

EAST BETHEL PLANNING COMMISSION MEETING

October 29, 2019

MEMBERS PRESENT: Chair Tanner Balfany, Glenn Terry, Sharon Johnson, Tom Eich, Wanda McLaurin

ABSENT: Lou Cornicelli, Sherry Allenspach

ALSO PRESENT: Stephanie Hanson, Community Development Director  
Erin McDermott, Zoning Administrator  
Suzanne Erkel, City Council Liaison

**1.0 Call to Order**

The October 29, 2019 Planning Commission regular meeting was called to order by Chair Balfany at 7:00 pm.

**2.0 Adopt Agenda**

Item 4 was pulled from the Agenda at the request of the applicant. **Commissioner McLaurin moved and Commissioner Terry seconded to approve the agenda as presented. Motion passed unanimously.**

**3.0 Approve September 24, 2019 meeting minutes**

**Commissioner McLaurin moved and Commissioner Johnson seconded to adopt the September 24, 2019 regular meeting minutes. Motion passed with Chair Balfany abstaining.**

**5.0 Interim Use Permit – Keeping of Horses at 22359 Bataan St NE – Public Hearing**

Requested Action:

Consider recommendation of approval of an Interim Use Permit for the keeping of two (2) horses at 22359 Bataan St. NE.

Background Information:

Property Owner and Location:

Tammy Gimpl

22359 Bataan St NE

East Bethel, MN 55011

PIN: 03-33-23-31-0004, 03-33-23-31-0003;

Zoning: RR – Rural Residential

Shoreland Overlay District: No

Tammy Gimpl is applying for an IUP for the keeping of two (2) horses on her property located at 22359 Bataan St NE. The property is 26.51 acres with wetlands and ponds. There is adequate space for pastureland on this property, at over six available acres. The applicant presently has a pasture of approximately half an acre fenced off with plans to expand after the issuance of an IUP. There is additional room for approximately two acres of pasture on the southern lot as well.

This property is not located within a subdivision nor is it in a Shoreland Overlay District.

Chapter 10, Article V. Farm Animals dictates the pasture requirements for horses. It requires one acre fenced pasture, plus one acre per horse. During a conversation with the applicant, it was established that the existing fenced pasture would be expanded. The required setbacks for pasture are five feet from the property line, and 70 feet from ponds, however, wetlands are allowed to be used in the pasture area. This would allow for the applicant to fence more area and in the future apply for an amendment to keep more horses.

Ms. Gimpl presently has three (3) IUPs with the City of East Bethel; dog food distribution business, a kennel license, and an animal control business called Gratitude Farms. The IUP inspection for these IUPs on April 19, 2019 passed. Her property is also routinely inspected by the Minnesota Board of Animal Health as required by state law.

The applicant submitted the IUP application when a resident of the city surrendered a horse to her after their horses were found at large. Ms. McDermott shared with the Commissioners the Sheriff Department report on the condition of the horses.

**Recommendation:**

City Staff is requesting the Planning Commission hold a public hearing and recommend approval to the City Council of an IUP for the keeping of two (2) horses at 22359 Bataan St. NE, PIN: 03-33-23-31-0004, 03-33-23-31-0003; a property zoned RR – Rural Residential with the following conditions:

1. Applicants must comply with City Code Section 10. Article V. Farm Animals.
2. Applicants must expand the fenced pastureland to 3 acres within 6 months of the approval of this IUP by City Council.
3. Permit shall expire when:
  - a. The property is sold, or
  - b. Non-compliance of IUP conditions
4. Property owner shall have thirty (30) days to remove the approved domestic farm animals upon expiration of the IUP.
5. Property may be inspected and evaluated annually by city staff.
6. All conditions, unless otherwise specified, must be met by February 28, 2020.

**Commissioner Terry moved to open the public hearing.**

Christine Dahlman, 17540 Hwy 65 NE, Ham Lake said it's been asked of her many times at City Council meetings over the past two years why she is there since she isn't an East Bethel resident? She did live in East Bethel for 17 years. Her daughter's family, her son and her father live in East Bethel, so she has a vested interest in East Bethel. She is involved with the East Bethel community and the keeper of a garden called Grown for Love which donates organic grown food to the food shelf, both which are located in East Bethel. Ms. Dahlman received a message [letter from an East Bethel resident] via an internet page called Next Door that she wanted to share concerning a resident that is not in favor of the IUP being approved. Chair Balfany said the Commission could not accept a submission from a social media post. The owner of the letter should be at tonight's meeting to address their concerns. Ms. Dahlman agreed that the writer of the letter could support herself.

Ms. Dahlman stated Tammy Gimpl is not in compliance with her two existing IUPs and that she does not understand why the City of East Bethel would issue a new IUP to have horses when she isn't in compliance with her existing IUPs. Chair Balfany said according to the City's documentation, Ms. Gimpl was compliant at her last inspection.

Ms. Dahlman presented Tammy Gimpl's Gratitude Farm Facebook page that says this is the only place that she does business. Her IUP states that she is allowed to sell dog food. In Tammy Gimpl's 'Our Story', "get your dog and cat food delivered to your door for free." Tammy Gimpl is not permitted to sell cat food; she is not permitted to microchip dogs. All those things are listed on the sheet that Ms. Dahlman submitted to the Commission. Chair Balfany asked what this has to do with the IUP for the keeping of two (2) horses at 22359 Bataan St. NE? Ms. Dahlman said because Tammy Gimpl is in violation of two existing IUPs why would another IUP be issued for someone who does not comply with the two she already has? That is Ms. Dahlman's concern. Ms. McDermott said there are no existing code enforcement cases nor has the City received any code enforcement complaints through her department. Ms. Dahlman stated that is because the City refuses to look at the complaints. What she is presenting is Tammy Gimpl's pages, they are not made up words by her or anyone else, those are Tammy Gimpl's words.

Ms. Dahlman said the City of East Bethel also stated that they haven't changed their webpage because her contract states that she has to have a webpage and Facebook. Tammy Gimpl's webpage has been

removed which puts her in violation of her contract with the City of East Bethel. One of the conditions of Tammy Gimpl's IUP for animal control and the dog food is that she is not allowed to board dogs. It is strictly against East Bethel's ordinances. Up until June 10, 2019 she was still advertising boarding dogs. That is 15 months after Jack Davis sent her an email telling her to get all references to boarding off of her webpage. Ms. Dahlman provided another sheet to the Commission. Chair Balfany asked Ms. Dahlman to stop for a moment. Ms. McDermott said the issue of the webpage was addressed. Ms. McDermott's understanding is that via emails with Jack Davis and Mayor Voss there was an issue with the ISP and that was requested to be removed from the site which has been done. Ms. Dahlman said by removing the website she [Tammy Gimpl] is now in violation of her contract which states she has to have a webpage to list the dogs.

Ms. Dahlman had another submission from Ed Fiore, who was unable to attend tonight's meeting, dated Sunday, October 27, 2019 that was taken off of Tammy Gimpl's Gratitude Farm page. Ms. Dahlman said Tammy is still boarding. Chair Balfany clarified that Ms. Dahlman is under the impression that Ms. Gimpl is not compliant with one of her current IUPs. Ms. Dahlman said she [Tammy Gimpl] is not in compliance and that she, Ms. Dahlman, is opposed that the City would issue another IUP. Ms. Dahlman pointed out the Ms. Gimpl already has two horses on her property. She has half of an acre. The City of East Bethel made someone else get rid of their horse because they didn't have enough pastureland and they were only permitted to have one horse. Yet according to what was stated tonight apparently the horse was taken away from somebody for not having a permit yet was given to somebody else who does not have a permit. "You just stated here tonight that she [Tammy Gimpl] has half of an acre of fenced in land, pastureland. She has two horses on her property right now. That should require two acres." Chair Balfany said pending... Ms. Dahlman interrupted to say that she [Tammy Gimpl] has been talking about getting horses for months; did she forget she needed a permit? Did she not know how many acres she would need? She knew she was getting that pregnant horse and would need at least one acre. Why would she only fence in half of an acre? Chair Balfany did state Ms. Gimpl is working to come into compliance at present. Ms. Dahlman repeated that she is opposed to Tammy Gimpl having a horse because the City of East Bethel does not enforce its ordinances across the board. One resident was made to get rid of her horse, yet the City is allowing her [Tammy Gimpl] to have two. Tammy Gimpl is not in compliance with her IUPs and never has been.

Chair Balfany thanked Ms. Dahlman for her input and stated the Commissioners will address these issues when the public hearing is closed.

Ms. McDermott addressed Ms. Dahlman's comment with regard to code enforcement. East Bethel does code enforcement on a complaint basis only. Being the Zoning Administrator that has worked with the City since December 2018, to date Ms. McDermott has not received any complaints about code enforcement from Tammy Gimpl's IUPs. Ms. Dahlman interrupted to say, "Give me a complaint form and I'll fill one out when I sit here right now, then you can go out there and check it out. How are you going to check out that she's boarding? You going to go on the weekend like Ed Fiore said, are you going to go on a weekend to see if there's dogs?"

Chair Balfany said this is not the forum for that type of verbiage. Ms. Dahlman raised her voice to state she is being told that East Bethel has law enforcement and that ordinances are enforced when she presents documents at every City Council meeting that Tammy Gimpl is in violation of her permit, of her IUP, of State laws, and of her contract. She said she cannot be told that the City enforces its ordinances. She said the City selectively enforces its ordinances.

There was verbal commotion in the audience which Chair Balfany tried to stop. Ms. Dahlman was saying something to a female and the female responded saying Ms. Dahlman just told her to "F-off". Chair Balfany again asked for the verbiage to stop stating this is not the place for public outings of one another. Ms. Dahlman made a comment from the audience and Chair Balfany asked her to watch her manners at this meeting.

Ms. McDermott continued to say for the annual inspection of Ms. Gimpl's property both she and Nick Schmidt the Building Inspector and the Code Official for the City of East Bethel went out to address the IUPs with each having a checklist to confirm she is meeting all of the conditions. Ms. McDermott was also in contact with a Board of Animal Health representative who is in charge of Ms. Gimpl's property because they are at the property to inspect about twice a year. Ms. McDermott's findings were Ms. Gimpl has been compliant during their inspections. Additionally, with code enforcement being complaint driven the City has not received any code enforcement complaints with this property about the horses being there early. No one has called Staff to let us know, with the exception of the applicant bringing in the application as soon as that horse was surrendered and she was capable of doing so. Ms. Gimpl is the animal control person for the City. Animal control is not limited to dogs and the City found it reasonable to expand the IUPs for the surrender of a horse in need.

**Commissioner McLaurin moved to close the public hearing.**

Chair Balfany addressed one item that was brought up by Ms. Dahlman with a horse being removed from a property. Formal complaints were received and the owner was not in compliance. Prior to her becoming compliant she was allowed time to utilize her mother's property located next door so that she could keep the horse. When she added the second horse she became noncompliant and continued to remain out of compliance. So one situation cannot be compared.

Chair Balfany said he would entertain a motion in order to put this item into discussion. No motion was made. Chair Balfany said a motion is required to have discussion whether it be for or against.

Commissioner Terry pointed out that the point of an IUP is to assert a certain right or opportunity, but it is also to correct a situation that is out of compliance. Without the IUP there is no mechanism to challenge a situation where there is noncompliance. So it is, in fact, a setting forth of conditions and restraints for the exercise of the opportunity.

**Commissioner Terry moved and Commissioner Eich seconded to recommend to City Council the approval of the of an IUP for the keeping of two (2) horses at 22359 Bataan St. NE, East Bethel, PIN: 03-33-23-31-0004, 03-33-23-31-0003; a property zoned RR – Rural Residential with the following conditions:**

- 1. Applicants must comply with City Code Section 10. Article V. Farm Animals.**
- 2. Applicants must expand the fenced pastureland to 3 acres within 6 months of the approval of this IUP by City Council.**
- 3. Permit shall expire when:**
  - a. The property is sold, or**
  - b. Non-compliance of IUP conditions**
- 4. Property owner shall have thirty (30) days to remove the approved domestic farm animals upon expiration of the IUP.**
- 5. Property may be inspected and evaluated annually by city staff.**
- 6. All conditions, unless otherwise specified, must be met by February 28, 2020.**

Commissioner McLaurin asked for clarification – one horse was surrendered, but there was already a horse on the property, so now there are two horses? Or were there two horses surrendered?

Ms. Gimpl was asked to approach the podium to answer questions for the Commission. Ms. Gimpl said one horse was surrendered before she brought her own horse onto the property. So now there are two (2) horses on the property. Chair Balfany asked how long ago was the horse surrendered and her horse brought on the property? October 7<sup>th</sup>. Ms. Gimpl said she has no issues making the property compliant with City code. There is a shelter with a stall in it on premise. Chair Balfany asked if there is any validity to her other IUPs not being compliant? Ms. Gimpl said there is not. Chair Balfany asked if any of the other inspecting entities ever came up with issues needing to be addressed on this property? Ms.

Gimpl said no, she is passing on all of those inspections and she sends her certifications to the City. Ms. Gimpl stated she had horses about 20 years ago and she ended up getting rid of them. It wasn't until she decided to get a horse again that she realized how much therapy there is in owning a horse. Currently, she allows people to come on her property to pet, brush and feed them for therapeutic purposes. She also noted that she believes some people in the audience could also benefit from that as well. An audience member said something and Ms. Gimpl turned to the person and said, "That would be you."

Chair Balfany again asked that the audience be quiet as the public hearing was closed. Personal comments can be made outside of Chambers.

Chair Balfany asked if people are coming by to touch, feed and/or brush her horses does she have liability insurance? She has thought about that as well and has people sign forms. She does not allow people to ride the horses.

Commissioner Eich said that Ms. Gimpl stated her intent for having a horse is for personal pleasure. Does she expect to expand in the future? Also, being the animal control officer for the City, does she keep stray dogs on her property? With regard to horses, prior to Ms. Gimpl having a fenced area she would take horses to her neighbor's place which is fenced. The same goes for goats and pigs. She never had a farm permit for it, so she never kept any of them – just temporary holding until the owner or rescue could come for the animal. With a horse the main thing is to keep it from running loose and off the streets. This was the first time she has been able to keep a surrendered horse on her property.

Chair Balfany called for a vote. **Motion passed 4 to 1 with Commissioner Johnson voting no.**

This item goes before City Council on Thursday, November 14, 2019.

## **6.0 Recommendation of Approval to Reappoint Tanner Balfany to the Planning Commission**

Background Information:

Chair Balfany has served on the East Bethel Planning Commission since August 2011. His current appointment expires on January 30, 2020. Chair Balfany has submitted interest to continue to serve on the Commission.

Recommendation:

Planning Commission is requested to recommend approval to re-appoint Tanner Balfany to the Planning Commission.

**Commissioner McLaurin moved and Commissioner Johnson seconded to recommend to City Council approval of the re-appoint of Tanner Balfany to the Planning Commission. Motion passed with Chair Balfany abstaining.**

This item goes before City Council on Thursday, November 14, 2019.

## **7.0 City Council Report**

Council Liaison Suzanne Erkel reported the following City Council actions:

- HRA meeting was held.
- A financial summary was done, which is a \$65K+ balance at the end of this year.
- The Council was briefed on a housing project. Viking Preserve has 10 houses under construction with two having certificates of occupancy.
- The East Bethel apartments are due to open in a couple weeks. There are 22 pre-rentals out of 65.
- Cambia Hills is scheduled to open February 2020.
- Cedar Creek Senior Living is scheduled to open March 2020.
- Council voted to approve a new plow truck.

- The CUP for the self-storage at 21217 Hwy 65 was denied. Reason being the business was not meeting a distance requirement. Council is asking them to include drawings showing adjoining properties. There were concerns about the frontage road changes. Others want them to address the stream and culvert plans that were not in the CUP.
- The City has a new website that went live on October 10<sup>th</sup>.
- Council dealt with a dog bite issue.
- 21225 Hwy 65 cul-de-sac - She believes this was sent back...the City wants the cul-de-sac removed and MNDOT approval of the frontage road.
- Approved the Sauter's Park 4<sup>th</sup> Addition final plat.
- Approved a final plat for Gopher Storage at 21217 Hwy 65.
- Councilperson Erkel advocated for a commissioner pay increase, due to the work involved with what they do.

Commissioner Eich asked if the self-storage had a reply? Did they think they will be moving forward in the near future or are they being delayed considerably? Councilperson Erkel said a summary of what the Council is looking for was put in writing and sent to the business. The self-storage business is expected to return with changes to the CUP. Chair Balfany asked what the bullet points were that the Council was looking for? Distance requirements, drainage, adjoining properties, and stream and culvert. Commissioner McLaurin read that there was something about whether that would be the best usage for the property as it is located in the secondary sewer and water district. There were a lot of issues.

## 8.0 Other Business

Next month's Planning Commission meeting falls two days before Thanksgiving. Do the commissioners want to change the meeting date to November 19<sup>th</sup>? Commissioner Johnson said she will not be here. Commissioner McLaurin said it doesn't matter to her, she could go with either date. Chair Balfany said he too could go with either date. Commissioner Terry thought he may have something scheduled for that date but wasn't sure if it was for during the day or evening.

Commissioner McLaurin noted that the Commission is making a lot of decisions and doing a lot of stuff based on what the City's Comp Plan is supposed to be. She asked where the City is with the Comp Plan? Ms. Hanson said the Plan is still being reviewed and revised and will be resubmitted to Metropolitan Council. Chair Balfany asked if it was anything specific that needed to be addressed? Ms. Hanson said there was a checklist of information that needed to be included in the Comp Plan and some of it was missing, not significant information that changes the Comp Plan but information, nonetheless.

Regarding Item 4.0 that was removed from tonight's meeting, Commissioner Terry asked if the commissioners could keep their current packet of information, rather than having Staff resend out the information again? Ms. Hanson will still have to do an updated packet to put on the website.

Commissioner Eich requested to get the packet a few days earlier. Ms. Hanson said typically packets are done and sent out on Friday mornings. She will work with Staff to get the packet out earlier.

Councilperson Erkel said she is under the impression that this Commission meets on the fourth Tuesday of every month, however, she is confused because next month it is going to be the 19<sup>th</sup> which is the third Tuesday and tonight's meeting is the fifth Tuesday. She showed up last week because she was not notified of the meeting date change. Chair Balfany said the regular scheduled meeting for the Planning Commission is the fourth Tuesday of every month. This meeting was moved because of the Elevage development and next month's may be moved due to Thanksgiving falling in the same week. If November's meeting date is changed, an email will be sent. Commissioner McLaurin said another thing to take into consideration when deciding on November's meeting date is whether Elevage people will be available. Ms. Hanson will check on their availability. By the end of this week, Ms. Hanson will send an email on the definite meeting date for November.

**9.0 Adjournment**

**Commissioner McLaurin moved and Commissioner Eich seconded to adjourn at 7:36 pm. Motion passed unanimously.**

Submitted by:  
Gail Gessner  
Recording Secretary