

EAST BETHEL CITY COUNCIL MEETING

December 9, 2024

The East Bethel City Council met on December 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
Nate Ayshford, Public Works Manager
Mike Jeziorski, Deputy City Administrator/Finance Director

1.0 Call to Order

The December 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 with the removal of item 9.0 C.1 Closed Session: Fire Chief Performance Review. Smith stated I'll second. Lewis asked any discussion? Lewis stated that Fire Chief Sanow let the Council know he was sick, so the closed session will be rescheduled. 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 2025 Budget Presentation: Public Comment and Approval of City, EDA, and HRA Budgets and Levies

4.0 A.1 Resolution 2024-79, Adopting the 2025 Budget and Levy

Finance Director Jeziorski presented the 2025 Budget Presentation including the budget and levy timeline, financial highlights, general fund, 2025 projected revenue sources, 2025 employee summary, 2025 contracted services, general fund expenditures, debt service fund, 2025 HRA and EDA Levy, and projected impact of sample residential house.

Mundle asked what the total on the transfers into each of the funds will be. Jeziorski stated that the transfer for building capital is \$50,000, the transfer to street capital is \$600,000, and the transfer to parks is \$110,000 for 2025.

DeRoche asked about the budgeting for the Ice Arena. Jeziorski stated that the Ice Arena is budgeted with a budget-neutral fund, so the revenues taken in support the expenditures that go out.

Lewis opened the public hearing at 7:14 p.m.

Melissa Newberger asked about the 12% decrease for the Fire Department due to salary changes and asked for more information on why it is decreasing so much.

Lewis stated that a position would have been created if the Safer Grant had been received, but the grant was not received, so they could not fund the position. Jeziorski stated that the other primary reason is that the Fire Department Relief Association transferred their retirement account to the State of Minnesota, so the City does not receive Fire State Aid directly.

Dino Perfetti asked why they are budgeting \$133,00 again this year since there were only 3 meetings held this past year. Lewis stated that the EDA funds are also used for supporting staff salaries and those continue whether there are meetings or not.

Look stated that the meetings are canceled if there are no topics to discuss. He also stated that dollars are banked for the EDA, and part of their goal is to take more of an active role in the community and how to invest dollars to encourage development.

Miller stated he would like to see the EDA meet more often, maybe every month. Look stated if there are no topics to discuss each month, then holding a meeting would be a waste of people's time.

Lewis closed the public hearing at 7:24 p.m.

DeRoche stated I'll make a motion to adopt Resolution 2024-79, Adopting the 2025 Budget and Levy. 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.**

4.0 A.2 Resolution 2024-80, Adopting the 2025 EDA Budget and Levy

Mundle stated I'll make a motion to adopt Resolution 2024-80, Adopting the 2025 EDA Budget and Levy. 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 A.3 Resolution 2024-81, Adopting the 2025 HRA Budget and Levy

DeRoche stated I'll make a motion to adopt Resolution 2024-81, Adopting the 2025 HRA Budget and Levy. 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 B East Bethel Fire Department Community Response Policy

Look stated that the Sherrif and Allina are here to continue the discussion about fire response and what models are out there right now. Look stated that there have been issues with call volume and having firefighters in their booths to respond to fires occurring.

Mark Reina, Ambulance Operation Supervisor for Allina Health, stated that he pulled all the run volume for East Bethel for 2024 year-to-date. Mr. Reina stated that they are sitting at 962 EMS responses for medicals, with an average of a 12.51-minute response time, from the time the call is answered to the time the ambulance arrives on the scene.

Mr. Reina stated that out of the 962 calls, they transported 643 residents, 79 (12.29%) of the transports being emergent. He stated that the average for most communities is 5%, so East Bethel is 7.29% higher than other communities for emergent transports. Lewis asked if he knew why that was the case. Mr. Reina stated the fact it is a rural community, the population density, or the age of the community could be factors.

Mr. Reina stated that 560 were non-emergent transfers without the use of their emergent mode of transport to the hospital. Four of the non-emergent runs responded to were transported emergently based on the condition of the patient when they arrived on the scene, which was worse than what was said over pre-arrival.

Mr. Reina stated that other communities he has worked with on response models have decided to only respond to the highest of acuity calls and some communities have still responded to everything. Mr. Reina stated that responding to their community needs must be based on the service they want to provide to their community.

Mundle asked if Mr. Reina has seen any different statistics between cities that respond to all calls compared to cities that only respond to emergency calls. Mr. Reina stated that in a true emergency, the quicker the medical care gets there, the better the outcome the patient has.

DeRoche asked what level of basic life support (BLS) East Bethel can do. Mr. Reina stated that he would have to double-check the specific protocols to be sure, but he does not think they have any medications and/or IV access, but they do have nitro, aspirin, and albuterol.

Lewis asked how albuterol is administered. Mr. Reina stated that it is inhaled through a nebulizer treatment. Mr. Reina stated that East Bethel is one of their highest-performing communities for working with their ambulance service and they have very thorough reports when Allina arrives on the scene.

Miller asked if there had been any residents who complained when they switched from responding to different calls. Mr. Reina stated that those complaints would go directly to the fire service.

Look asked, of the non-emergent calls, how many are duplicative in terms of the Fire Department arriving but is not needed for the call. Mr. Reina stated that those are the alpha-omega calls which are very low priority and account for about 280 of those calls.

Mundle asked how the other cities that have cut back on calls have been received. Mr. Reina stated that one community had a very positive response, especially on the fire chief's side, and the other city is more of a mixed bag, with the firefighters being unhappy with the change.

Lewis asked why the firefighters were unhappy with the change. Mr. Reina stated that a lot of the rural community firefighters like going on the medical calls because the number of structure fires they are responding to is going down, so they want to serve their community by responding to those medical calls instead.

A resident asked how they decipher what is and is not an emergency call. Mr. Reina stated that when a resident calls 911, it goes to Anoka County dispatch, where they get very little information, then it gets transferred to Allina EMS, who then does a pre-arrival questionnaire with the patient to determine if it is an emergent or non-emergent response.

Lieutenant Peters stated they are usually on the scene since they are already mobile and out patrolling. Peters stated that they are not as effective in their job without the support that the Fire Department provides. Peters stated that so far this year they have responded to over 600 medicals, 53 personal injury crashes, and 162 property damages accidents.

A resident asked if the Police Department responds to every 911 call. Peters stated that they do, whatever the call may be.

James Sathre stated that he was so impressed by the Department and stated that when they are needed, they are always there. He feels it would not be wise to make any reductions in service levels.

Councilmember DeRoche: Well I must be missing something, because I don't recall hearing that we are cutting the budget to get rid of firefighters, I guess I haven't heard that. (Questions commenter in the audience). Online?", "Social Media?", same people that put out that we were going to put a federal jail in? Well again I don't recall ever discussing anything about cutting the fire department or cutting their budget, since last year we've been trying to figure out how to get the fire fighters more money upfront. The discussion hasn't been about how are we going to cut more out of the budget so we don't have to pay them. I must be missing something and if you have a date of a meeting, I'll go look it up.

Councilmember Miller: Yeah, I'd like to say something to that, when we had a report done, it was done by an expert from a firm that looks into the efficiencies and how well fire departments are run, that being said this was suggestion, and this is exactly how city government is supposed to work, when a suggestion comes up that we are going to take a look at that may be good or may not be good for this community, we want people to show up and speak what they have on their mind. This is how things get done and this is how things get done properly, so I would like to thank everyone here for coming in and giving their opinions. This was never something where we said we are cutting tonight. This is something we wanted input from to review and take a look at and make decisions based on it. There is nothing we are going to do without your input, not when it comes to stuff like this with our residents...I can assure you that. We are just talking about it and this is the kind of communication we want hear somebody take the suggestion, we look at it, we present it to you, we try to get what the residents feel about it...very simple process...thank you.

Peters gave some information on the Public Safety Data System and how they respond to calls.

Lewis discussed how appreciative he has been of the emergency services and their response regarding his past health issues.

Troy Lachinski approached the podium to represent the Fire Department regarding Community Response.

Troy Lachinski: Mr. Mayor and Council, I didn't really have a lot prepared, Chief Sanow called me this afternoon and asked if I could step in and go through some of the numbers that we had been working on, uhm also due to the Jerry Streich Capstone report. So, a couple of things that we were looking at is, you had already mentioned one of them, the main reason why we are looking at this is to try and reduce the burden on the fire fighters.

Councilmember Deroche: To do what?

Troy Lachinski: to reduce the burden on the fire fighters for the number of calls, is that correct? Is that the main reason we are looking at this? So, I just worked with Rod, we crunched some numbers...we keep talking about 1000 calls, which is a lot, and don't get me wrong, I also think that we should figure out a way to work together to figure out what we can reduce and what to keep. The problem that we have to keep in mind, was mentioned here...every time someone calls 911 it is an emergency to them, so we look at these people that are calling, this is an emergency. Now sometimes we get there of course, it probably is not an emergency, and Mark had mentioned that there are some hundreds of calls that they don't leave that residence in emergent mode, but they are still transporting that person to the hospital, so they are still having a medical emergency. So, number one, we have to keep that in mind and that we need to make sure that whenever we decide to do something that we do talk to the residents and make sure they are aware of what we are trying to do is to go to less calls. I know that still the Sheriffs department will go there and Allina will still go there, but we want to make sure that they understand that the fire department might not be going on these calls.

I also want to call out Allina and the Sheriffs department...they are awesome, I mean that the 3 departments working together, they work very well together. As they mentioned, they hold us all in the highest regard and I feel the same way with them. Top notch, couldn't be working with better people.

(Troy Lachinski goes into crunching the numbers and the required amount of responses to meet minimums, stating that at a minimum you have to go to 1.5 calls a week. They would like them to go on more than the minimum, but that it isn't a huge burden. He stated that they could implement a

duty crew model that. Where the burden comes in during the day, which averages about 2.5 calls a week.)

Troy Lachinski: There are lots of ways we could reduce the burden on the fire fighters, we could introduce a duty crew officer program during the day, that would reduce the number of calls that they go on, we could sure split off station one and station 3 and they would reduce the number of calls that each of those respective stations go on. He suggested expanding upon the day duty crew now (Chief Sanow and inspector Uden). We also have a duty officer nights and weekends as well, so it rotates through all of the officers, we all take a turn, its every 8 weeks, we get that 108-hour duty week where its Monday-Friday from 5 am until 5 pm and then all-day Saturday and all-day Sunday, that way we know that at least somebody is going to be going to the call.

If you look at it on a quarterly basis, for station one it is basically 21 calls per quarter for a 3-month period. Station 2 nights is 18 calls per quarter, during the day its about 34 calls per quarter. So yes, it is a lot of calls during the day especially, but it is not a huge burden.

The other number we are looking at is how often are we arriving on scene before EMS. We added a question to our records management software. Did the fire department arrive before EMS and did we have any patient contact? We don't have a lot of data yet, we just put this in place after the Capstone report, so we have roughly 4 months' worth of data. We are still arriving on scene 65 % of the time and we are having patient contact 69% of the time. So, we are still having a lot of patient contact. So, on those medical, 70% of the time we are having patient contact.

I guess I just wanted to point out those things, we definitely want to work with the city and figure out what's best for our community and what's best for our fire department, we don't want people to be burned out, so we definitely want to be part of the conversation and part of the solution.

Councilmember Deroche: Well that was something that we were approached last year, fire fighter burnout, and that's what we've been trying to figure out what to do about it.

Troy Lachinski: It's not just and EB problem, this a nationwide issue, and the paid-on-call model is working right now for us because we have a bunch of dedicated people, but it's not a long-term solution, this is not a model that is going to last. Maybe 5 years from now we will be full time, maybe 10 years from now we will be full time. This model is just not going to work long-term. It's a big challenge. Again, it is not an East Bethel problem or a Minnesota problem, this is across the entire country.

Informational; no action required.

5.0 Public Forum

Patty Sathre stated that the 6 times the Fire Department reported to their residence, Fire Chief Sanow was always first on the scene, and the Sherrif's Department was quickly after; she said they were awesome.

Melissa Newberger stated that she reviewed the analysis by Capstone LLC on the Fire Department operations and is concerned with the proposed changes and urged the Council to discuss with the Fire Department and their input to make these decisions. Ms. Newberger stated that she is in support of the \$500 pension increase for the firefighters.

Janet Grothe stated that they were not informed of the work going on at Viking Meadows and she lives a quarter mile away. Ms. Grothe stated that she has many concerns regarding the plans and what has been approved.

Berg discussed how surrounding residents were made aware of this project. Berg also gave information on the details of the wetlands and project.

Leon Grothe stated that to fit all the lots on the land for this project almost all the trees will have to be taken out. Mr. Grothe stated that he considers this a huge downgrade for East Bethel. Mr. Grothe is concerned with the lack of regard for the nature and trees of the site.

6.0 Consent Agenda

~~Item A: Approve Bill List~~

Item B: Approve Meeting Minutes November 20, 2024 Town Hall Meeting

Item C: Approve Meeting Minutes, November 25 2024 City Council Meeting

Item D: Resolution 2024-82, Setting 2025 City Meeting Dates

Item E: Resolution 2024-83, TIF 1-2 Permanent Fund Transfer

Item F: Resolution 2024-84, TIF 1-3 Permanent Fund Transfer

Item G: Resolution 2024-85, TIF 1-4 Permanent Fund Transfer

Item H: Resolution 2024-86 TIF 1-5 Permanent Fund Transfer

Item I: Resolution 2024-87, Arena Permanent Fund Transfer

Item J: Resolution 2024-88, 2025 Committee Stipends

Item K: Approve 2025 Tobacco License Renewals

Item L: Security Systems for East Bethel Facilities

~~Item M: Resolution 2024-76, Fire Department Benefit Level Increase~~

Item N: Resolution 2024-89, Declaring Street Sweeper Surplus Property

Item O: Purchase 2025 Elgin Pelican Street Sweeper

Item P: Purchase Tire Chains for Single Axis Snowplow

Item Q: Purchase Coats Tire Balancer

Smith requested to pull Item A. Lewis requested to pull Item M. **Mundle stated I'll make a motion to approve Consent Agenda as amended. 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.**

6.0 A Approve Bill List

Smith asked why the assessing item for Kenneth A. Tolzmann has an invoice for the 4th quarter of 2025 rather than 2024. Look stated he will look into that and get back to him.

Smith 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 M Resolution 2024-76, Fire Department Benefit Level Increase

Lewis shared information regarding the East Bethel Firefighter Relief Association and stated that the source of monies for the East Bethel firefighter's pensions primarily comes from 2% of the property insurance premiums. Lewis also stated that return on investments is the other source of money for pensions. Lewis stated that if the fund falls short, then the taxpayers and the City must cover any commitments that were made.

Lewis clarified some of the misinformation that has been spread on social media.

Troy Lachinski also added that the reason why they are asking for a benefit increase is because the fund can support it.

Mundle stated I'll make a motion to approve Item M of the Consent 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.**

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

7.0 A Planning Commission

7.0 A.1 Setback Variance: 3564 Edmar Lane NE

Berg stated that on October 3, 2024, the City received an application from Sharper Homes, Inc. to reduce the standard setback from 10 feet to 8 feet, in the front yard for installation of a septic drain field and a setback reduction from the Ordinary High Water Level (OHWL), of 75 feet to 61.5 feet, for the construction of an attached patio cement slab, at the property located at 3564 Edmar Lane NE, Wyoming, MN 55092.

Berg added that this .64-acre lot is in the Coon Lake Zoning District and covered by a Shoreland Overlay Zone. Not only does this lot have shoreland but it also includes a section of wetlands. In addition, the land immediately adjacent to the east is City-owned and it contains lowland with an open drainage ditch that runs parallel to the lot line. These features create a list of setbacks that must be met.

Berg stated that Sharper Homes, Inc. is proposing a slab-on-grade home with a placement that takes all setbacks into consideration; however, to place an SSTS (Septic System) and well on the property, an encroach into a property line setback is necessary. A setback reduction from the required 10 feet to 8 feet will be required for the installation of a drain field on this property.

Berg stated that the proposed construction also includes a 14-foot by 20-foot concrete patio slab, which is attached to the back of the house, protruding toward the lake into the OHWL setback. Sharper Homes, Inc. is requesting a reduction of the 75-foot setback to 61.5 feet. The opinion of City staff is the proposed concrete patio slab attached to the house is an appurtenance.

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. Economic considerations alone do not constitute practical difficulties.

A consideration of a variance requires the following three-factor test for practical difficulties:

- The first factor is a test of reasonableness.

In this case:

- Septic systems are required for a home to be considered habitable. The approval of the variance would allow this property to be used as a residence.

- The second factor is a test of uniqueness.

In this case:

- Current setback requirements for sewage treatment systems are 50 feet from the OHWL, 50 feet from any well, 20 feet from any structure, and 10 feet from any property line.
- Tanks are required to be placed 10 feet from any structure and 10 feet from property lines.
- The adjacent property contains wetlands and a ditch which require a 25-foot setback.
- Shoreland setback for structures is 75 feet from the OHWL, 25 feet from the front lot line and 7 feet from the side yard lot lines.

- The third factor is, that a variance would not alter the essential character of the neighborhood.

In this case:

- There are 9 other properties on Edmar Lane. NE that have septic mounds in the front or side yards visible from the right of way. The adjacent property to the west has a box mound in the side yard visible from the right of way.

Berg noted that a patio slab is not a minimum building requirement of a new single-family home in the East Bethel Building Code. The amenity is a personal preference of the landowner. The elevation at the OHWL is 904.8 feet above sea level while the elevation at the proposed slab extension is 909.0 feet. This is an over 4-foot elevation drop over a 75-foot distance. The risk of damage by changing lake water levels is minimal. For additional consideration, the Shoreland Overlay District permits property owners 25% Impervious Surface lot coverage. The total square footage of this proposal, including the patio, is 21%.

Berg noted that on November 26, 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 5 - 0 vote, recommended approval of the variance request for the reduction of the property line setback for the installation of a sewage treatment system and a reduction of the OHWL setback for the construction of an attached cement patio slab, at the property located at 3564 Edmar Lane NE. as written in Resolution 2024-90.

Berg stated that the City Council should review the request and the Planning Commission's formal recommendation and consider approving the variance request as presented in Resolution 2024-90.

DeRoche stated I'll make a motion to deny the Setback Variance for 3564 Edmar Lane NE. Miller stated I'll second. Lewis asked any discussion?

DeRoche stated that the reasoning behind his desire to deny the request is that once a concrete slab is there, the owner could build an exterior building later.

A resident asked if the applicant would have to apply for a permit for an exterior building.

A representative from Sharper Homes stated that they have been as creative as they can to fit a house on the lot and allow the owner to get a patio.

Berg suggested that the Council could add a condition of approval that nothing more than the patio slab could be built. Berg added that they could also allow a septic system in the front yard with the 2-foot reduction and deny the patio slab.

DeRoche withdrew the motion. Miller withdrew the second.

DeRoche stated I'll make a motion to adopt Resolution 2024-90 adding a condition that prohibits any future structures on the slab. 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 Second Driveway Variance: 19408 E. Front Boulevard NE

Berg stated on October 29, 2024, the City of East Bethel received a Variance Application from Josh Balfany, the property owner at 19408 E. Front Boulevard NE, for the construction of a second driveway/access to his parcel off E. Front Boulevard. NE, in Coon Lake Zoning District.

Berg stated that Mr. Balfany and his brother, who owns 19356 E. Front Boulevard. NE, acquired a vacant parcel from family that was located between their two parcels. In a private land transaction,

they divided the lot and adjoined each portion to their respective lots. Balfany subsequently applied for an accessory structure which was permitted, and the project was completed.

Berg stated that during the final inspection Balfany was informed he would need to obtain a permit for a second driveway/ access. Balfany indicated on his September 28, 2023, building application that there are no plans for a driveway. City Code does not permit more than one driveway/access in certain zoning districts of the City.

Berg referenced SECTION 10. - GENERAL DEVELOPMENT REGULATIONS, Sub.15. - Driveway access and standards.

A. Access requirements:

- 1) Properties in the R1, R2, and CL districts are allowed one access point from a public street.
- 2) Properties in the RR and A districts are allowed two access points from a public street; however, properties located on municipal state aid streets, major thoroughfares, and major streets are allowed one access point from a public street.

B. Surface and drainage:

- 1) Off-street parking areas and driveways in the R-1, R-2, CL, B-1, B-2, B-3, I, MXU and conditional uses in the RR districts shall be constructed of a bituminous or concrete surface.
- 2) In all residential zoning districts, driveways located on an improved street require a bituminous or concrete driveway extending from the street a minimum of 75 feet or to the garage apron, whichever is less. Driveway width shall be a minimum of 12 feet wide and cannot exceed 24 feet in width at the right-of-way. A turn-around, located entirely on a residential lot, will be required for driveways that directly access a street with a posted speed limit greater than 45 miles per hour.
- 3) Parking spaces for heavy equipment that would damage bituminous or concrete surfaces are exempt from the paving requirement.
- 4) In all residential districts, driveways created on an unimproved street after the adoption of, ordinance 28, second series, adopted Dec. 21, 2010, are required to meet the paving requirements of this section no later than one year after subsequent improvements of the street are completed, with either a bituminous and/or concrete surface.
- 5) All new driveways over 150 feet must conform with the fire apparatus access road standards as adopted in City Code Section 30-39 and set forth in the Minnesota Uniform Fire Code as amended from time to time.

Berg stated that the septic drain field is located on the north side of the house. The well is located in the front yard, forcing the placement of the detached accessory structure opposite Balfany's existing driveway, and therefore, he is unable to access the new building from the existing access.

Berg added that in addition to the request for a second driveway/ access, Balfany is requesting a variance to the (improvement requirements) paving standards, as required in Sec. 10, Sub.15 (B2), under (B3) which states that, Parking spaces for heavy equipment that would damage bituminous or concrete surfaces are exempt from the paving requirement. Balfany owns a skid steer/ loader he intends on parking on the driveway and believes its parking would be damaging to a paved surface. City ordinance does not define heavy equipment.

Berg stated that there are 3 parcels on E. Front Blvd. NE that appear to have second driveways. A historical review of the GIS Aerial's provides information that all three of those existed prior to 2008 when the ordinance revision occurred prohibiting second driveways from CL, R-1, and R-2 Zoned parcels.

Berg stated that staff advised Balfany that the second access/ driveway and pavement standard requirements would be denied administratively if applied for and a variance would be required before either could be applied for or approved.

Berg added 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.

Berg added that 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.

The consideration of a variance requires a three-factor test for practical difficulties.

- The first factor, a test of reasonableness

In this case:

- o The property owner is requesting for a second driveway to access a detached accessory structure is reasonable as adequate ingress and egress are necessary for a structure intended to store vehicles and equipment.

Or alternatively;

- o The denial of a variance to place a second driveway on a property does not deny the landowner reasonable use of the property, as detached accessory structure and subsequent access are not a requirement of development standards of a primary residence.

- 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 The property is triangular shaped limiting buildable areas for construction.
- o The septic (SSTS) drain field is located on the north side of the lot. The well is located in the front yard.
- o The layout of the home placed the attached garage and existing access/ driveway on the north side of the house, away from the newly constructed detached accessory structure

- The third factor is that a variance would not alter the essential character of the neighborhood.

In this case:

- o There are 3 other parcels with existing non-conforming second driveways on E. Front Boulevard NE.

Or alternatively;

- o Properties in the R1, R2, and CL districts are allowed one access point from a public street.

Berg stated that in this case, it is the opinion of City staff that this variance request partially meets the standards under the practical difficulties test.

Berg noted that for additional consideration, Balfany's lot is in a Shoreland Overlay District which has a maximum allowable Impervious Surface percentage of 25%. Balfany's lot based on acreage would be permitted to cover 5,445 sq feet. The existing coverage on the lot including the newly constructed accessory building is 4,335 sq feet providing for an additional 1,110 of allowable coverage. Driveways are required to be a minimum of 12 feet wide but cannot exceed 24 feet in width at the union of the

right-of-way pavement. Based on the minimum paving length standards, a 12-foot-wide driveway would add an additional 650 square feet. A 24-foot-wide driveway would add an additional 1,300 sq feet which would exceed the Impervious Surface Coverage allowed.

Berg referenced Sec. 57. Shoreland Overlay (SL) District Sub 5. – Definitions. Impervious surface. The area of a lot is covered with buildings, including all appurtenances, driveways and sidewalks, and similar impervious materials. For the purpose of this section, driveways that have a gravel base shall be considered impervious.

Berg stated that on November 26, 2024, the Planning Commission held a Public Hearing, during which there was no public comment. After a review of the application material, a discussion, and hearing from the applicant the Planning Commission, by a 3-1 with 1 abstaining, recommended approval of the Variance for a second driveway/access with the surface to be up to the discretion of the owner at 19408 E. Front Boulevard. NE as in Resolution 2024-91.

Berg stated that the City Council should review the request, the Planning Commission's formal recommendation, and consider approving the variance requests as presented in Resolution 2024-91 or approve with alternative conditions or deny the requests.

Mundle stated that they could add a condition for the driveway not to exceed 20 feet in width and 50 feet in length, no matter what material is used.

Berg suggested considering adding a condition that if the material used for the driveway is deemed as a hazard in the roadways, then the City could obligate them to pave or put asphalt down.

Mundle stated I'll make a motion to adopt Resolution 2024-91 adding conditions that if the material used on the driveway is deemed a road hazard that the City can enforce the paving standard and a 20 X 50 foot maximum driveway. 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

8.0 A.1 Property Split Consideration: 426 Birch Road NE

Berg stated that on September 3, 2024, Melbran LLC purchased 426 Birch Road NE, which included two additional vacant parcels. Melbran LLC is in the process of attempting to sell the properties independently and during the title work a Warranty Deed from January 15, 2002, recorded on the properties, states: It is a condition of this conveyance and covenant that shall run with the land, burdening and benefiting the parties' successors and assigns, that the two vacant parcels (by property description), "shall not be conveyed separately from" 426 Birch Road NE (by description), "without the prior consent of the City of East Bethel."

Berg stated that City staff, with the assistance of Anoka County Assessor's Office Staff, have searched City and County records to determine what caused the restriction to be placed on the vacant parcels. It is not clear how Lavonne Alford acquired the two vacant parcels however in her April 2012 will, upon her death, gave, devised, and bequeathed the three properties to successors.

Berg noted that in 2017, Lavonna Alford passed away and John Alford, her son was awarded as the Formal Appointed the Successor. Interest in the property was divided three ways according to the will to Lavonna's three sons. In 2002, one of the sons sold his interest to a brother leaving the property in the interest of two of the siblings. In June 2024, the two brothers sold the properties to a new buyer who subsequently put it back on the market and sold it to Melbran, LLC. which would like to sell the properties separately leading to the discovery of the restriction of separation.

Berg stated that due to the smaller lot sizes in the neighborhood city staff requested that Melbran, LLC. seek the advice of a septic designer to determine if the lot at 426 Birch Road. NE would be able to support a replacement septic system should the existing system become noncompliant. Melbran, LLC. contacted Casper's Excavating who provided the opinion that a replacement system could be installed in the existing area and meet all setbacks.

Berg stated that when 426 Birch Road NE was built in the 1980s, today's setbacks were not codified by ordinance in the Zoning Code. According to Sec. 51. – 7. A. – Coon Lake (CL) District requires new lots without sewer and water to be a minimum of 2 acres with a minimum buildable area for new lots is 23,000 sq feet. The total combined square footage of the two vacant lots, if separated from 426 Birch Road NE, is approximately 19,166.4 square feet. The City has approved building on existing lots smaller than 2 acres in the past. City staff have mapped out the current setbacks on the vacant parcels for visual representation. These setbacks leave a maximum buildable area of approximately 8,664.82 square feet. These two lots have a depression/low land area of approximately 2,649 square feet. Historical mapping shows that there is visible water ponding in the depression annually. Although not defined as a wetland this area should be surveyed to determine its borders and dimensions as it is included in the buildable area previously mapped out. In addition, the Coon Lake (CL) District has a Shoreland Overlay Zone limiting Impervious Surface Coverages at 25% which for the two vacant lots would be approximately 4,791.6 Sq Ft. In addition, the lots would need to have a septic system and meet all setbacks as required by Code or have approved variances for reductions.

Berg stated that if the division is approved, City staff recommend a certificate of survey and lot combination be required as a condition of approval to avoid the possibility of future divisions creating the need for additional variances and to best meet the requirements of today's Zoning Code.

Berg stated that the City Council should review the request and consider approving or denying the request as presented in Resolution 2024-92.

DeRoche stated I'll make a motion to adopt Resolution 2024-92, approving a property split as required by recorded by Abstract No. 2419364.001 and Warranty Deed #1647942 on a property located at 426 Birch 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.

8.0 B Engineer Report

None.

8.0 C City Attorney

8.0 C.1 Administrator Review Summary Statement from 11/25/24 Closed Session and Approval of 2025 Administrator's Contract

DeRoche stated I'll make a motion to approve the Summary Statement from 11/25/2024 Closed Session. 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.

DeRoche stated I'll make a motion to approve the 2025 Administrator's Contract as presented. 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.**

8.0 D Finance

None.

8.0 E Public Works

None.

8.0 F Fire Department

None.

8.0 G City Administrator Report

8.0 G.1 Resolution 2024-90, Anoka County Broadband Infrastructure Grant Program

Look stated that this is a request to approve the Grant Agreement with Anoka County to receive \$1,019,800 for Broadband expansion. Federal guidelines require this agreement to be finalized before December 31, 2024, to be eligible to utilize the dollars. Project completion is required by the end of 2026.

In 2023, Anoka County designated ARPA dollars to be used for broadband expansion in areas of Anoka County that are currently underserved with high-speed internet connection. Midco assembled a project that included the communities of East Bethel, Bethel, and Linwood. Conditional on the grant acceptance was a joint powers agreement between the 3 communities and Midco, to manage the project. After discussing with Staff, it was determined that East Bethel would provide the project management to help facilitate the receipt of grant dollars and completion of the project.

Miller stated I'll make a motion to adopt Resolution 2024-93, accepting Anoka County Broadband Grant. 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.**

8.0 G.2 Whispering Aspen Redevelopment Status Report

Mundle stated that he will be abstaining from any discussion and voting for this item.

Look stated that they are seeking City Council guidance to empower them to work with the City Attorney to draft a letter to the principal, Mr. Mundle Sr., to address some of the open business issues.

Lewis asked if there had been a letter sent to the County Attorney. Look updated that the letter was sent but they have not received any response.

DeRoche stated I'll make a motion to empower staff to work with the City Attorney to draft a letter. Miller stated I'll second. Lewis asked any discussion? To the motion, all in favor say aye. **Lewis, DeRoche, Miller, Smith – Aye; Mundle - Abstain.** Lewis asked any opposed? That motion passes. **Motion passes.**

9.0 – Other Items

9.0 A Staff Report

Look clarified the invoice question for the Kenneth A. Tolzmann bill from the bill list.

Look stated that the Christmas tree lighting was very successful and well attended.

9.0 B Council Reports

DeRoche stated that a few people went out on Coon Lake yesterday and fell through, but everyone made it out safely.

9.0 C Closed Session

9.0 C.1 Fire Chief Performance Review

This item was removed from the agenda due to Fire Chief Sanow's sickness.

10.0 Adjourn

DeRoche stated I'll make a motion to adjourn. Miller 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 9:55 p.m.

Submitted by:

Lilian Rokosz

TimeSaver Off Site Secretarial, Inc.