

EAST BETHEL CITY COUNCIL MEETING

December 23, 2024

The East Bethel City Council met on December 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: Matt Look, City Administrator
Eric Larson, City Attorney
Rodney Sanow, Fire Chief
Aaron Berg, Community Development Director
Carrie Frost, Administrative Coordinator

1.0 Call to Order

The December 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 with the addition of Supplemental Payment Summary to 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.**

4.0 Presentations and Public Hearings

4.0 A Anoka County Sheriff's Report

Sergeant Justin Allison presented the November 2024, Sheriff's Report, stating the Sheriff's Department has responded to 421 calls for service including 3 thefts, 3 damage to property, 7 assault reports, 42 arrests, 173 traffic stops, and 54 citations.

Informational; no action required.

4.0 B Fire Department Monthly Report

Fire Chief Sanow presented the November 2024 report and noted that they responded to 71 calls, of which 53 were medical, 4 accidents, 3 fires. He stated that so far this year they have responded to 995 calls for service.

Mundle inquired about the Santa Parade. Sanow stated that they collected 736 pounds of food and \$180 of donations.

Informational; no action required.

4.0 C Stormwater Pollution Protection Program (SWPPP) Public Hearing

Look stated that The City of East Bethel has developed a Stormwater Pollution Prevention Program (SWPPP) as required by the National Pollutant Discharge Elimination System (NPDES) General Permit for discharges of stormwater associated with small Municipal Separate Storm Sewer Systems (MS4), which is collectively referred to as the MS4 permit.

Look noted that some implementation strategies of the SWPPP include:

- Street sweeping
- Inspection of approximately 20% of the City's stormwater basins annually
- Posting City Programs, such as clean-up days, on the City website
- Conducting the annual meeting
- Developing and distributing educational materials to residents
- Investigation of illicit discharges and other reports of non-compliance

Lewis opened the public hearing at 7:11 p.m.

No comments received.

Lewis closed the public hearing at 7:11 p.m.

Informational; no action required.

5.0 Public Forum

None.

6.0 Consent Agenda

Item A: Approve Bill List

Item B: Approve Bill List: 2025 invoices with checks processed 1/2/2025

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

Item D: 2025 Garage Hauler License Renewals

Item E: 2025 Cannabinoid Edibles License Renewals

Item F: Resolution 2024-94, 2025 Fee Schedule Adoption

Item G: Joint Powers Agreement with Bethel and Linwood (Midco)

Item H: Resolution 2024-95, Approval of JPA and CCSA (Midco)

Item I: Pay Estimate No. 3 for the 2024 Street Surface Improvement Project

Item J: Pay Estimate No. 4 for the 2024 Street Reconstruction Project

Item K: Approve Minnesota Department of Health Source Water Protection Grant

~~Item L: Recording Secretary Contract Addendum~~

Item M: Supplemental Payment Summary

Smith and DeRoche requested to pull Items C and L.

Mundle stated I'll make a motion to approve Consent Agenda as amended. DeRoche stated I'll second. Lewis asked any discussion? Lewis asked why the Knife River Corp was put under Profession Service Fee. Look stated that it must fall under their layout and design of the work they will be doing, but he will follow up on that. 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, December 9, 2024 City Council Meeting

Smith stated that when going through the minutes for the December 9, 2024, meeting he noticed that there is information that is not written. Smith stated that there is important information that was presented about the Fire Department that was not included but should be. Smith noted that comments made by DeRoche and Miller were also not included. Smith recommended tabling these minutes until they have been improved.

Smith stated I'll make a motion to table the approval of the meeting minutes of December 9, 2024, City Council meeting until changes have been made. 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 L Recording Secretary Contract Addendum

Smith asked what was spent on the recording secretary contract last year, compared to this year. Look stated he would have to look up the budget to determine the number.

Smith asked if Look could determine the difference between what is being done now and verbatim minutes. Smith stated that when looking through past City Council minutes he notices there is a lot of information that is missing from them compared to what was stated at the meetings.

Look stated that the contract should get approved before the first part of the year. Look noted that the issue between whether or not the contract should be summary or word verbatim minutes has come up in the past, but there is a significant difference in cost between the two. Look suggested that if it is a sensitive matter that they want to be included in full detail, that can be noted.

Smith asked if they should research other companies who do this before moving on with the existing company. Look stated that they have looked before but have not found a lot of companies that are willing to do it. He stated that there was a bit of a disagreement last time, and things were smoothed over, so everyone was happy in the end.

Look noted that in the beginning of last year, they discussed that if they did not stick with the company then staff would have to type the minutes. Lewis stated that he would not be in favor of that idea and would want someone else to do it. Lewis also stated that the company is set up to type minutes, so it should just be normal give and take, and they can talk to each other and straighten things out if there are problems.

DeRoche noted that Wendy Warren, a staff member, used to type the minutes along with scheduling and putting up agendas. DeRoche stated that there were verbatim minutes up until he finished his term, and with the transition, there has been a situation where people have been interpreting what is being done.

DeRoche noted that when there are key issues like the Fire Department being discussed and comments from residents regarding things like claiming they are cutting their benefits and taking their pay that important discussion should be included in the minutes. DeRoche stated that discussion was his and Miller's way of telling residents that what they were seeing on social media was wrong. DeRoche stated that some of the people at the meeting who heard what was really going on know the truth.

DeRoche stated that since he has been on the City Council, they have done nothing but try to get more money for the firefighters and figure out how to do that. He stated that there was never any discussion about cutting pay.

DeRoche stated that in the discussion about the position trying to be filled was not included in the minutes either. DeRoche noted that there was discussion including recruitment to avoid firefighter burnout; however, there was a resident in the back of the meeting who stated that the firefighters like getting together so they did not have to worry about burnout.

DeRoche stated that he still has all the minutes from when he was in office. DeRoche stated that he can go back and look at all the discussions on why each decision was made, but lots of the comments made at the December 9, 2024, meeting were not included even though they were important comments.

Look stated that they can go to word verbatim, but it will be double the cost of the current contract. Look noted that they could potentially find a hybrid option so that highly sensitive items could be word verbatim but other items where word verbatim may not be necessary, can be summary.

DeRoche stated that before there used to be RFPs done on everything, but now it does not seem to get done. DeRoche asked when the last time an RFP went out was. Carrie Frost stated that the last time an RFP went out for minutes was when they first started with TimeSaver. Berg stated that the last RFP he can recall was for the traffic study that was ordered for the Capstone project.

Look stated that years ago, meeting minutes were the only option for residents to understand what was going on at City Council meeting if they did not attend in person; however with video recording they have another effective tool for the public to watch and see what people were intending.

Lewis recommended adding a message to the top of the minutes stating that they are summary but they can see the recording for verbatim information. Look stated that the YouTube channel has recordings from years ago that can be pulled up.

Smith stated I'll make a motion to approve Item L 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 Adoption of Ordinance No. 2024-05, Amending Appendix A zoning to regulate cannabis and hemp business and amending Chapter 18 providing for the registration of cannabis and hemp business in the City of East Bethel.

Look stated that Christina Benson was very helpful and informative in the work she has done to put this together and has worked with other communities where it has been successfully applied.

Look stated that the State of Minnesota authorized the use of recreational cannabis in the State and the cities are now required to allow these businesses in their communities as defined by State law. Look noted that they needed to get something on their books so they can control how many businesses there are.

Lewis asked if this was driven by a desire to have these businesses in East Bethel. Look stated the trigger is January 1, 2025, for the Office of Cannabis Management (OCM). Look stated that the OCM is going through a lottery system to determine who gets these businesses, first it was based on equity but now they are being challenged by the courts, so they are trying to work it out.

Look stated that according to Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

Look referenced Section 2, Appendix A Zoning, Section 9 which defines cannabis business, cannabis cultivator, cannabis event, cannabis manufacturer, cannabis mezzobusiness, cannabis microbusiness, cannabis retailer, cannabis testing facility, cannabis wholesaler, hemp business, lower-potency hemp edible manufacturer, lower-potency hemp edible retailer, and OCM.

Look noted that Appendix A needs to be amended under Section 30, Cannabis Business and Hemp Operations, to establish minimum buffer requirements, noise, odor, hours of operation, signs, lighting, and security requirements.

Look discussed Appendix A which talks about procedures for the submittal for applications, application approval, compliance checks, location change, renewal of registration, renewal fees, suspension of registration, length of suspension, and civil penalties.

Look noted that the Planning Commission recommended 3-4 businesses per category, Look stated the staff opinion is more conservative than that, and starting off at the minimum would allow them to increase if needed.

Look stated that they will learn a lot about how law enforcement handles this and if it will lead to other drug usage like people suggest.

DeRoche stated I'll make a motion to adopt Ordinance No. 2024-05, Amending Appendix A zoning to regulate cannabis and hemp business and amending Chapter 18 providing for the registration of cannabis and hemp business in the City of East Bethel. Smith stated I'll second. Lewis asked any discussion?

Mundle asked if any of these proposed changes would conflict with the existing licensing ordinance for edibles and THC drinks that was passed last year. Larson stated that it does not conflict and Benson ensures that the proposed draft aligns with the current Code.

Larson stated that effective March 1, 2025, the State has taken the registration licensing away from the municipality and has embedded it in the Minnesota OCM.

Larson stated that registration has to do with where these businesses are located and licensing means you can regulate the business and oversee the day-to-day operations. Their Code allows time, place, and manner oversight to say where these businesses can operate and during what time frame can they operate.

Larson stated that it makes it easy for the City, residents, businesses, and law enforcement if you keep these businesses in their respective zones.

Lewis asked if their Code conforms well with the surrounding cities. Larson stated that yes it does, it is very important for Code enforcement and law enforcement as well.

Mundle asked what the timeframe for this matter is, should it be approved tonight or do they have until March 1, 2025. Larson recommended them to approve tonight, he does not see any major issues that need to be changed at the moment. Larson stated that if they do find issues down the line, they can make amendments.

Larson stated that the OCM can enact those rules 30 days from when they are published. Larson has been waiting for them to publish, and when they do then the floodgates will be opened and he would like the City to be ready for when that happens.

Smith asked if on March 1, 2025, that is when they are approved to grow and sell it. Larson stated it could be before then, but that is the outside time frame. Larson stated that is when the licenses would be issued at the latest.

Larson stated that at the moment it is legal to possess, use, and have limited home growth, they just have not made the commercial enterprise legal yet. Smith stated that the State legalizes these things but they do not have any rules in place. Smith states that he thinks the State is trying to come in and collect tax money.

Miller asked why they went with 1,000 feet from schools but only 500 feet from daycare centers. Larson stated that is to keep in symmetry with what is already in their Code.

Larson stated that Christina Benson looked at the location of all the daycares and was very clear about where all of those work; she was confident that all the distances create a permitted zone.

Mundle asked if the gas stations that carry the gummies and edibles are considered a cannabis business. Larson stated that it would not, cannabis businesses are licensed under the OCM.

DeRoche stated that he thought they already dealt with this last year. DeRoche asked who crafted this Code.

Larson stated that what they dealt with last year was a moratorium not an Ordinance Code for zoning. Larson stated that the OCM put together a model ordinance in the end of July 2024, which was a start. Larson stated that they took the model ordinance and wanted to keep it as consistent as possible for their City. Larson stated that the end goal is to make this Zoning Code match the East Bethel Zoning Code.

DeRoche stated he thinks that coming out being as restrictive as they can is unfair to some of these businesses. DeRoche stated that he thought they were going to have a chance to look at this Ordinance before it came up but that never happened.

DeRoche stated that he has never seen it happen with Ordinances that they change it and make it easier later on. Lewis stated that they have clarified and modified Ordinances in the past to loosen up. 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 stated that this is the final meeting for DeRoche and Lewis. Look thanked them for their personal sacrifice for their service to the community.

Lewis stated that there is a great team of staff here in East Bethel.

9.0 – Other Items

9.0 A Staff Report

None.

9.0 B Council Reports

Mundle stated there was supposed to be a Highway 65 Coalition Meeting but it was rescheduled for January 30, 2025, due to a snowstorm.

DeRoche thanked Miller, Smith, Lewis, and Mundle for bringing him on a year and a half ago and never turning their back on him. DeRoche wishes that people would fact-check before they put things up on social media because it affects lots of people and families.

DeRoche stated that he is keen on verbatim minutes because it allows for all the facts to be included and shows how much the Council is committed to the City.

DeRoche stated it has been a pleasure to serve on the Council.

Lewis read a quote by Theodore Roosevelt. Lewis apologized to a resident for having a short temper at one meeting 6 months ago. Lewis thanked everyone for their support.

Smith thanked Lewis and DeRoche for their knowledge and service to the residents of East Bethel.

Miller stated that it was an honor and a pleasure working with Lewis and DeRoche.

9.0 C Closed Session**9.0 C.1 Fire Chief Performance Review**

Larson stated thank you Mr. Mayor. For the benefit of the public, we'd note that at this time the Council's about to go into Closed Session to review for the Fire Chief Performance Review.

Sanow asked if he was allowed a witness to come into the closed session with him.

This Closed Session will be tape recorded as required by Statute with that tape being maintained for a period of two years. The Council will come back into Open Session after having concluded its Closed Session and announce if there are any actions taken during the course of the Closed Session.

(Council moved into Closed Session at 8:07 p.m.)

(Council reconvened Open Session at 9:38 p.m.)

Larson stated thank you Mr. Mayor. For the benefit of the public and for the record, we note the Council is back in Open Session after having concluded a Closed Session. The Closed Session was attended by the entire Council, City Administrator Look and himself and no formal action was taken.

Lewis stated that they met with Fire Chief Sanow and had a discussion looking at how things are operating. Lewis stated that they have identified several things that need to improve, including hiring Jerry Streich to work up a performance plan that Sanow can be held to with clear-cut goals.

Lewis stated that the Council voted 4-1 to go this route with monthly updates to the City Council to see how it is going.

Berg stated that he has decided to resign from the City of East Bethel and provided a resignation letter to the Council. Berg requested that action be taken at tonight's meeting to approve his resignation.

The Council received and acknowledged his resignation.

Lewis stated that Berg is a very smart guy and one of the hardest working people he has known and as a resident of East Bethel he is disappointed to see him go.

10.0 Adjourn

DeRoche stated I'll make a motion to adjourn. Smith 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 9:45 p.m.

Submitted by:

Lilian Rokosz

TimeSaver Off Site Secretarial, Inc.