

EAST BETHEL CITY COUNCIL MEETING

October 28, 2024

The East Bethel City Council met on October 28, 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

1.0 Call to Order

The October 28, 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. Lewis asked any discussion? Mundle requested to add the Capstone Public Sector Solutions invoice to the Bills List under the Consent Agenda. 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 Capstone, LLC – Presentation of Fire Department Study

Jerry Streich presented the study conducted on the Fire Department. Mr. Streich outlined the laws that are required for a community to follow, such as an Emergency Management Plan, State Fire Code, criminal background check, Firefighter or Civilian Fire Death, fire investigations, confidential data, hazardous materials; investigate and disseminate, and OSHA.

Mr. Streich stated that the projected call volume for 2024 is 1,033 calls. Mr. Streich also presented information regarding the stakeholders, results of the firefighter survey, personnel management, equipment management, organizational management, emergency management, what firefighters respond to, response time, strengths, weaknesses, opportunities, and threats.

Mr. Streich stated his recommendations, which included retention and recruitment, providing leadership training, succession planning, adding an Assistant Chief, working to increase the pay structure for volunteers, modifying medical response calls, implementing a "soft" duty crew program, defining the policies and procedures, and developing a formal communications plan.

Lewis asked if they had the right set-up as far as having 3 stations or if the 3rd station was not as necessary. Mr. Streich stated the number of stations is to help with response time.

Smith asked if the concerns in the report are redeemable or do difficult decisions need to be made regarding leadership. Mr. Streich stated that trainers need to come in to work on leadership and teamwork together to resolve the issues.

Smith also asked whose job it is to focus on recruitment. Mr. Streich stated that it is ultimately the Fire Chief's job, but it is everyone's responsibility to find people to work for the Fire Department.

Smith asked what the single most important thing the department needs at this time. Mr. Streich stated accountability and enforcement of policy.

Miller asked if they had the right equipment or are they lacking in any areas. Mr. Streich said the only thing he would recommend getting for the future is a ladder truck.

Mundle asked what the current price of a ladder truck is. Mr. Streich stated it is \$2.6 million.

Miller asked if they have enough inventory in the trucks and in the shop. Mr. Streich stated that they seem to have enough hoses, trailers, etc., and even have things that they can get rid of.

DeRoche asked why firefighters view the department's culture as negative and discussed a potential bully in the department. Mr. Streich stated that one of the solutions that need to be looked at is the personnel in the department creating contention. DeRoche discussed the necessity of boosting morale and debriefing.

Mundle stated the report has provided lots of insight. Mundle asked how some of the issues regarding accountability coming from the top down, internal communications, can be solved going forward. Mr. Streich stated that is where the communications plan comes in.

Mundle asked if it would be beneficial for the Fire Liaison to attend at least one training session per month in the quarterly meetings. Mr. Streich stated that the Council could have a meeting with the firefighters to discuss expectations and could have a workshop where they could hear from the firefighters.

DeRoche stated that the Fire Liaison is to act as a conduit between the Fire Department and the City, and should not get too engaged in the Fire Department that they think there are about of it, because that can lead to bias.

Lewis stated that regarding the comment about micromanaging from the City Council, it is their duty as the City Council to do their due diligence in paying attention and managing residents' money, even if past City Councils did not.

Lewis asked how the first recommendation began an aggressive recruitment campaign. Lewis also discussed balancing it with modifying medical response calls to critical calls only. Lewis stated that when he was on the East Bethel Fire Department Trust Association, they increased the benefit per year of duty from \$6,000 to \$7,500. Lewis then asked if there was an increase in the members of the fire department to 40-50 and a 20-25% duty rating to cover all the needs, what would be the increased pension obligation of the City/State fund. Mr. Streich stated they only get 2% of their insurance premiums, so the pool would get diluted.

Lewis stated there seems to be a missing piece of the puzzle for the pension pay, regarding the number of calls they make. Lewis stated an experience/participation rating should be used to calculate pension pay for everyone.

Look stated that at a conference he attended, a man stated, "you cannot afford to have a bad day", and discussed the workplace policy for respectfulness, harassment, fairness, etc., and the need to be refreshed and ensure those policies are being followed. Look stated that they are all on the same team and they cannot afford to not work together to serve the residents of East Bethel.

Informational; no action required.

4.0 B Anoka County Sheriff's Report

Lieutenant Derek Peters presented the September 2024, Sheriff's Report, stating the Sheriff's Department had responded to 462 calls for service including 1 burglary, 6 thefts, 2 damage to property, 33 custodial arrests, 150 traffic stops, and 39 traffic citations.

Smith asked about the reason behind the increased level of assaults in 2024 compared to 2023. Mr. Peters said it is due to the juvenile assaults at Nexus. Mr. Peters said he hopes there will be an extreme decline over time as protocols get set in place. Lewis asked if there is anything they need to do to express their seriousness regarding the matter. Mr. Peters stated he speaks with them often, and they are working to resolve the incidents.

Miller asked if there are any updates on the incident where they was camping in the backyard. Mr. Peters stated that they have made 3 custodial arrests in the past 2 months. Mundle asked if there can be an in-depth report on this issue that can be presented to the City Council at next month's meeting.

Lewis thanked all the first responders in the building and recognized them for National First Responders Day.

Informational; no action required.

4.0 C Fire Department Monthly Report

Fire Chief Sanow thanked Jerry Streich for his report and updated that they have already began to work on the issues that he found. Mr. Sanow presented the September 2024 report and noted that they responded to 81 calls, of which 60 were medical, 5 accidents, 2 fires, and 7 alarms.

Mr. Sanow reminded people to have their furnaces and CO detectors checked as it enters heating season. He also gave updates regarding the DNR website, and no burning permits are being given out because of the extremely dry conditions.

Lewis asked about the fifth recommendation given by Mr. Streich, regarding modifying medical response plan to critical incidents only, and asked if they have the raw data. Mr. Sanow stated they do not have the data because everything is coded as a medical call. Mr. Sanow stated that if they wanted to implement the change, they would have to go to Anoka County Dispatch, and they would have to put in new codes.

Mr. Sanow stated that the nighttime responders are at right about 250 calls that they are responsible for, and each responder only has to respond to 30% of those calls. DeRoche asked where the 30% comes from. Mr. Sanow stated that it is a standard across the City.

Mr. Sanow stated they run their 30% quarterly, and responders must make up anything under 30% in the following quarter to receive credit for the pension.

Miller stated that they should sit down and see if there are any creative ways to ensure finding a raise for the firefighters. Mr. Sanow stated they will be getting 3.5% raise this year.

Informational; no action required.

5.0 Public Forum

Tammy Gimpl, stated that regarding Active 911, the confidential data is the duty of the Fire Chief to take care of. Look stated the screenshot that was posted to Facebook was not private information, but it brought up the bigger issue, that if it was private information, it can never happen again.

Ms. Gimpl stated that Active 911 is a private app. Look stated that a lot of the information on Active 911 is similar to the prior app, Pulse Point, that the public can get access to on a regular basis.

Ms. Gimpl stated that when comparing Ham Lake to East Bethel, the medicals could be easily cut down through dispatch.

Ms. Gimpl discussed the conflict and bullying that has been going on in the Fire Department and stated that retention and recruitment should not be handled until the conflict is handled first.

6.0 Consent Agenda

Item A: Approve Bills

Item B: Approve Meeting Minutes October 14, 2024 City Council Work Meeting

Item C: Approve Meeting Minutes, October 14, 2024 City Council Meeting

Item D: Approve the Hire of Building Permit Technician

Item E: Approve the Hire of Seasonal Ice Arena Attendant

Mundle stated I'll make a motion to approve 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.**

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

7.0 A Planning Commission

7.0 A.1 Variance Request: 18260 Filmore Street NE – DAS Placement

Berg stated that the applicant's property is located in the Oakridge Acres Development and within a Single Family R1 Residential Zoning District. The applicant's property is nearly three acres in size however over one acre of the rear yard is wetlands/ lowlands, a platted Drainage and Utility Easement as well as an Easement for overhead utility lines. 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 Drainage and Utility Easements in addition to the septic placement on the property.

Berg noted that the consideration of a variance requires the consideration of a three-factor test for practical difficulties:

- 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:

- o The property owner is requesting looking to build a detached accessory structure in which she may keep lawn equipment and general storage.

- o This use is listed as an accessory use in the Single (R1) Family Residential Zoning District.

- 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:

- o This property is unique in that it is divided in half by an 80 foot wide Overhead Power Line Utility Easement which is located behind the primary residence.

- o The rear yard contains a .75 acre wetland/ lowland platted Drainage and Utility Easement which covers multiple properties in the development.

- o There are topographical challenges limiting the placement and orientation of the newly proposed detached accessory structure. This lot is wooded with a ten-foot changes in elevation, from the front lot line to Utility Easement.

- o The septic drain field location is located directly south of the primary residence in the area in line with or behind the front foundation line of the primary residence.
- The third factor is that a variance would not alter the essential character of the neighborhood.
 - In this case:
 - o The proposed structure will replace a temporary tarp building which does not meet City code.
 - o The proposed detached accessory structure will not encroach on other required setbacks.
 - o The construction of a new detached accessory structure will provide an enclosed structure in which the property owner can store personal property and screening of items from all adjacent properties.
 - o Standing tree growth between the proposed detached accessory structure and the front property line will aid in screening it from view from the public roadway.

Berg stated that on October 22, 2024, the Planning Commission held a Public Hearing which there was no public comment. After a review of the application material and hearing from the applicant the Planning Commission, by a 4-0 vote recommended approval of the Variance for the placement of a detached accessory structure nearer to the front lot line than the primary structure with conditions as written in Resolution 2024-71.

Berg stated that the City Council should review the request, the Planning Commission's formal recommendation, and consider approving the Variance as presented in Resolution 2024-71.

Miller asked what the size of the structure would be. Berg stated it is 24' by 24'.

DeRoche stated I'll make a motion to adopt Resolution 2024-71, Granting a variance for the placement of a structure nearer to the front property line than the principle structure for the construction of a residential Detached Accessory Structure on property located at 18260 Fillmore 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 A.2 Variance Request: 4806 239th Avenue NE – Sidewall Height

Berg stated that on September 25, 2024, the City received a variance application from Mr. Flagstad who wishes to build a 36' x 60' detached accessory building at his property located at 4806 239th Avenue NE. Mr. Flagstad's property is 4.66 acres in size and is in a Rural Residential Zoning District of the City. Zoning Code would allow Flagstad an accessory building as large as 2,850 sq. ft. in size. The proposed detached accessory building falls below the maximum building size requirement for a detached accessory structure, however Flagstad would like to increase the sidewall height to from 14 feet to 16 feet to install an overhead door high enough get his camper inside and therefore is requesting a two-foot variance.

Berg noted that Mr. Flagstad met with City staff and was advised that the current Detached Accessory Structure regulations increased the sidewall height to 14 feet and that the City has not granted a variance for sidewall heights higher than 14 feet and previous applicants have utilized vaulted trusses to achieve higher overhead door heights. Mr. Flagstad wants the extra height to afford him the opportunity to place two taller overhead doors side by side on the front of the detached accessory building. Staff verbally denied Mr. Flagstad's original building permit request, but did tell him that he had the option to apply for a variance.

Berg stated that between 2014 and 2020 the Planning Commission and City Council reviewed and made multiple revisions to Detached Accessory regulations including sidewall heights. Raising

sidewall heights for Detached Accessory Buildings from 10 feet and 12 feet to 14 feet in all residential districts of the City. City staff are unable to locate the approval of any variances for Detached Accessory Structure sidewall height after the 2020 increase to 14 feet.

Berg stated that to hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. Practical difficulties, as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

Berg stated that the consideration of a variance requires a consideration of a three-factor test for practical difficulties.

- 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. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.
- The second factor is that the landowner's problem 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 piece of property, that is, to the land and not personal characteristics or preferences of the landowner.
- 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.

Berg noted that in this case it is the opinion of City staff that this particular request does not meet the standards under the practical difficulties test.

Berg stated that on October 22, 2024, the Planning Commission held a Public Hearing which there was no public comment. After a review of the application material and hearing from the applicant the Planning Commission, by a 4-0 vote recommended denial of the variance request to the 14 foot sidewall height standard.

Berg stated that City Council should review the request, the Planning Commission's formal recommendation and consider approve or deny the Variance as presented in Resolution 2024-72.

Jason Flagstad, stated that his camper is 13ft 7in and requires a 14ft door. Lewis asked why he wanted two doors; Mr. Flagstad stated it was to make the building look symmetrical.

Smith stated he does not see any issues with approving this variance.

DeRoche asked what was the reasoning for the denial from the Planning Commission. Berg stated that the denial was ordinance-based.

Miller stated that there is a minimal impact on the neighborhood and he does not see an issue in approving this variance.

Lewis asked what kind of construction it is considered. Mr. Flagstad stated it is considered pole barn.

Mundle stated that instead of approving this variance, the sidewalk height ordinance should be changed again. Mundle stated that this project does not meet the standards for approval as a variance.

Lewis stated that this variance request would not bother adjacent property owners, so in this case, he thinks they can let this happen and then revisit the ordinances in the future.

Larson stated there will need to be a Resolution drafted granting the variance. Berg stated that he will creatively draft one and bring it back to the Consent Agenda at the next City Council meeting.

Smith stated I'll make a motion to adopt Resolution 2024-XX, approving a variance to the standard detached accessory structure maximum side wall height of 14 feet to 16 feet on property located at 4806 239th Avenue NE and direct staff to bring a resolution granting the variance to the next City Council meeting to be placed on the Consent Agenda. Miller stated I'll second. Lewis asked any discussion? To the motion, all in favor say aye. DeRoche, Lewis, Smith, and Miller. Lewis asked any opposed? Mundle. That motion passes. Motion passes 4-1.

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 14.5% of their registered voters have voted absentee. He stated that it is a tremendous strain on staff.

Look also provided an update on the \$8.5 million set aside for the broadband expansion in Anoka County. The County set it up as an RFP process, then a grant process, and none of the providers met the grant qualifications. Look stated that dollars should be granted to the cities, and then the cities can contract with their providers and agree on what their projects will look like. Look updated that they are looking at a \$1 million grant and \$600,000 from Midco.

DeRoche asked what the new rates Midco would be raised to. Look stated that he is not sure what his current rates are, but he is sure they are competitive with other providers out there.

9.0 B Council Reports

Miller encouraged people to get out and vote. He outlined some of the changes they have implemented in the past two years on the Council, such as reintroducing public forum, allowing businesses affordable options to build and expand, opening up the amount of storage spaces allowed behind businesses, and other things.

Mundle wished everyone a safe and happy Halloween.

9.0 C Other

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 9:36 p.m.

Submitted by:

Lilian Rokosz

TimeSaver Off Site Secretarial, Inc.