Look added that they have a solid budget moving forward and added that other communities are in the 7-10% increase range. Lewis added that East Bethel is a large city geographically, meaning they have more road miles compared to other places, so there is a need to stay on top of roads.

Lewis asked if they are sure to get the \$50K State Police Aid to offset some of the increases in the Sheriff's Department. Jeziorski stated it is not guaranteed, but historically they pay the full price of the police contract all the way through the last quarter when that is realized at the County level, and then they reduce their final quarterly payment by whatever the State Aid is. He added that there is no guarantee, but historically it has always come through.

Lewis stated that would be an 8% increase in the Sheriff's Department on top of the 14% increase from last year. He added that a 22% increase over 2 years is a lot, even in inflationary times.

Jeziorski added that the EDA and HRA levies will remain the same as in 2024. He noted that the EDA Levy is proposed to remain at \$136,200, and the HRA levy is proposed to remain at \$77,000.

4.0 A.2 Resolution 2024-58, Set Final 2025 Levy & Budget Date

DeRoche asked if the Safer Grant is taken into account. Look updated that they have applied for the Safer Grant in the past but have not met the criteria based on crime rates and other things of that nature. Look noted that there is no reason not to still apply just in case.

Jeziorski added that they view the Safer Grant and the Fire Department position as a budget neutral item, meaning it would fund the position entirely for the first year and that the budget impact would be seen when the grant begins declining over the years.

Lewis clarified that December 9, 2024, is the proposed date for the Final 2025 Levy & Budget to be set.

Mundle stated I'll make a motion to adopt Resolution 2024-58, Set Final 2025 Levy & Budget Date. 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.3 Resolution 2024-59, Set the Preliminary 2025 Levy & Budget

Jeziorski noted that the preliminary levy cannot be increased at the time of the final levy, only decreased.

Lewis asked if there has been any change in the numbers since the last time they saw them.

Jeziorski stated that the only thing that has been changed was the increase to Mayor and Council pay, however that will be removed after tonight's discussion.

DeRoche stated I'll make a motion to adopt Resolution 2024-59, Set the Preliminary 2025 Levy & Budget. 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 A.4 Resolution 2024-60, Set the Preliminary 2025 EDA Levy & Budget

Mundle stated I'll make a motion to adopt Resolution 2024-60, Set the Preliminary 2025 EDA Levy & Budget. Miller stated I'll second. Lewis asked any discussion? Miller clarified that the 2025 EDA Levy & Budget was staying the same as 2024. To the motion, all in favor say aye. **All in favor.** Lewis asked any opposed? That motion passes. **Motion passes unanimously.**

4.0 A.5 Resolution 2024-61, Set the Preliminary 2025 HRA Levy & Budget

Jeziorski stated that the HRA Levy & Budget for 2025 is staying at the same level as in 2024.

Miller stated I'll make a motion to adopt Resolution 2024-61, Set the Preliminary 2025 HRA Levy & Budget. 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.**

5.0 Public Forum

Mark Wagner stated that he and his neighbors have called the police many times for a neighbor who has broken the law many times and it seems the police are doing no justice for them and making them feel unsafe in their neighborhood. Mr. Wagner stated the neighbor has done drug dealing, he and his dog has been attacked by the neighbor's dog, his neighbor has around 30 cats, there are multiple tents in the backyard where people reside, he has a large number of cars in his yard, and he has stolen other neighbor's mail. Mr. Wagner stated that the Sheriff's Department have not found any evidence of stolen goods at the neighbor's residence.

Look stated that they will discuss this issue at their City staff meeting. Berg stated that they will do what they can as quickly as they can, and will investigate these complaints.

DeRoche recommended posting signs stating "No Trespassing" in his yard.

Look clarified that there is a process that has to be followed, and it can take some time. He stated that he does not want anyone to think that this issue will be able to be fixed overnight, but once the process has started, then they continue to look for and find a solution.

Mr. Wagner also stated that the owner of the house has been incarcerated for about 10 months.

Kory Jorgensen stated that he built his retirement home in this neighborhood in 2016, and reiterated what Mr. Wagner stated. He gave an account of other things the neighbor has done and why he had been arrested. Berg stated that the calls are not going unnoticed, and that is the reason for the increased patrol cars in their neighborhood. Mr. Jorgensen stated that it is a drug house for sure.

Derek Lind asked about the details of the Post-Election Review discussion conducted at the Work Meeting. Lewis stated that they directly copied Ham Lake's resolution. Mr. Lind thanked the Council.

Pamela Kolodziej passed out a copy of the 2022 election results from the State website and a copy of the 2002 election results for the audits for the State. Ms. Kolodziej stated that in 2022, there were 22 edits between the scan and the manual count, and all the errors were human errors. Ms. Kolodziej stated that worrying about the integrity of their election system is very questionable.

6.0 Consent Agenda

~~Item A: Approve Bill List~~

Item B: Approve Meeting Minutes, August 26, 2024 City Council Meeting

Item C: Approve 2025 Anoka County Law Enforcement Contract

Item D: Resolution 2024-57, Appoint Election Judges for 2024 General Election

Item E: Approve the Hire of Seasonal Ice Arena Attendants

Item F: Pay Estimate No. 1 for the 2024 Street Surface Improvement Project

Item G: Pay Estimate No. 2 for the 2024 Street Reconstruction Project

~~Item H: Resolution 2024-53, Resolution in Support of Post-Election Review~~

Mundle requested to pull Item H. Lewis requested to pull Item A. **Mundle stated I'll make a motion to approve Consent Agenda as amended. 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 A Approve Bill List

Lewis asked about the SAC remittance fee and why it was so high. Look stated that it is fees associated with Elevage. **Lewis stated I'll make a motion to approve Item A of the Consent Agenda. 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 H Resolution 2024-53, Resolution in Support of Post-Election Review

Mundle requested to hear from Administrative Coordinator Carrie Frost regarding her opinion on elections. Frost stated she has no problem with the Council approving this resolution; her only reservation is that if the County says no, then it will not be an issue, but if the County says yes, then she does not have enough election judges to fill the need.

Lewis asked if the increase in election judge pay would help fill those needed roles. Frost updated that the pay increase may help, but right now, she is struggling with scheduling.

DeRoche asked what happens if she does not get enough election judges. Frost stated that she has a few undeclared party judges who could fill the spots, but they would not be able to handle any marked ballots.

Lewis stated that he thinks it will be only a 20% chance that the County approves this. Frost stated that she has not been in this position before and is not sure if it would be feasible.

DeRoche stated that he does not want to put a drain on the election judges.

Robert Kirchner of ACEIT stated that he has been the one who has calculated the supply and demand for this activity, and that the calculations given to the City can be adjusted to balance supply and demand. Mr. Kirchner noted the three points on the demand side are, that it would not be done on the same day, there can be a subset of the totals, and scope the number of offices that will be counted.

Lewis asked about adding a condition to the resolution to only require a recount if the top two are within a certain percentage of votes, like 10% or 20%. DeRoche asked if this is a one-time resolution. Lewis stated it is only for this year's election.

Lewis stated I'll make a motion to approve Item H, adopt Resolution 2024-53, Resolution in Support of Post-Election Review, adding a criterion stating the PER will only be performed on elections in which the difference between the first and second parties be less than 20%, of the Consent Agenda as amended. Miller stated I'll second. Lewis asked any discussion? To the motion, all in favor say aye. **Lewis, DeRoche, Miller, and Smith.** Lewis asked any opposed? **Mundle.** That motion passes. **Motion passes 4-1.**

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

7.0 A Planning Commission

7.0 A.1 Variance: 4141 226th Avenue NE – Detached Accessory Structure nearer Front Lot Line

Berg stated that this property is located in the Oak Glen Estates and a RR Rural Residential Zoning District. The applicant's property is over two acres in size however over one acre of the rear yard is wetlands/ lowlands and a platted Drainage and Utility Easement (D&U). The property owner is requesting a variance for the placement of a detached accessory structure closer to the street than the primary structure due to D & U Easement restrictions and SSTS (Septic) placement on the property. Berg referenced Sec. 14-4, which permits a 2-acre parcel and accessory building of 1,800 square feet in size.

Berg referenced Section 14-2.F, which states, "No accessory building or detached private garage shall be located nearer the front lot line than the principal building except when the lot is three acres or greater and the existing principal building is located a minimum of 200 feet from the lot line. Then the accessory building or detached private garage may be located closer to the front lot line than the principal dwelling, but not closer than 50 percent of the principal dwelling's setback." This property is 2.07 acres, with the primary structure set back approximately 138 feet from the front lot line. This request does not meet the criteria set forth to allow the structure to be placed closer to the road, so a variance would be required for the placement of a detached accessory structure.

Berg referenced Sec. 66-255 which requires a minimum building setback from Delineated Wetland Edge of 25 feet. The septic tank and mound are located east of the attached garage while the well is located on the west side of the residence.

Berg referenced Sec. 74-44 which requires a minimum building setback from a septic tank of 10 feet and septic mounds is 20 feet; however, Sec. 74-45 permits a building official to reduce the setback from detached accessory buildings or garages with no basements be reduced by 50 percent or 10 feet.

Berg stated that since this variance request is for a placement in front of the primary residence according to Sec. 42-7 B (2) the Front Yard Setback distance for structural placement is 40 feet. Therefore, if a variance for this placement is approved the detached accessory structure would need to meet the 40-foot setback. The consideration of a variance requires the consideration of a three-factor test for practical difficulties, as follows:

- The first factor, a test of reasonableness, means that the landowner would like to use the property in a practical way but cannot do so under the rules of the ordinance.

In this case:

- *Accessory Structures are a permitted accessory use in the RR Single Family Residential Zoning District.*
- *The SSTS (Septic System) is located on the west side of the property.*
- *City General Building Design Standards only require single-family dwellings to include, at minimum a 24 - foot by 24 - foot garage.*
- *SECTION 14. – Detached Accessory Structures - standards have been established to preserve the character of the principal structure, promote building compatibility, and provide for minimal adverse impacts to surrounding property through the implementation of height, size, location, and architectural regulations.*

- The second factor is that the landowner's problem is due to circumstances unique to the property and not caused by the landowner.

In this case:

- This property is over 2 acres in size however over 1 acre of the rear yard is a Drainage and Utility Easement and wetland.
 - Wetland Setbacks, as defined in Artic IX, Sec. 66-255, require a 25-foot setback from the delineated Wetland Edge.
 - The placement of the SSTS (Septic System) is prohibitive to a placement within the setback rules of the ordinance.
- The third factor is that a variance would not alter the essential character of the neighborhood. This factor is used to consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

In this case:

- The minimum structural front yard setback in the neighborhood is 40 feet from the ROW.
- There are eight parcels in Oak Glen Estates, one is vacant and two have detached accessory buildings.
- Two of the parcels have primary residences placed at the minimum setback of 40 feet. Five are placed deeper on the lots.
- None of the parcels have a detached accessory building closer to the front lot line than the primary residence.

Berg stated that on August 27, 2024, the Planning Commission held a Public Hearing during which there was no public comment. After a review of the application material and a discussion the Planning Commission, by a 5-0 vote recommended approval of the variance request for the placement of a detached accessory structure closer to the street than the primary structure.

Berg added that City staff received two emails from neighboring properties after the Planning Commission Meeting. The neighbors were objecting to the placement of a detached accessory structure in front of the house.

Berg stated the City Council should review the request and the Planning Commission's recommendation and approve, deny, or modify conditions of the variance request for the placement of a detached accessory structure closer to the front lot line than the primary structure as presented in Resolution 2024-62.

Lewis asked where the proposed structure would be located. Berg referenced a property map to show where the applicant is desiring the structure to be placed.

Berg noted that any house built after 1995 requires multiple septic sites, a usable septic site, and a secondary septic site. Mundle clarified that the proposed garage would be encroaching upon the secondary septic site. Berg added that the applicant has other locations on their property that could be used for the secondary site if the proposed garage is approved.

DeRoche asked what the driveway will be made of. Berg stated that the existing driveway is asphalt, and the applicant's intent is to make a right-hand turn off the driveway into the garage door and not ask for a second driveway.

Lewis asked if it would make more sense to expand the existing garage. Berg stated that information was presented to the applicant. Berg noted that a post-frame construction building is significantly cheaper than adding an addition to an existing structure. He noted that the neighborhood complaints were regarding the garage not matching the other structures in the neighborhood. He stated that a condition could be added, requiring the proposed garage to match the primary residence.

Lewis recommended approving the variance attaching a condition stating the proposed structure must substantially match the existing residence.

DeRoche stated that the neighbors do not want a building in front of the house, because it would be the only one in the neighborhood. Lewis stated that the applicant is very limited due to the easements and wetlands.

Mundle asked if there are different architectural standards for stick-built versus pole building. Berg stated that they require the same number of architectural features but do not require a certain material. Mundle asked if they would have to comply with a specific material. Berg stated it should match as closely as possible.

DeRoche stated that it seems like they have allowed many people build structures in front of their houses.

Berg stated that the Code states that the structure should comply with a finished design and color scheme that coordinates and is compatible with the color and design of the principal structure. Berg recommended adding a condition rather than just relying on the Code.

Lewis stated I'll make a motion to approve the Variance: 4141 226th Avenue NE – Detached Accessory Structure nearer Front Lot Line, adding a condition that the exterior material substantially conforms in similar material to the primary structure. 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.2 Concept Plan: 34xx Viking Boulevard NE, Rural Residential 3 Lot Subdivision

Berg stated that this is a concept plan review for a 3-lot rural residential development at 34xx Viking Blvd NE. Berg noted that the property is two vacant parcels, totaling 60 acres, located within the RR – Rural Residential zoning district. Approximately 35 acres of the proposed lots are wetlands and likely unbuildable. Within the RR- Rural Residential zoning district a minimum lot size required is 2 acres, with a density not to exceed one unit per 2.5 acres. All lots within the proposed subdivision meet the 2-acre minimum lot size. Additionally, each lot meets the required minimum 200-foot width at the right-of-way setback line.

Berg added that there are no internal streets, and each lot will need to obtain an individual Access Permit from the ACHD. Berg stated that the new concept plan will be placed on the October Parks Commission meeting agenda. The standard Park Dedication fee is currently \$2,000 per newly created parcel. Berg noted that based on the feedback received the owner can modify plans prior to making an application for Preliminary Plat and Final Plat. Once a Preliminary Plat application is received it will be forwarded on to the City and County Engineer for comment and approval.

Berg stated that on August 27, 2024, the Planning Commission held a Public Hearing which there was no public comment. After a review of the application material the Planning Commission had no formal feedback. Berg stated the City Council should review the Concept Plan and advise the developer on adjustments, if any to the plan prior to the creation of a Preliminary and Final Plat application.

Berg stated there is no need for a motion and if there is no feedback the application can move to preliminary and final plat.

7.0 A.3 Rezoning R2 to B2: W. Highway 65 NE (Klondike to 207th Avenue NE)

Berg stated that at the formal request of the City Council, City staff have conducted all of the formal requirements necessary to rezone the referenced parcels from R-2 to B-2. Berg noted that at the March 11, 2024, City Council Work Meeting, City Council discussed the rezoning of the referenced parcels, at the August 12, 2024, City Council Meeting, City Council gave Staff formal direction to take the necessary steps to rezone the area referenced, and on August 16, 2024, Public Hearing Notices were mailed and published as required by statute.

Berg stated that on August 27, 2024, the Planning Commission held a Public Hearing which there was multiple members of the public with questions. The questions ranged from what type of business could be approved, sewer and water extensions, what does the Significant Natural Environment Designation require, why was it rezoned from an original B-2, how long will the rezoning take, and a concern over noise and light pollution. None of the comments were in opposition to the rezoning. After a review of the information material, hearing from the public and a discussion, the Planning Commission, by a 4-0 vote, with one abstention recommended approval of the rezoning.

Berg stated that City Council should review, consider the Planning Commission's formal recommendation and approve the rezoning as presented in Ord. 2024-04.

Lewis asked how the Significant Natural Environment Designation would be impacted by the rezoning. Berg referenced an overlay as included in the Council's packet, which shows the proposed rezoning area.

DeRoche asked if the City would pay for the ecological impact statement. Berg stated that the parcel is not big enough to require an ecological impact statement.

Lewis asked if this would be a shadow on the property's market value for requiring State or Federal guidance regarding species. Berg stated that there will need to be extra attention paid to setbacks and proposals made and would probably require a wetland review.

DeRoche asked if the core of engineers would get involved in it. Berg stated that if a wetland review is ordered, then the core of engineers would be involved.

Mundle stated I'll make a motion to adopt Ordinance 2024-04, Rezoning R2 to B2: W. Highway 65 NE (Klondike to 207th Avenue NE). 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.4 Metes & Bounds: Lot Split – 22645 Bataan Street NE

Berg stated that on July 24, 2024, Nichole Sherk, submitted an application for a Metes and Bounds split of a 20-acre parcel, located at 22645 Bataan Street NE, PID: 03-33-23-24-0001, into three parcels. The first parcel, will contain the original single-family home and will be divided off as a 7.88 acre lot. The remaining 12.50 acres will be subdivided into a 6.06 acre lot and 6.42 acre lot. Berg noted that the property proposed for the division is zoned Rural Residential and per City Code, Appendix A, Zoning, Section 42, the minimum lot size for any division is 2 acres with a minimum lot width of 200 feet at the public right of way and 23,000 square feet of buildable area.

Berg stated that to be eligible for using metes and bounds divisions as outlined in Appendix A, Zoning, Section 12-2, the following conditions must be met:

- 1.) The parcel must be a minimum of five acres.
- 2.) The parcel must have a minimum road front of 300 feet.
- 3.) The parcel must contain 23,000 square feet of buildable area as defined in other portions of this ordinance.
- 4.) Appropriate road, public utility, and drainage easements, as outlined in Ordinance 151 as amended, must be dedicated to the City.
- 5.) Park and trail dedication fees as adopted by the city council by resolution must be paid at the time of City certification of parcel division.

Berg added that though this proposed split meets 4 out of the 5 conditions it exceeds the minimum lot requirements for the Rural Residential Zone.

Berg stated that on August 27, 2024, the Planning Commission held a Public Hearing during which there was no public comment. After a review of the application material the Planning Commission, by a 5-0 vote recommended approval of the Metes and Bounds parcel split.

Berg stated the City Council should review the request, consider the Planning Commission's formal recommendation and approve as presented in Resolution 2024-63.

DeRoche stated I'll make a motion to adopt Resolution 2024-63, Metes & Bounds: Lot Split – 22645 Bataan Street NE. 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

Look gave a shout-out to the Public Works crew and Fire Department for the cleanup that has been done after the unusual storm events.

Lewis asked if there was a meeting to discuss options for having a staging area at Booster Park for future storm events. Look stated that he spoke with other cities to see what they were doing. He stated there are challenges with having a drop-off spot.

DeRoche stated he has gotten quite a few calls asking why East Bethel does not have a compost site. Look noted that there is a gentleman who would like to put a compost site in East Bethel and options are being discussed.

Look reminded everyone about the invitation to the Cedar Creek Ecosystem Scientific Reserve on October 8, 2024, at 6:30 p.m. The Mayor and Council are invited.

Look updated on Sandhill Creek Parkway, noting there was a sag in the sewer line that is being worked through. He stated that he reached out to Perkins Contracting to discuss ways to mitigate the sag.

9.0 – Other Items

9.0 A Staff Report

None.

9.0 B Council Reports

Miller asked to discuss more about storms at the next Work Meeting.

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 8:34 p.m.

Submitted by:

Lilian Rokosz

TimeSaver Off Site Secretarial, Inc.