

## EAST BETHEL CITY COUNCIL MEETING

December 4, 2013

The East Bethel City Council met on December 4, 2013 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT:        Bob DeRoche                Ron Koller                Richard Lawrence  
                                 Heidi Moegerle            Tom Ronning

ALSO PRESENT:            Jack Davis, City Administrator  
                                 Mark Vierling, City Attorney  
                                 Mike Jeziorski, Finance Director  
                                 Colleen Winter, Community Development Director

Call to Order        **The December 4, 2013 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt                **Moegerle made a motion to adopt the December 4, 2013 City Council agenda. Koller**  
Agenda               **seconded.** Lawrence asked to have the Supplementary Bill List added to the Consent  
                                 Agenda. **Moegerle amended her motion to add the Supplemental Pay List to the**  
                                 **Consent Agenda. Koller seconded the amendment; all in favor, motion carries.**

2014 Budget        Davis explained that Minnesota Statute 275.065 requires cities to conduct a hearing where  
– Public               residents are offered the opportunity to provide input to City Council on proposed budgets  
Comment               and tax levies. The State requires that each City announce the date, time and place of the  
Period                meeting where residents can provide City Council feedback on proposed budgets and tax  
                                 levies. The date selected must be done at the meeting when the City Council adopts the  
                                 preliminary budget and levy in September. This meeting date was also listed on the parcel-  
                                 specific notices for proposed 2014 taxes that the taxpayers received in November from  
                                 Anoka County.

Council directed that December 4, 2013 as the regular meeting for this opportunity. City Council has afforded a number of occasions during the budget development process to residents for this input including a special meeting on October 10, 2013 devoted solely to discuss the 2014 Levy.

The 2014 Preliminary Budget has been available on the City's website and a paper copy has been at the City Hall receptionist area since its adoption on September 4, 2013.

As part of this agenda, Council will have the opportunity to consider tax levies and budgets for 2014.

Staff is recommending that Council consider input from residents on the 2014 Tax Levies and the 2014 budget.

Michael Beason, "I own three properties in East Bethel and I have my proposed tax increases. They range from 7% on one property, which is the one on 190<sup>th</sup>, 7.7% on Viking Boulevard and the one that I purchased on Lake Minard for my daughter and it went up 16.6%. I guess I am really wondering why? My neighbors across the street on Viking Boulevard is 4%, my neighbor next door to me on 190<sup>th</sup> is 5%. And I go from 7% to 16.6%." Lawrence, "You know that the percentage raised is based on the value of the

property and that comes from the County. We have a water and city sewer project that came in, a big bond due.” Beason, “I realize that, we have been here since 1979, we have been a long time resident. I realize the problem of the money not coming in for the water. But, if you look at the value for the properties, how can one be 7% and one be 16%, I don’t understand that.”

Davis, “Mr. Beason, if you can come in, we can sit down and look at your property statements and try to find an answer to that. We can also talk to the assessor and see if there is any reason for the undue change in market values. But, without being able to see those.” Beason, “I have the market values right here and you have them also, because you are the City. And it doesn’t make sense.” Davis, “If you can come by and we can probably give you an explanation on those.” Beason, “So basically what you are saying is we will give you an explanation of why one is 7% and one is 16%. And, that is just the way it is? Or what?” Vierling, “It is largely a factor of computation based on how the County computed your parcels. And, really, the City is not in a position to go through the Counties software and breakdown the Counties computation of each lot.” Lawrence, “One thing I have seen in the past is you have to make sure you check with the City assessor, because they do make mistakes.” Moegerle, “The other thing is we do have that hearing in the spring where you can challenge your assessment. That you be part of your ability to if we can’t figure out what the issue is.” Beason, “I guess I am frustrated and it shows. The property I purchased by Lake Minard, the property value in 2013 was \$151,000 and in 2014 it is \$138,000 and that is 16.6%. The property I have had since 1979 was valued at \$214,000 in 2013 and in 2014 it is \$200,000, it went down \$4,000 and it is 7%. You take the figures and it doesn’t add up.”

DeRoche, “In March is when the actual taxes come out.” Vierling, “The property values come out.” DeRoche, “The levy has to be put out by law by September. We have until December to figure out what we need to levy to meet the budget. That hasn’t happened yet.” Beason, “But if that comes out in March, right?” DeRoche, “What you got was a preliminary statement; the actual statement will come out in the spring.” Beason, “But if you make your decision in December, by the time spring comes around.” Vierling, “Understand that the City Council has to determine tonight is how many dollars we tell Anoka County they have to collect and spread across all the properties. The methodology by which they make the individual computation parcel by parcel is done at the Anoka County treasurer’s office. If there is a valuation issue in terms of the property values, there is a Board of Review that is in the spring. Basically for anyone that wants to say, “My property value is too high.” But, if you want to know how the County computed your lots, you really need to sit down with them, they have an entire program they go through to compute it and it is very complex.” Lawrence, “I recommend meeting with Jack.” Davis, “If you can give us a call and we will meet with you and get you in contact with the people that can help you at the County too.”

Jeff Martin of 1130 233<sup>rd</sup> Avenue NE, “My value went down 3%, County tax is going down, school looks about the same, but the City is going up about 20% on mine. Is that only because of the bond?” Davis, “That is solely because of the bond.” Martin, “And is that being spread throughout the City?” Lawrence, “Yes. The City levy was going to drop, but the bond made us kick it up. But, 20% is more than what the bond is going to be.” Davis, “The proposed levy on the City side is proposed to go up 17.5%, that doesn’t mean your taxes will go up that much. They can actually go up more. It is all a function of market values and the process that Mr. Vierling described to Mr. Beason. And again, if you have your statement and can drop it by or sit down with us we can give you further information.”

Mike Jeziorski, Finance Director, "I can give you more of a general description on this. The proposed levy was 17.5% so in a static world where everybody's market value stayed the same, your taxes would have went up 17.5%. What you said, was your value went down about 3%, but, the City as a whole went down about 7%. So you are going to actually pick up their additional dollars. So, your 17.5% is because the levy went up and then the other 3% is because your market value went down at a slower clip then the rest of the City's." DeRoche, "And Jack, in the last three years hasn't our general levy gone down about \$1,000,000?" Davis, "Yes, in the last four years the general fund levy went from almost \$5,000,000 to \$4,000,045." DeRoche, "And with the sewer and water project, that is what it did." Martin, "What do you foresee for the future? For 2015 and beyond. Is this going to continue, will it level out?" Davis, "No one has a crystal ball, but Council has discussed what resources we have and to keep from having another spike in the taxes or a tax increase through the year 2018. There may be some minimal increases; we can't say for sure that there won't be. But, there should be no more increases like the one we are going to experience for this year."

Jerry Potts of 23015 Durant Street NE (30 year resident of East Bethel), "What I was wondering is, I thought the sewer and water was going to be covered by all the people that you got into the City like businesses and stuff. All at once it is to the residents? I don't understand that." Lawrence, "That would have been true if they would have purchased the correct bonds for that. They bought general obligation bonds, which means the City is responsible for paying the bonds." Potts, "Are you getting any more people in here, businesses or anything?" Lawrence, "We are working on it." Potts, "Will that reduce our taxes?" Lawrence, "Yes." Potts, "So when do you expect this?" Moegerle, "On the agenda tonight we have 60 new homes." Potts, "Businesses." Moegerle, "They are in the business district. And, we have Minnesota Fresh Farms. All of those things help."

Potts, "With the City going up, the school going higher, and the County about the same, I don't understand where it is going to end." Lawrence, "The more we can draw in, the less impact it will have." Potts, "I voted for a lot of you guys up there. And, I thought by getting out the old people up there that were running it, that you would hold the line on taxes. In other words it still goes up." Moegerle, "We couldn't stop what they had put in place. If we would have stopped what they had put in place on February 19, 2011, instantly everybody would have had to pay \$1,200 to \$2,500 and not gotten anything for it. And then we would have been out of it. That is not what happened. The thought was we can go forward and get businesses, and keep it off our back." Potts, "So when is this going to get paid off?" Moegerle, "2027?" Davis, "2040."

Matt Jasper of 225 186<sup>th</sup> Lane NE, "I live in Bear Hollow, I have been there about three years. I realized I am preaching to the choir a little bit, but, I was doing some looking online. A \$380,000 home in Edina pays \$4,400 per year. I am well under that by \$100,000 for value and I am paying \$4,500 for taxes. So, I am wondering what East Bethel has to offer me to be paying \$4,500 in taxes." Lawrence, "Well, one of the reasons your taxes are higher is Edina has a much higher commercial base, where the businesses pick up a lot of the tab. Otherwise they would be looking at the same type of a deal. For a long time East Bethel said they didn't want businesses all we want is homes. That means the taxpayers with homes, have to cover the taxes. Because we didn't have a business base, we have no business base to draw from to make your taxes go down."

Moegerle, "Commercial property pay a higher tax rate. They pay a higher portion, and right now, I think it is 3% of East Bethel's property taxes come from commercial properties. So,

once this project went in, and yes it was promised once they come they will pay and that just wasn't the way it was working from the very beginning. And they knew that three years ago. So, the big push is let's get the right development along Highway 65, and when we attract those and secure that, then their taxes will start paying for this. They will kick in and the rest of us will start paying less. The big push is to be able to afford to attract them and bring them in." Jasper, "I understand that the commercial businesses are going to pick up most of the tab. And, I don't want to speak on everyone's behalf but the reason I moved up here is because I like having two acres and being more spaced out. If I wanted Wal-Mart, Target or Cub foods, I would have moved five miles down the road to Ham Lake or Andover. I know it wasn't on you, it was on the previous Council, but it is frustrating being a 28 year old guy living in my own home. I have one whole month worth's of work to pay for my taxes."

Moegerle, "We want to attract the right mix of businesses here. And we hear a lot of "I want a Wal-Mart and I don't want a Wal-Mart." So, you are looking at five people that are going to have to make those decisions of who we attract once they come here. So, please be part of that dialogue. And, knowing that if Target comes, (there is no inkling of that, this is all hypothetical) if a big box comes, that reduces your taxes. Does that change your mind on whether you want them here or not? And, remember it is just the corridor, ¾ of a mile on the east side of Highway 65." Lawrence, "Essentially what that means, is right now we are looking for the more industrial/commercial, not so big type of companies. Big enough, we now have the sewer and water and before they didn't want to come because we didn't have sewer and water. We brought in Aggressive Hydraulics and they needed a water suppression system for their building. We couldn't provide that without the water tower." Jasper, "I know that was a big problem with Fat Boys and other businesses, having to get their septic pumped every Friday. I understand that, but it seems like there are a lot of ifs and buts, we can't guarantee that these people are going to come up here. So, I hope you try to explore some other avenues besides just putting it on the residents. It is frustrating to live in East Bethel and pay \$4,500 in taxes here." Lawrence, "What else we have done is started up an Economic Development Authority (EDA). And, what that does is it goes out and looks for businesses to come here and set up shop. And we are putting our efforts there to facilitate lowering your taxes." Jasper, "Another thing to look at is, if you are looking at getting young people like me to come up here and build and start families. They aren't going to want to if they see they are going to have to pay this much in taxes." Ronning, "Did you say what your taxes were before they went to \$4,500?" Jasper, "My taxes jumped up 27%, 21 or 27 on my proposed tax statement. It went from \$3,300 to \$4,400." Moegerle, "Are you in the St. Francis school system?" Jasper, "Yes, but that went up very minimal and I have no issue paying for education. That is the future of America. My house was appraised at a low \$280,000 and I think it is fair and it jumped up to \$4,400. Just for what East Bethel has to offer. I know we have Hunter's Inn and Another Man's Treasure, but."

**Moegerle made a motion to close the public hearing on the 2014 Budget. Koller seconded; all in favor, motion carries.**

Public Forum Lawrence opened the Public Forum for any comments or concerns that were not listed on the agenda. There were no comments so the Public Forum was closed.

Consent Agenda Moegerle, "I want to pull items B) Flat Rock Geographic LLC Contract Renewal 2014; C) City Administrator Vacation Accrual Payout."

**Moegerle made a motion to approve the Consent Agenda including: A) Approve Bill;**

**~~B) Flat Rock Geographic LLC Contract Renewal 2014; C) City Administrator Vacation Accrual Payout; D) Pay Estimate No. 3, LaTour - Castle Towers/Whispering Aspen Forcemain; E) Pay Estimate No. 2 for Whispering Aspen Street Surface Improvement Project and the Supplemental Pay List. Koller seconded; all in favor, motion carries.~~**

Moegerle, "Item B) Flat Rock Geographic LLC Contract Renewal for 2014. I wasn't satisfied with the agenda write-up which the public will look at. It says services for \$65 an hour for 144 hours. I did get supplemental information on this, and at that time I didn't have specific information on what they were going to do. At this point, I don't have a complete statement of what they have done for us past year. I am really reluctant to sign a contract for continued work when we have no way of measuring if the citizens have gotten any value for this. My concern for this, is as much as the write-up as the contract. I don't know if anybody else had a concern about approving a contract where we didn't have any record of what was achieved, other than staff saying they were satisfied with the services."

DeRoche, "Jack do you or Colleen have anything to add?" Davis, "I sent out an e-mail at about 6:00 p.m. This is just a standard service contract. A lot of it is service driven, like a lot of our other contracts such as legal, engineering, Sheriff's Department; we don't specifically list goals to attain. It is driven by staff and issues that come up. There are a few general items we do include in there to address. I will say that the GIS Rangers have worked for the City for seven to eight years. For the last four years they haven't raised their rates. They did raise their rates from \$60 to \$65 this year. We do know from our City Engineer that if we contracted this out to others we would be paying in the \$70 to \$90 range. It is an important tool for functioning of City business. It has all of our maps and geographical data, property information, environmental data, planning and zoning, they will prepare maps for the Comp Plan, maps for the website, utilities maps; there is a lot of work they do. They come here twice a month. I appreciate Ms. Moegerle's concerns, but staff is very satisfied with their work and we feel like we get a good value for their service."

DeRoche, "It is already in the budget, isn't it?" Davis, "That is correct, it is in the budget." Moegerle, "We have these consent agendas, it is public information, people should know what we are getting for these services. Subjective satisfaction, I understand in some cases that is what you have to have. But, if you have standards and goals to be achieved, I would like to see then a year from now that we have achieved these goals." Ronning, "Within this proposed agreement, Item 5. Termination. With or without cause, if we are not satisfied, we don't have any problem getting out of it. So, if they are good they stay, if not, we get someone else. I personally don't see anything wrong with the agreement when you have that kind of protection." Moegerle, "I agree, but if we aren't getting a report that we are making suitable progress except that every year we approve this contract. That is my concern." DeRoche, "Didn't you e-mail that out as to what they have done?" Davis, "Yes." DeRoche, "Is there anything that Colleen can add?" Davis, "She prepared the information that was sent out. I am totally satisfied with what they do, it is like a lot of other service contracts, and they are service and staff driven for needs as they come up."

**DeRoche made a motion to approve Item B) Flat Rock Geographic LLC Contract Renewal 2014. Ronning seconded.** Lawrence, "Do you want to contact Colleen?" Colleen Winter, Community Development Director, "The only comment I want to make is we work in this every day. Three to four people in our department utilize this constantly. And when citizens come in, there are three things on the agenda tonight, and I sat down with at least two of these folks and they physically came to my office and we take a look at this program."

So, it is necessary to have, it is serving not only our needs, but also the needs of the citizens.  
**All in favor, motion carries.**

Moegerle, "I pulled Item C) City Administrator Vacation Accrual Payout because that chart standing alone didn't make sense. I have since received an e-mail from the finance director and I know understand that, but it is not particularly meaningful to the citizens. But, the real reason I pulled this was in regard to Resolution 2013-30, on page 18. At that time we suspended the rules? My question to you is do we need to suspending the rules or have the major duties associated with the infrastructure project abated and we can go back to the regular personnel plan?" Davis, "We do and what we also approved was anything that was carried over could be carried over at the end of the year. That was also part of the personnel policy adjustment so we are in good shape there." Moegerle, "So, did we actually suspend the personnel policy and how do we go about normalizing after this exception?" Davis, "After this exception, this whole thing goes away and it addresses the situation." DeRoche, "Wasn't this for the City Administrator and Public Works Supervisor?" Davis, "It was, but the City Administrator at that time was Mr. Sell."

**Moegerle made a motion to approve Item C) City Administrator Vacation Accrual Payout. Ronning seconded; all in favor, motion carries.**

Joseph & Jane Morgan –  
 Variance for setbacks at 3710 Edmar Lane NE

Davis explained that the applicants, Joseph and Jane Morgan are requesting two different variances (both side yard setbacks) to construct a new home and septic system on their property. Mr. and Mrs. Morgan purchased the above reference property and tore down an old cabin on the property. They now wish to construct a new home and install a new septic system that will replace a non-compliant system. Because this property is located in the Shoreland Management District, they are required to have the house constructed 75 feet from the ordinary high water mark on Coon Lake. They are also required to have the house setback a minimum of 20 feet from the septic system. However in this case, the garage is located on the front of the house, and that portion of the structure is allowed to be located 10 feet from the septic system. In addition, the City requires that a proposed septic system be setback from the front property line a minimum of 10 feet. Mr. and Mrs. Morgan are complying with all of those setbacks.

However, due to the need to meet those standards, they need to request variance on both sides of the property. Normal side yard setback requirements are 10 feet and the Morgan's home will be located 5 feet from the west property line, and the proposed edge of the drain field will be located 8 feet from the east property line. This lot is very narrow and long, and due to the unique geography and the location of where the septic needs to be put on the property because of the design, there is no other appropriate location on the lot for the septic, so therefore the following are the variance requests:

- 5 foot variance from the normal side yard setback of 10 feet on the west side of the property for construction of a home
- 2 foot variance from the normal side yard setback of 10 feet on the east side of the property for the construction of a drain field.

The Planning Commission voted 7-0 to approve the variance requests at their November 26, 2013 meeting.

The Planning Commission recommends that the City Council approve Mr. and Mrs. Morgan's variance requests as outlined above.

**Moegerle made a motion to approve the request of Joseph and Jane Morgan for a variance at 3710 Edmar Lane NE, East Bethel, MN 55092 (PIN 35-33-23-21-0012) Lot 12, Block 1, Edwards Beach for a 5 foot setback from the normal side yard setback on the west side of the property for the construction of a home and a 2 foot setback from the normal side yard setback on the east side of the property for the construction of a drainfield. DeRoche seconded.**

Moegerle, "With regard to the plat map, within the proposed house drawing it says elevation 913.9 and then it says "Caution". It is immediately to right of proposed house on page 29 of our packet." Winter, "What that refers to is that they have to have a three foot separation, whether it is from the flood plain, ordinary high water mark, or whatever the mottled soil is." DeRoche, "Is that your fence or the neighbors?" Mr. Morgan, "They have a well there and it is there for safety." DeRoche, "I don't see much else they can do with it, but what they have planned." **All in favor, motion carries.**

Bruce &  
Sharon  
Johnson/Minn  
esota Fresh  
Farm– Interim  
Use Permit  
(IUP) to  
operate an  
Agri-tourism  
activities  
business

Davis explained that the applicants, Bruce and Sharon Johnson owners of Minnesota Fresh Farm would like to open up an agri-tourism business on their family farm located at the northeast intersection of Klondike Drive and Highway 65. In 2014 they propose to offer services which would include U-pick strawberries and raspberries, a Pumpkin Patch, a child's Corn Maze, and other family agricultural activities. Their long term plans include renting out space for weddings, renovation of an existing barn to accommodate a small retail area, cooking and food preparation classes.

The current zoning designation on the Johnson property is R2 (single and two family residential). Portions of the property are also designated as a significant natural environment overlay district. The type of use that the Johnson's are proposing is not permitted in this zoning designation unless an Interim Use Permit (IUP) is approved for the activity. Permitting an agri-business would not be un-compatible with the Highway 65 commercial zoning that is immediately north and south of the Johnson's property. The issue and rezoning of the Johnson's property could be addressed as part of the comprehensive review for updating the zoning along the entire Highway 65 corridor that will be conducted in 2014 to reflect the development potential and the requirements in this area. In order to address the Johnson's needs for their business plan, consideration of an Interim Use Permit could be an alternate that would permit them to operate their business until other land use decisions are finalized.

The Planning Commission voted 5 to 2 to recommend approval of the Johnson IUP at their November 26, 2013 meeting and is requesting the City Council consider the approval of an IUP for Bruce and Sharon Johnson for the operation of an Agri-tourism business subject to the following conditions:

1. An Interim Use Permit Agreement must be signed and executed by the property owner and the City.
2. Property owner shall provide access and parking from the second driveway entrance from Klondike Drive NE.
3. That all parking shall be located on site and not on Klondike Drive.
4. Property owner shall obtain appropriate permits for signage as outlined in the Sign Ordinance Section 54-8 Central Business District.
5. Property owner shall obtain all appropriate building permits and comply with applicable building and fire code requirements.
6. Interim Use Permit shall be granted for a period of 2 years, beginning on the date the

IUP is approved by City Council.

7. Permit shall expire when:
  - a. The property is sold, or
  - b. Non-compliance of IUP conditions
8. Property will be inspected and evaluated annually by City staff.

**DeRoche made a motion to table the Bruce and Sharon Johnson Interim Use Permit until the City Council can hold a work meeting to discuss some zoning issues regarding this.** Moegerle, “Can I have more information on what the issue is?” Lawrence, “There is a motion to table.” Vierling, “There is a motion to table, if there isn’t a second, it fails, if there is a second then you go straight to the vote with no discussion.” **Ronning seconded.** Ronning, “Request to clarify, is it tabled to a work meeting and then after we hold the work meeting and those issues are resolved it will be addressed?” DeRoche, “Yes.” **Koller, Moegerle and Lawrence, nay; DeRoche and Ronning, aye; motion fails.**

**Moegerle made a motion to approve the Interim Use Permit (IUP) as requested by Bruce and Sharon Johnson at 20241 Highway 65 NE (PIN 20-33-23-13-0001 & PIN 20-33-23-14-0001 for the operation of an agri-tourism business subject to the following conditions: 1) An Interim Use Permit Agreement must be signed and executed by the property owner and the City; 2) Property owner shall provide access and parking from the second driveway entrance from Klondike Drive NE; 3) That all parking shall be located on site and not on Klondike Drive; 4) Property owner shall obtain appropriate permits for signage as outlined in the Sign Ordinance Section 54-8 Central Business District; 5) Property owner shall obtain all appropriate building permits and comply with applicable building and fire code requirements; 6) Interim Use Permit shall be granted for a period of 2 years, beginning on the date the IUP is approved by City Council; 7) Permit shall expire when: a. The property is sold, or b. Non-compliance of IUP conditions; 8) Property will be inspected and evaluated annually by City staff. Koller seconded.**

Ronning, “We looked at some of these before, some of it is swamp, some of it is sod field. An example I can give for certain is the Old Our Savior’s Lutheran Church was zoned as religious and it was turned over to commercial so you couldn’t sell it or use it. The whole point is there is a history to all of this. Is there some way we know what the zoning was prior to R1 and R2?” Winter, “The zoning prior to R1 and R2 was probably agricultural. I can check on that. But, the significant environment overlay has been on that property, whether or not the R1 and R2 has been underneath. The key to this property is that significant natural overlay district. It doesn’t make sense for it to be R1 and R2 because you are not able to build that high density of housing in this area because of that overlay that is there is on top of it. There is something about this area that either needs to be preserved for recreation; we are not sure what all it is. I don’t know if there are protected species out there. I did made a call today to Anoka County to see if they knew why the designation was put on top out there. Is it just because it was agricultural for a long time and sod fields. But, the R2 here, in my mind it doesn’t make sense to be zoned R2. There are better places for it to be R2. If anything it should be zoned like the recreational or business zoning so it matches with the other two zonings north and south of it.”

Ronning, “My curiosity is whether there is a prior history, I don’t know that there is or that I find any intent or purpose for changing it. I suspect the change was when they were working with the Met Council on the sewer and water project and rezoning a lot of R1 and R2. But, I

don't know if we will know that."

DeRoche, "My reason for wanting to table this is we had no reason why the zoning is the way it is and how it got there. However, there has always been talk about the comp plan; we have to redo the comp plan. People spoke tonight about their taxes being too high because we need to bring in businesses and we are in a situation where we only have a certain amount of area to put businesses that are going to get enough commitment to have enough ERUs to pay for this thing. I think it is a bad precedent that every time something comes up, we change the zoning without looking at our comp plan. It is like a Sims Game, except it is a serious Sims Game here because we only have a portion of the Trunk of 65 that can be developed. Anything farther than 3/4 s of a mile is going to be at the City's cost or the developers if they decide to come in. Secondly, if someone puts a lot of money in this and down the road it is decided that this really isn't fitting into the situation here, it really puts the City in a bad situation. And, don't get me wrong, I think a pumpkin patch and berries, is fine. But, I also look at what has been preached for the last three years about what we need to do, we need to bring in businesses and bring in connections. Because if we don't have the connections, then the 17% could just be a start. At what point do we say, hey we really need to take a look at this. Again, I hate to be a killjoy, by wanting to table it, but there is an awful lot of information that I still don't have and maybe some other people have, they have had meeting or whatever. But, I am not privy to that and that is just the way it is."

Sharon Johnson, 20241 Highway 65 NE, "I am the property owner, I am surprised. When Jack read the information, you said the Planning Commission approved it 5 to 2, it wasn't 5 to 2 it was 7 to 0. To know the Planning Commission that we have gone to two meetings, they think it is a good idea. It is not a Sims Game, this is serious to us. It has been a family farm for four generations and it will be a family farm for four more generations. I can assure you that there will not be a housing development on that property. It is a farm and will always be a farm. We want to bring the type of businesses that the people want, not Target and Wal-Mart, a family agri-tourism business like Shakopee, Apple Orchards like they have. If we table this, we can't plan for next year, we have to get a well permit, and we have to start thinking about our planting. We are dealing with Met Council with areas they are using right now that we want to use."

Davis, "Sharon, I apologize for that. It was 7 to 0; I got it confused with the one coming up. Thank you for making that correction for me." Moegerle, "The big picture, Ms. Johnson came to the EDA and spoke to us. One of the most important considerations for us is the property is in the Significant Natural Overlay District. The property is not going to be able to be used for any other type of business and I am excited for this to come in." DeRoche, "To table this was probably going to be for ea week. I have seen a lot of decisions made on lack of information and it has put us in a bad spot. I was looking for more information. . Whatever is in the packet is in the packet. I haven't had the luxury of talking to you and going on some history of things that have happened in the past, I owe it to the rest of the residents to at least understand what I am going for. Once the decision is made it is made and ti is not to stop someone's business. If you were up here or anyone else in this room, I would hope that you would sit down and make sure you have enough information that you could make a common sense choice and say, "Okay we are going to do this." Because if something doesn't work, then we are into other issues."

Johnson, "And, I respectfully say that we have given you a nine-page plan of what we plan to do with the property. For now and into the future. This is a business that is going to be attractive for the City." Lawrence, "The information we have been given from Colleen is

that this property is only suitable for farming. Not suitable for building as it has been rezoned for. It is an interim permit and only good for two years. When you get down to the two year mark, get in here to renew it. According to Colleen this is a good fit. I think I have to respect her opinion. With that I will call for the vote.” **All in favor, motion carries.**

Viking Preserve – Preliminary Plat – Residential Development at Viking Blvd. and Jackson St. NE

Davis explained that Don Shaw dba: Shaw Trucking hereafter referred to as “The Developer” is proposing to build a single family residential development. The property is zoned three different ways – City Center, R2 and R1 with a Planned Unit Development overlay in the R1 and R2 districts.

The primary purpose of the planned unit development (PUD) provisions is to allow flexibility and variation from conventional ordinance standards in exchange for higher standards of development design and creativity, architectural control, natural resource protection, landscaping, public parks, public and private open space protection, pedestrian access, and multi-use corridor opportunities. The PUD provisions are also intended to promote the efficient use of land and promote cost-effective public and private infrastructure systems.

The Planning Commission reviewed the Concept Plan of this property at the regular meeting in October and based on Planning Commission feedback, the Developer proceeded with the preparation of the Preliminary Plat.

The preliminary plat was presented to the Planning Commission at their November 26, 2013 meeting and they approved the preliminary plat as presented in your packet by a 5-2 vote.

This development has the potential to produce \$336,000 in City SAC and WAC fees and be a stimulus for further development along Highway 65 and Viking Boulevard.

Staff requests Council consider approving the Viking Preserve Preliminary Plat as approved by the Planning Commission with the exception that Taylor Street, as shown on the preliminary plat, not be connected to the existing section of Taylor Street that terminates at the northern property line of the East Bethel Water Treatment Plant at this time. It is further recommended that Taylor Street, as indicated on the preliminary plat, to be constructed to serve the development, terminate in a temporary cul-de-sac at the south property line of the East Bethel Water Treatment Plant with the details of the cul-de-sac design to be provided in the final plat.

**Moegerle, made a motion to approve the preliminary plat for the Planning Unit Development for Viking Preserve/Don Shaw with the comments as listed in the write-up in the December 4, 2013 packet. Lawrence seconded.**

DeRoche, “It is listed in there that Taylor Street will not go through. Jack and I discussed my concerns.” Moegerle “Can you give us reasons for Taylor Street not going through?” Davis, “There are a number of reasons for that. Number one, we don’t feel that it is needed for emergency services access. There will be two entrances to the development, one on Jackson Street and the other off of County Road 22. If the Taylor Street access was connected, that would not necessarily improve the access because if you come down Taylor you would have to go off Polk, make a 90 degree turn on an unpaved street and then another 90 degree turn and it is not going to get you in there any quicker. Also, we don’t need all that additional traffic through an existing neighborhood, nor do we need it by the water treatment plant. We can put a curb cut in the cul-de-sac if emergency vehicles have to come in that way for some reason, they can still access it without the street. Also, it will save the

filling of additional wetlands on the street by the water treatment plant.”

Moegerle, “Under recommendations it says, “Will terminate at a temporary cul-de-sac at the south property line. Temporary to me says that something more permanent will succeed that temporary cul-de-sac. So do we know what that is going to be? Or why is it a temporary cul-de-sac?” Davis, “Not necessarily. The City has approximately 37 temporary cul-de-sacs now that are designed for some time in the future. They are there for a reason, by design. To access vacant property sometime in the future if it is needed. In this case at some time it may be desirable to make the connection. There may be some changes on Taylor in the neighborhood and they may want that paved. At this time we don’t see a need, but the temporary cul-de-sac can be extended if needed some time in the future.” Lawrence, “I think we have some residents that are here and want to give some comments.” Ronning, “I think there were comments at the Planning Commission from residents that were not favorable about extending the street. They will probably say the same thing, there is unlimited speed right now and there are kids down there.”

Roger Geist of 918 197<sup>th</sup>, “I do believe in what you are saying. I was out of town last week and unable to attend the meeting. Due to the fact, exactly as Jack stated, the emergency status to bring a road through there is ridiculous. To the fact that the road is now gravel so in order for you to service it, I would presume you would be upgrading it to pave it. And with that you bring the speed. We have a number of children and pets living on that street. I see no reason for it when you have the access from Jackson and 22 already. And Jack alluded that you have to go backwards to go forward to get from Polk to Taylor. That would only serve the purpose of our volunteer fireman that are coming from the north. And, raise the dust.” Lawrence, “Do we have anything on MIDS to control the dirt and dust during construction?” Winter, “There is in our engineering manual and our engineer will be addressing that.” DeRoche, “Are you talking about during construction or after construction?” Geist, “Both. When they were moving dirt out of there it looked like the sandstorm of the 1930’s. I wasn’t there, but I saw pictures.”

Geist, “I do have something else. Do we have any layout of berms from the existing properties?” Winter, “The berms are on the south side of the property, on 22.” Geist, “Why would you put a berm next to the Highway, when we have residents next to the Outlot C within 30 feet? Which one of you folks would like to live next to that when you have been there for 30 years. We know we aren’t going to stop this project. We are trying to work for the best for Shaw, for you, for the residents. I am hoping the Council will listen to us residents, instead of pushing us off like the previous Council did.” DeRoche, “Then come in here and talk to Jack and Colleen.” Lawrence, “We can try to address that.” Winter, “If I can address that, and it is not a map I have right now. But as part of the tree preservation plan, it is the intent of the developer to minimize the loss of the trees there. I am not sure that requiring the developer to go above and beyond, that is up to the Council. Lot 16, that is an Outlot now, originally that was planned to go all the way back and now that is there as somewhat of a protection to the property of the north. The developer does understand the concerns of the residents. As far as the berm goes, it does make sense on the County Road side, but it is up to you. If you have them put a berm on that side, you do have to consider if that negatively impacts the drainage. It could negatively impact how that drainage happens. Right now we have a grading and drainage plan that is draining that appropriately to all the storm sewers in the development. So I want to ask that when you approve the preliminary plat, that you make it subject to all internal staff requirements. Whether it be our engineer, our attorney, our TEP. We can try to address the concerns of the residents. But there is a section in our ordinance that addresses tree preservation.”

**DeRoche made an amendment to the motion as follows: approval is subject to all internal staff requirements. Ronning seconded the amendment.** Moegerle, "If we approve the amendment, when will we get to see these requirements and make comments on them?" Winter, "The next process is we have a staff meeting tomorrow. The Technical Evaluation Panel which is the City, Anoka County Conservation District and Bowser, (TEP) I believe is meeting Friday to talk about the wetlands. With Council giving the go ahead with Taylor Street being a cul-de-sac versus a through street, that will change how the wetlands are going to be delineated. There will be a little less wetlands delineated. But, that still comes under the rules of the TEP. In January a Final Plat will go before the Planning Commission and which will include the comments of staff and the TEP. At the same time we are doing that, we will be meeting with the developer and they will be made aware of any concerns or any points of clarification we have with him so we can start those discussions internally. And, this will be addressed through the final plat and through the developer's agreement, which we will begin negotiating with the developer, all the things we have talked about this evening."

Ronning, "Can you explain what the does to the developer's timeline for them to proceed?"

Winter, "It is the same timeline that we have been looking at. When I met with him, I let him know that we would address the final plat at the January Planning Commission meeting and then approval would be at the February Council meeting, along with negotiating a developer's agreement. It should fit with the same timeline he has been looking at."

Moegerle, "I have a question about windbreaks and trees along the perimeter. Is that possible and would that help with the drainage and would that address some of the concerns of the residents?" Winter, "If you are referring the request of a property owner that a solid line of trees is put along this line, I am not sure that this is something we can have the developer do. I guess if the Council wants they can do it. I just keep going back to the fact that one of the things they will be doing is, they will be staking all those trees. It is the intent of the developer to minimize the number of trees that is coming out of that area and the impact to the residents in that area. Plus the drainage is set up to come back here on this Outlot."

Moegerle, "Those Outlot's are going to be your MIDS or drainage areas?" Winter, "There are three outlots. Outlot A is a wetland, Outlot B will be developed in the future and will be commercial and Outlot C serves two different purposes. One is as a break between where this development occurs to minimize the impact and if in the future it were to develop there is a ghost plat here. And there are two or three other ponds for drainage."

Moegerle, "What does exceptions mean?" Jason Rudd, Ham Lake resident, "Exceptions, there are a handful of exceptions, and they are exceptions to what we own. They are City property. Parcel that is northeasterly of the pond and the other parcels that are exceptions are also owned by the City. The other questions about the north line of Lot 15, Doreen had asked me to meet with her and look at these four trees and see if we could save them. I really think we can save these four trees. This is the layout of the house footprint and how we can fit it in there and save the trees. It would work better than a berm. The reason for the berm on the County Road 22 is it provides a buffer for future residents in Block 1, that is a busy road. Don plans on planting trees along that entire buffer which will run the entire length of County Road 22 and provide a nice buffer for those residents. It will be a nice buffer and the majority of those trees will be saved as well. And, we are providing a nice screening there as well. I won't take offense to the gentlemen asking, "Would you like to live here? I do personally think it will be a nice development. We are providing nice paths and other things where they will reside."

Doreen Murray, "I am right next door to Outlot C. I don't think a berm will work there either. What I want is more trees and I have always questioned those trees there. If there is any way to put any extra trees or bushes. It is going to be a big change for us to have all this next door. That is really what I was requesting."

Koller, "I have had a lot of residents talk to me about this. And, all of them have told me they don't like that small of a lot. Because of that, I have to vote against it." Winter, "This is in a Planned Unit Development. It is in an area that was planned for higher density, it has the sewer and water. It actually was planned for three units per acre. These lots are a little bigger than that. The smallest lot size is 8,400 and it goes up to 11,000 in some cases. So they actually are bigger. The residents from their prospective, they are not used to this type of development, because we have never had this type of development before. Because we have never had urban services before. This is truly at an urban density level. In order to maximize the use, this is an appropriate lot sizes for this area." Koller, "We have Whispering Aspen, that is similar and after about nine years there are still ten open lots there. People move up here because they want room." Winter, "There could be a number of factors of why that may be. What the developer is seeing is number one they can make it work from an economic standpoint. These are the types of lots that are being sold. Looking at Blaine, there is the higher end on a smaller lot for the empty nesters, and single family starter homes." Koller, "I am doing what the people ask me to do."

Ronning, "I had an opportunity to speak with Mr. Shaw after the last Planning Commission meeting and he has done a fairly extensive survey and the people the he is appealing to don't want to do yard work, they don't want to do maintenance, they want a comfortable home to come into. And no offense, but we aren't buying them and that is the customer." Moegerle, "When we had Ady Voltedge out here, I spoke with David their planner. And he spoke to having smaller lots and reserving the back yards as public areas. That was a trend that was being looked at so everyone could have access to those areas. So, I was going to ask why are they so large if the trend is that they are smaller?" Winter, "What you are referring to Heidi is common interest community platting, and that is really what you see with Townhomes and those other types of concepts. Again, I feel the developer has done their research and this is what they feel is going to work in this area."

Halstruck of 852 197<sup>th</sup> Avenue NE, "I appreciate the recognition of what the residents spoke on and what we are looking for on this development. As Roger spoke to is we are going to be dealing with it one way or the other. And what we are looking forward to is working with it, instead of against it. Looking at the map, we are just to the north of Outlot C. And, while it is probably unrealistic, it would be great to have #15 included in Outlot C there. It would be nice to have keep the trees, have the trees. It would be nice to have some privacy trees planted there as well as having the trees saved there in the best interest of the residents there."

Lawrence called for the vote on the amendment. **All in favor, motion carries.**

Lawrence called for the vote on the preliminary plat. **Koller, nay; DeRoche, Lawrence, Moegerle and Ronning, aye; motion carries.**

2014 Budget  
Discussion

Davis explained that at the September 4<sup>th</sup> 2013 City Council meeting the City of East Bethel approved a preliminary General Fund/Debt Service Fund levy of \$5,230,742 or a 17.5% increase over 2013. The reductions, as described below, have since been incorporated and have resulted in a reduced levy figure of \$5,126,950 or a 15.1% increase over 2013.

At the September 4<sup>th</sup> 2013 City Council meeting, the City of East Bethel approved a preliminary EDA levy of \$133,022 or a decrease of 8.1%. The EDA levy has been reduced by \$10,000 since that time and the proposal for the final 2014 EDA Levy is \$123,022 or a 15% decrease from the 2013 amount.

The Levy amounts must be submitted to the County Auditor by no later than the close of business on December 30, 2013. Staff recommends, that unless there is a new proposal for budget reductions, the 2014 Budget and Levy and Resolutions 2013-66 and 2013-67 be approved at the December 4, 2013 City Council Meeting.

Staff recommends Council consider approval of the 2014 Budget and Levy and consider separate and individual approval of Resolutions 2013-66 and 2013-67. Should Council desire to continue 2014 Budget deliberations, Staff requests direction as to other adjustments for the 2014 Budget.

**Ronning made a motion to adopt Resolution 2013-66, General Budget and Levy.**

**DeRoche seconded.** Moegerle, "I have made suggestions throughout this discussion and it hasn't gained traction. I am going to restate my concerns and objections, but they stand here as if I repeated them at length. So, I object to this budget." DeRoche, "I guess we could always shut down the government. We have to have a budget, or we go back on last years." Moegerle, "That was never my suggestion. I think there are additional cuts that could be made and are not damaging." DeRoche, "Anything that hasn't come up in the last 20 meetings?" Ronning, "Attachment four?" Davis, "It is the resolution." Ronning, "Resolution 2013-66 General Fund Levy and Budget – attachment #4. That confused me. What are the results of this?" Davis, "This will reduce it to 15.1%." Ronning, "This is what we discussed last week?" Davis, "We have outlined a general plan on how to address the General Bond Issue 2010C which comes due in 2016 & 2017. And, to address the first principal payment in 2018. This increase that we are having now will probably be with us always. This is what we need to do to pay the interest on the bonds. Our challenge to date is to find ways to reduce this. And to find ways to make sure we don't have another huge spike in the tax increase." Ronning, "After the Town Hall Meeting, we have to keep in mind that the Met Council seemed like they were certainly willing to listen. Everybody has inherited this, so it will take everybody to fix it." Davis, "That is true. With the Met Council, whatever we can negotiate with them, will have no effect on this budget. Because the bonds are separate from what our obligations are to Met Council." DeRoche, "I know what we said at the Town Hall Meeting, we were threatened with a lawsuit. The fact that he has stated he has had several meetings with the Council on working this out. I would be curious to know who he had meetings with. Was he just talking or are they saying, "We really do need to look at this." Most people I have talked to have said they wouldn't want to be up here, but, work on paying the bill and move on." Ronning, "Work on fixing this instead of crying." DeRoche called the question." **Moegerle, nay; DeRoche, Koller, Lawrence and Ronning, aye; motion carries.**

Lawrence, "I agree with Heidi, we could have probably dug a little deeper and made more cuts." Davis, "And in order to cut the levy 1% we have to come up with another \$45,000 in cuts. This is probably the best balance you can do to retain services and address the issue. This is probably the 20<sup>th</sup> meeting on the budget. This is overall a good effort to minimize the increase." Ronning, "We have control of the expenses. If we are able to trim anything during the course of the year, we are able to reduce it."

**Moegerle made a motion to adopt 2013-67, EDA Budget and Levy but amending it to the original amount of \$133,022 as originally set forth by staff. Lawrence seconded.**

Lawrence, "The reason I seconded this is the EDA is going to be one of the tools we use to solve the issues. And with no funds, or lack of funds, we will be completely powerless if someone comes in wanting some help. So it is crucial that we get the EDA budget in place." Moegerle, "I made the motion because I see that the EDA is charged with bringing businesses to East Bethel. I see an analogy with that budget with our capital improvement budget and our equipment replacement budget. The EDA is for investing in our future and that investment often is intangibles. But, it is no less important than saving money for buildings or equipment. And that \$10,000 if we need that, it will come out of the general fund. I don't think that is the place we should do it. If this year a budget of \$133,022 is not expended, it will roll over. We don't have money from 2013 to roll over. For that reason I see the investment in our future is worth it." Ronning, "At the last meeting, one of my questions was this would work up to \$413,000 overall. Over the total of three years this comes up to over \$400,000 and what do we have to show for it. The priorities I heard was to help for a grant so we would have air support and we opposed that for \$133,000. My priority was having safe fire fighters." DeRoche, "I would like to cut another \$10,000." Ronning, "We will have to turn it down and take another \$10,000 out."

Lawrence, "You are taking all the money from the EDA. Why don't you just take it all away." DeRoche, "We are not taking it all away. Why don't you call around and see what other cities have. This is a lot more than other cities have." Moegerle, "Are those cities in the same boat as us? Just starting up from nothing?" DeRoche, "I have been asking for the last three years, with over \$400,000 what has the EDA done with it? Because I get asked the question." Moegerle, "We have a website that we didn't have before, we have a reader board. We have the information from Ady Voltedge that we use. We have to update the comp plan. Unfortunately it is not always going to be a tangible. Getting our zoning up-to-date. Dealing with Met Council. Getting a contractor in here to help with the comp plan update. To help with the agri-business, those people are directly affected by this. Going forward there will be more and more momentum of the tangibles. It is a lot of paperwork." DeRoche, "As far as the zoning goes and the comp plan, I don't know why we would do it. Because every time someone comes in here, we are just going to spot zone." Ronning, "I misspoke, it is \$401,016." Moegerle, "Remember, the EDA can't spend any money." Lawrence, "The Council spent all this money." DeRoche I call the question. Ronning seconded the question. Davis, "In reviewing this, everyone's individual budgets have taken reductions. I think we can operate effectively with the \$10,000 reduction that was proposed. I would appeal to not reduce it anymore than proposed." Lawrence, "With what Jack has said, do you want to change your motion?" Moegerle, "No, because that is not what he told me this afternoon." **Moegerle, aye; DeRoche, Koller, Lawrence and Ronning, nay; motion fails.**

**DeRoche made a motion to adopt Resolution 2013-67, EDA Budget and Levy as written. Koller seconded; all in favor, motion carries.**

Staff Reports

Davis, "I have some tentative dates from Met Council to hold some meetings in January to discuss our situation with them. I will be sending those out this week to get some feedback, see how we want to approach that and see if we want to set a specific date to meet with them."

Council  
Reports – Bob  
DeRoche

DeRoche, “I thought we were going to talk about some kind of Code of Conduct earlier, but apparently that didn’t work. I don’t know why it is that when things come up and someone wants information there seems to be hostility. Because questions are being asked, and it is not questioning anyone’s research, it is not questioning anything else. It is because I am looking for more information. And, again, it is not our job to sit up here, we are not going to make everyone happy. We are five individuals that the people put up here. Whether they thought we were going to doing what we said or not, that is what we said we were going to do so that is why we are here. Some people have a little different approach, but, with that being said, I think it is important that there is a certain amount of decorum that goes on in here. And to get upset with somebody because maybe they are touching the wrong cord, doesn’t work. What it does is it creates a lot animosity. And, then things start building and building and now we aren’t getting anything done. It is only 9:15 and we are doing Council reports, that is pretty good. And that should happen more. As far as I am concerned, staff gets a packet, we get it delivered, we look at it, and hopefully we have time to look through it, we come here looking for any added information there is. We make a motion, second it, and there should be very little discussion and move on. The time for lobbying is not here.” Lawrence, “I agree.” DeRoche, “It is look that is what I think and I thought 20 meetings ago. Everybody is taking a hit. We have a bill to pay and we can’t walk away from it.”

“Otherwise, the snowmobiles are out on the ice. Good luck.” Lawrence, “How much ice?” DeRoche, “Some of the guys I am talking to say there is 68 inches. But, the ice is never safe. Fish underneath could be keeping it open. Ducks, bad things could happen.”

Council  
Report – Ron  
Koller

Koller, “I talked to Fire Chief and last Wednesday they were called to a house. The people were ripping up the floor tiling and they were dissolving the glue with acetone. The furnace must have kicked on and it flashed. Sent three of them to the hospital. The two sons are out of hospital, but the father is going to need skin-graphs. You have to be careful.”

Council  
Report – Tom  
Ronning

Ronning, “We had a Planning Commission last Tuesday and most of this stuff came up before the commission. A lot of discussion about it. I think this is relevant, we talked about a code of ethics. We have been elected to do our job, without legislating what you are supposed to do in your chair. It is our responsibility to do something. What I would like to see and propose in the form of a non-binding resolution is a show of support for a time limit. If we can’t get our business done in two or three minutes then you are pretty much self regulated. Someone will notice if it is more or less. It is not formal or an official policy, but two to three minutes and we should be able to express what we want to say. End of story. I would ask our Mayor to canvass for this.” Lawrence, “We will do that at a later date. We are in Council reports now.” Ronning, “And this deals with the Council. Do I have to make a formal motion for this?” DeRoche, “This needs to be dealt with, sooner rather than later.” Lawrence, “We can deal with this at another time, we are doing Council reports right now.” Ronning, “Postponing this is imposing.” Lawrence, “Heidi, what do you got?”

Council  
Report –  
Heidi  
Moegerle

Moegerle, “I would like to see year-end reports from all of our contractors. What they did in 2013, what we got for our money. Obviously, more details better than some. We are here to make sure that our residents get good value for their dollars and without some report we don’t know. Part of this is brought up with the fact of the GIS contract. Until I asked we didn’t get a list of what people are doing and they are getting paid \$65 an hour, that is pretty rich. For 2014, I hope we will take advantage of using interns, because that was a good value for the website. I notice that for the past two Council meetings we have had supplementary bill lists. I wanted to know if this is something we can expect in the future,

or is this something extraordinary that we had two back to back?" Davis, "it is something that will be a regular procedure. These are larger providers that do not respect our policies and have their own due dates. Such as Connexus Energy and if we don't make the payment on time they charge us a late fee. We don't pay late fees, but we have to call them and clear it up, which takes a lot of staff time. Sometimes we have to write a letter. These come in after the packet is done." Moegerle, "The other thing, when I have to call and get information about the packets that is not a good thing. When I have questions, I am sure the residents have questions. I don't get packets delivered, but, I get them off the website, so I see exactly what the residents do. In regard to a conduct policy, I have thought we needed one since we took office, especially with the issue of absences last year. I think the guidelines of Cambridge are good. I also think debate and discussion of these ideas may not be persuasive to each of us up here, but, it is a way of educating residents that we are all very thoughtful of the positions we take and willing to listen to different points of view and whether we are willing to consider the other point of view. And I think that is very important and it shows that we are not just a bunch of people that shoot from the hip and just go home.

Ronning, "I had asked for a survey, and we had an informal survey so you don't need to bring it up in the future." Lawrence, "I hope that didn't involve three or more Council Members, that would be a violation of law." DeRoche, "Now stay on task here."

Council  
Member  
Report –  
Richard  
Lawrence

Lawrence, "We as a Council, have been reviewing a Code of Conduct and time limits. We have to work something out that is really functional and something that will really hold. To be wishy washy is not going to work. I like to hear from people and what they have to say. If you have information that you want to present to Council, especially if you have taken the time to type it up, send it to Jack so we can all see it before the Council meeting. It is not fair to staff to make them wait for us to look through your paperwork. Let's get it out and get it evaluated so we can make an intelligent decision on it. We have been working with this issue here, and worked very hard on the budget and not all residents are going to be happy. Something we have to live with right now. The work with the EDA will be crucial. The more businesses we bring in, the less the taxpayers will have to pay. We have stuff in the works right now. But, we really worked at trying to get budget down. We can't fight off the bond budget we have to pay, it was not possible to return the money and have everyone in the City have to pay to do that. The budget is concluded, hope it is not too painful."

DeRoche, "Again, my concern in the past has been about people setting up meetings, people talking to people outside of here." Lawrence, "State names, state who is doing this." DeRoche, "I remember when this agri-business came in and a statement being made, I will get with you tomorrow and we will take care of it. Then it came to light tonight that there were two meetings on the EDA with it. I was curious, who put that on the EDA agenda, or was that at the request of the Council person? How did that come to be, it caused some bad feelings because I had requested more information?" Winter, "That was at an EDA Meeting that we did not have a quorum, so we did not have a meeting. There was a couple EDA members and staff members that had an informal discussion, they had just happened to be there. It was never formally on the EDA Agenda. Something like that would have had to be on the Planning Commission. Discussion that happened at the EDA was not during a formal meeting." DeRoche, "I know that and I am not throwing stones at you. But, it troubled me that an informal meeting went on at the EDA with these people, in chambers and if we would have had more information. Now when they come in here and it comes before us, and I will take the bad guy fall. It was brought up about the comp plan and that was why I commented why bother? In my mind if I knew, it was stated that it was on the EDA meeting. And, I wondered how were they able to get on the agenda without a formal public

meeting where the public could address this?” Winter, “It was not on the EDA agenda. They were told in order for them and the process they had to follow was to get on the Planning Commission agenda so a public hearing could be held.” Ronning, “I have questions about that. How can an EDA meeting be held without a quorum?” Lawrence, “Let’s close the meeting and they can have their own discussion.” DeRoche, “We don’t want any facts getting out.”

Adjourn **Moegerle made a motion to adjourn at 9:31 p.m. Lawrence seconded; all in favor, motion carries.**

Attest:

Wendy Warren  
Deputy City Clerk