

EAST BETHEL CITY COUNCIL MEETING

September 23, 2024

The East Bethel City Council met on September 23, 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: Mike Jeziorski, Deputy City Administrator/Finance Director
Eric Larson, City Attorney
Rodney Sanow, Fire Chief
Aaron Berg, Community Development Director
Carrie Frost, Administrative Coordinator

1.0 Call to Order

The September 23, 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. Miller stated I'll second. Jeziorski stated that there should be a motion to add the supplemental bill list. **DeRoche stated I'll make a motion to adopt tonight's amended agenda. Mundle stated I'll second.** Lewis clarified that the additions included, to Dearborn, \$2,016.26 for standard monthly invoice and payment for employee life short-term and long-term disability and, to Connexus, \$13,575.58, for standard monthly electrical invoice for various city buildings. 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.**

Lewis added that the Meet the Candidates meetings will be held on Tuesday, October 15th hosted by the East Bethel Chamber of Commerce at 6 p.m. in the Senior Center and then will move over to the City Hall at 7 p.m. Lewis stated that there will be one session with the mayoral candidates and one session with the City Council candidates. Lewis also stated that the other meeting is on Thursday, October 17th at 10 a.m. at the Senior Center for the East Bethel Seniors Group candidates.

Mundle stated that there still needed a vote to approve tonight's agenda. Lewis clarified that the amendment was approved but not the agenda itself. 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 Monthly Report

Lieutenant Derek Peters presented the August 2024 Sheriff's Report, stating the Sheriff's Department had responded to 540 calls for service, including 5 thefts, 7 assaults, 2 damage to property, 36 custodial arrests for miscellaneous violations, 154 traffic stops, and 42 traffic citations. Peters gave a description of a few notable cases from the month.

DeRoche asked if he has found an escalation of calls to the Nexus building. Peters stated that there has been a significant increase over the summer, many ranging from mental health to other types of

calls. DeRoche asked what the age range was for most of the problems. Peters stated that it is a range, from younger kids to kids who are closer to 18.

Informational; no action required.

4.0 B Fire Department Monthly Report

Fire Chief Sanow presented the August 2024 report and noted that they responded to 113 calls, of which 74 were medical, 5 accidents, 1 fire, and 3 alarms. Sanow stated that the main reason for the increase in calls was due to the 2 storms, responding to about 20 power line calls.

Lewis asked what the new firefighter being hired would bring the roster up to. Sanow stated that would bring the total up to 31 for 3 months, because he has a current firefighter that has discussed retiring in the new year.

An audience member asked if there was a fire extinguisher training for residents. Sanow stated there is not one for the public, but that he would bring it up at his next training.

Informational; no action required.

4.0 C Public Hearing: Off-Sale Liquor License Application for New Owner

Jeziorski stated staff is recommending that Council conduct a public hearing regarding an Off-Sale Liquor License for Harry's, LLC as required by East Bethel City Code, Article III, Intoxicating Liquors, Section 6-55. Per notification requirements, the public hearing for this date was published in the Anoka County Union.

Jeziorski stated that at the conclusion and close of the public hearing, Council will consider the approval of an Off-Sale Liquor License for Harry's, LLC, dba: Go For It Liquor located at 3255 Viking Boulevard NE.

Jeziorski added that the applicant is the new owner of the property, which previously held an identical license. All application materials, completed background checks, and fees have been submitted for the Off-Sale Liquor License.

Jeziorski stated that final approval of the license would be contingent on approval of State Commissioner of Public Safety and approval of Council is required prior to action by the State.

Jeziorski stated that staff recommends conducting the public hearing to receive comments on the Off-Sale Liquor License for Harry's, LLC, dba: Go For It Liquor. Once the public hearing is closed, and if there are no reasons to deny the license, staff recommends Council consider approval of an Off-Sale Liquor license for Harry's, LLC, dba: Go For It Liquor located at 3255 Viking Boulevard NE, East Bethel, MN 55092.

DeRoche stated that nothing was being added. Lewis stated that it is just continuing same as it was. Berg clarified this would be an equal exchange under new ownership and a new license must be obtained.

Lewis opened the public hearing at 7:18 p.m.

No comments received.

Lewis closed the public hearing at 7:18 p.m.

Miller stated I'll make a motion to approve the Off-Sale Liquor License Application for Harry's LLC. 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 D Public Hearing: Septic Tank Variance – 138 Laurel Road NE

Berg stated that Greg Underdahl recently purchased 138 Laurel Road NE and 143 Maple Road NE, in the Coon Lake Beach Residential Zoning District. He is proposing the construction of a new 2-bedroom seasonal cabin. Although these two lots are back-to-back there is an offset with only approximately 20 feet of overlapping property lines. Underdahl is exploring the viability of combining the lots however the combination doesn't offer much more room for construction or septic placement as a result of an existing garage structure on the 143 Maple Road NE lot.

Berg added that in the Coon Lake Residential District the following are setbacks are required. A 25-foot front yard setback, 7-foot side yard setback, 25-foot rear yard setback. The minimal floor area for a single-level new-construction residential structure is 1,000 sq. Feet. Additionally, there is a Shoreland Overlay which limits Impervious Surface coverage to 25%. This limits the buildable area for construction to approximately 1,415 sq. feet.

Berg stated that due to the size of the lot and limitations due to required setbacks, Underdahl is seeking approval for the placement of a Type II septic system. Type II Septic Systems are holding tanks that require, and per MN Rules Chapter 7080 and the MPCA require a variance.

Berg stated that variances for Type II systems cannot be approved if there is space on the property to install a compliant septic system. The property is 0.13 acres in size and does not have room for the placement of a standard Type I System with a drain field. The consideration of a variance requires the following three-factor test:

- The first factor, a test of reasonableness - giving consideration to use of the property restricted by the rules of the ordinance in a practical manner:

Berg stated that septic systems are required for a home to be considered habitable. The Minnesota Septic Code prohibits holding tanks unless approved through the variance process by the municipality in which they are located. The approval of the variance would allow this property to be used as a residential use.

- The second factor, a test of uniqueness - the issue for the variance is due to circumstances unique to the property and not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular property.

Berg stated that in this case, the property has limited space for a replacement drain field due to the lot sizes created by this 1920s era plat, current setback requirements for wells and structures and DNR lakeshore regulations. These factors support the uniqueness test for a variance.

- The third factor, a test of alteration of the essential character of the neighborhood - this factor is used to consider whether the resulting structure or improvement will be out of scale, out of place, or otherwise inconsistent with the surrounding area. When applying this test to a setback reduction, the visual impact or use of the building or improvement relative to the surrounding dwellings is the emphasis of assessment.

Berg stated that in this case, this neighborhood has had a significant number of septic variances issued due to the age of this neighborhood and the small lot sizes. With a number of older systems needing to be replaced in this area, this variance request is quite common and granting this variance will not change the essential character of the Coon Lake Beach neighborhood.

Berg stated that the City Council is requested to hold a public hearing regarding a variance for a Type II Septic System at 138 Laurel Road NE and at the conclusion consider approving Resolution 2024-65, granting a Variance to allow for the installation of a Type II Septic System at 138 Laurel Rd NE.

Lewis opened the public hearing at 7:23 p.m.

Mike Larson stated that after speaking with his neighbors on Laurel Road NE, they all believe it should be perfectly reasonable to put in a small cabin and have the holding tanks. He thinks it would be an improvement to the neighborhood.

Marcia Carson stated that she does not understand how things are being run in East Bethel because it seems there are lots of rules that have been applied correctly. She stated that someone cannot attach two pieces of property with another piece of property in between, which is what the owner is trying to do. She stated that according to the Code of Ordinances, the property must be continuous.

Lewis asked how the garage on Maple Road was built. DeRoche stated that the owners of the property on Lakeshore and Laurel sold that property, and then the house on Maple was torn down because they could not put a septic in, so the lot was bought and sold three times. DeRoche also noted there is a pivot point that connects the two properties. DeRoche asked what address the new structure would have. Ms. Carson stated that she does not think this is legal.

Berg presented a map showing where the house and holding tank are proposed to be located.

DeRoche asked if there will be a driveway off Laurel Road and one off Maple Road. DeRoche added that there is currently a storage building there. Berg stated that the storage building now belongs to Mr. Underdahl, and it is one lot because the County approved the lot combination.

Berg stated there will be a driveway off of Laurel Road to get to the house and an attached garage on the south side of the house. Berg noted that the detached garage is on the back lot, so if there is an existing driveway onto Maple Road, then it is considered a legal nonconforming driveway, and they cannot make him get rid of it.

Ms. Carson stated there is a septic on 143 Maple Road that has not been filled in. Berg stated that they are also aware of a well that needs to be capped. Berg added that a building permit will not be approved until the City receives notification that all of that has been completed.

Ms. Carson asked about the motor home on the property. DeRoche asked who owns it. Ms. Carson stated she is not happy with any of this. Ms. Carson asked about the setback for the backyard. Berg clarified that it should be 25 feet from the property line. Ms. Carson stated that it is 7 feet from her property line.

Lewis closed the public hearing at 7:40 p.m.

DeRoche stated I'll make a motion to adopt Resolution 2024-65, granting a Variance to allow for the installation of a Type II Septic System at 138 Laurel Road 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.**

5.0 Public Forum

Kory Jorgensen stated he came to discuss the house at 1120 231st Lane, which was discussed at the last meeting. Mr. Jorgensen stated that things have been getting pretty bad, and he outlined some incidents that have happened since the last meeting. Mr. Jorgensen knows that there are drug deals going on there, and he would like to know that something is being done. Mr. Jorgensen stated he would like to see a mobile camera surveillance trailer, and discussed different ways they could be obtained through renting or borrowing.

Lieutenant Peters stated that they are actively working on this property. Lewis asked if it has been established that the people who are squatting on this property have permission from the homeowner

to be there. Peters stated that the owner is incarcerated, so upon his release, things should get better because he can give some information about who should and should not be there.

Berg stated that he has spoken to the homeowner's brother with power of attorney, who has been working on getting an eviction.

Mundle asked what other things can be done by the City. Berg stated he has been looking into the City's abatement process to clean up the outside of the property. Berg stated that the key to this is getting an eviction.

Mr. Jorgensen stated that he knows there is not a lot that can be done, but he thinks the surveillance camera would be a big help.

City Attorney Larson stated that other courses of action will be looked into.

Adam Miller stated he finds it hard to believe that calls are not put together over time to identify problem properties. Mr. Miller stated that the number of squad cars at this property is a drain of resources. Mr. Miller noted he has seen issues since he purchased the property in May 2023. Mr. Miller stated that there are many incidents that occur almost every other day.

6.0 Consent Agenda

~~Item A: Approve Bill List~~

Item B: Approve Meeting Minutes September 9, 2024 City Council Work Meeting

~~Item C: Approve Meeting Minutes, September 9, 2024 City Council Meeting~~

Item D: Tobacco License Application for New Owner

~~Item E: Resolution 2024-64, Amending Resolution 2024-41, EXHIBIT A and Approval of Meter and Bounds Split, 516-217th Avenue NE~~

Item F: Approve Hire of Paid on Call Fire Fighter

~~Item G: Accept Resignation of Building Permit Technician~~

Item H: Authorize Advertisement for Building Permit Technician Position

Mundle requested to pull Item G. Lewis requested to pull Item C. Miller requested to pull Item A.

DeRoche requested to pull Item E.

Mundle stated I'll make a motion to approve Consent Agenda as amended, removing items A, C, E, and G. 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 Bill List

Miller asked what the billing for dues and subscriptions for Mayor and Council at \$4442.00 are for.

Jeziorski stated that is the League of Minnesota Cities annual dues for September 1, 2024- December 31, 2024.

Miller stated I'll make a motion to approve Item A of the Consent Agenda. 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.**

6.0 C Approve Meeting Minutes, September 9, 2024 City Council Meeting

Lewis requested that on page 4, line 26, "80/20" should be changed to "20%".

Lewis stated I'll make a motion to approve Item C of the Consent Agenda. 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.**

6.0 E Resolution 2024-64, Amending Resolution 2024-41, EXHIBIT A and Approval of Meter and Bounds Split, 516 217th Avenue NE

DeRoche asked what is being amended. Berg stated that the property descriptions for each of the new lots are amended. The original submission was missing the southwest quarter in each property description.

Miller asked who the East Bethel Review Committee is. Berg clarified that it is the City Council.

DeRoche stated I'll make a motion to adopt Item E of the Consent Agenda, Resolution 2024-64, Amending Resolution 2024-41, EXHIBIT A and Approval of Meter and Bounds Split, 516 217th 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.

6.0 G Accept Resignation of Building Permit Technician

Mundle stated that Sherry Willis, the Building Permit Technician, was an excellent employee with an incredible work ethic. Lewis stated that she will be missed.

Mundle stated I'll make a motion to approve Item G of the Consent Agenda. 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.

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

No reports given

7.0 A Planning Commission

None.

7.0 B Economic Development Authority

None.

7.0 C Park Commission

None.

8.0 Department Reports**8.0 A Community Development****8.0 A.1 Viking Meadows Final Plat Update**

Berg gave an update on the work being done by the City, including but not limited to the engineering plans, landscaping, wetlands review, and replacement plan permitting. Berg stated that the City has received an MPCA sewer extension approval, Minnesota Department of Health water extension approval, and Anoka County engineering approval for the Viking Boulevard entrance, among other updates. Berg noted he will forward all relevant items and information to the City Council as soon as possible to give time to review and to address and answer questions prior to the Final Plat approval on October 14, 2024.

Mundle asked about the time limit from the preliminary plat accepted to the Final Plat acceptance. Berg stated that there were significant environmental issues that had to be handled, because of this, he extended the 1 year application window to a 2 year window.

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

None.

9.0 B Council Reports

None.

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 8:17 p.m.

Submitted by:

Lilian Rokosz

TimeSaver Off Site Secretarial, Inc.