

EAST BETHEL CITY COUNCIL MEETING

AUGUST 6, 2014

The East Bethel City Council met on August 6, 2014, at 7:30 PM for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Heidi Moegerle

MEMBERS ABSENT: Tim Harrington Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator
Mark Vierling, City Attorney

1.0 The August 6, 2014, City Council meeting was called to order by Mayor DeRoche at 7:30
Call to Order p.m.

2.0 The Pledge of Allegiance was recited.

Pledge of Allegiance

3.0 **Moegerle made a motion to adopt the August 6, 2014, City Council agenda revising**
Adopt **Agenda Item 8.0A.1 to separate consideration of the amendment to Code relating to**
Agenda **farm animals from consideration of the rezoning of the property on Highway 65.**
Koller seconded. All in favor, motion carries unanimously.

4.0 Davis presented the staff report, noting the hearing is requested by the filer of a complaint
Presentation relates to a dog bite incident that occurred on June 6, 2014. The Anoka County Sherriff's
4.0A. office reported that a dog owned by Gayle Murphy, 814 South Lakeshore Drive NE,
Dangerous Wyoming, Minnesota, bit Randy Jon Bohland, 445 Elm Road NE, Wyoming, Minnesota, at
Dog Hearing the address of 814 South Lakeshore Drive.

The investigating officer, Cullen Czech with the Anoka County Sheriff's Department, reported the incident as a Notice of a Potentially Dangerous Dog pursuant to Chapter 10 of the City Code. A copy of the incident report is included in the attachments for this item. A review of City records indicates that the dog is not licensed but is current on rabies vaccination.

On June 10, 2014, the City received a request from Mr. Bohland for a hearing before City Council. Pursuant to City Code Chapter 10, Section 10-72, a hearing is to be granted before the City Council. Ms. Murphy was notified of the hearing by certified mail dated June 27, 2014. As of Friday, July 11, 2014, Ms. Murphy has not provided written notice of request for an appeal of the notification and decision that the dog in question is a potentially dangerous dog by virtue of the evidence provided in the police report.

The City Council pursuant to Section 10-72 has several obligations and options regarding this matter.

1. Conduct the hearing allowing the owner to present reasons why the potentially dangerous dog determination should be lifted or sustained.
2. If the potentially dangerous dog determination is sustained, identify the action to be taken:
 - a. dispose of the animal
 - b. allow the owners to keep the animal with restrictions.
- 4.0A. 3. If the potentially dangerous dog determination is not sustained, make a determination

that the animal is to be released without further action from or by the City Council.

The requirements for maintaining the animal should the potentially dangerous dog determination be sustained are outlined in your packet.

Davis, "This hearing was tabled at your July 16, 2014, Council meeting in order to allow documentation as to the placement of the animal in question. Ms. Murphy is listed as the owner in the Sheriff's report but Ms. Murphy stated to me on July 29, 2014, that Joe Alvite is the owner of the dog. Mr. Alvite's address is also 814 Lakeshore Drive. According to Ms. Murphy, she is currently unaware of the whereabouts of the dog. The City has no record that the dog is licensed to either Mr. Alvite or Ms. Murphy. As there has been no resolution as to the placement of the dog in question, staff recommends that the potentially dangerous dog hearing be continued tonight."

DeRoche opened the public hearing at 7:34 p.m.

Davis, "We have Ms. Murphy present tonight. The owner of the dog. Is Mr. Bohland present?" DeRoche, "No."

Moegerle, "Would you like to say anything?"

Gayle Murphy, 814 South Lakeshore Drive, "I have repeatedly told everybody that the dog is actually owned by Joseph Alvite. The reference to the ownership of the dog is Joseph Alvite. His address was 26911 Fernwood Avenue, Apartment 8, Wyoming, Minnesota. He also receives mail at my residence so the address on the paperwork is 814. There was an incident where he had, I believe, one of the police officers or something, mentioned to him, because he also had resided at 415 Cedar Road in East Bethel, so when he goes back and forth from Mexico, from time to time, the dog went back and forth as well. There was an incident with one of the police officers asking about licensing so I know he was licensed. Because it was an issue with the police and he had to prove that he did get the license so I'm not sure why you're not finding the license. But, there was a license and it was to him."

Moegerle, "Do you know how long ago?" Murphy, "The first time, I'm not sure. That was a few years back when that happened. I don't know if he continued the license but I know it was when he was at the 415 Cedar Road address."

Murphy, "Also, on the paperwork that I had given to the officer, I was there. I handled the matter because it was at my residence when this thing took place. I gave him the paperwork with Joe Alvite's number, him being the one who got the vaccinations and all that sort of stuff. As far as the dog bite incident, there's some, I guess it says it has to be unprovoked. And I'm questioning. I think he states that he, when the dog approached he did something. I can't remember, but he kicked the dog and the dog responded. He came into the yard and was just, you know, screaming and hollering for the daughter. She had been at my house all day. When he arrived he was very upset, screaming and hollering. The dog approached him and he kicked the dog and then the dog nipped him. Dawn was witness to it, the neighbors as well. Her name was mentioned in the report. The officer didn't take a statement but he did mention that she was there as a witness. I don't know if you have any further questions for me."

Moegerle, "Where's the dog now?" Murphy, "He left my residence on the 8th. I'm not sure where he was given to but he's not at my house. He hasn't been there since then."

Vierling, "On the 8th of what ma'am?" Murphy, "The 8th of June."

Moegerle, "Was he taken to a pound or to a rescue organization?" Murphy, "I contacted Joe and he had someone take him so I couldn't really tell you where it is. I mentioned to Jack that there's some stuff going on there. That's why I'm here and he is not available to be here. The dog isn't even here. I mentioned to the police officer at that point, and maybe he assumed it was my dog. It's a likely assumption because he was at the house. I was just trying to take care of it and be as diplomatic and hospitable as I could. At that point, I knew right then. Was there any mention in the police report about him and the whole thing about money? He basically called me and asked me for \$5,000. Then he went down to saying \$2,500 and, 'We don't have to call the police.' It was like this whole thing was just, you know, blown up. It says 'unprovoked' and I think kicking an animal is not 'unprovoked.' I think it's a moot point even talking about it because he's not even here. He's not even a part of this but, that's your determination."

DeRoche, "On Paragraph 4 of the report, I'm just going by what's on here because I wasn't there, it said Ms. Murphy stated, 'Yes' that she was the owner of the gray Schnauzer named Gringo." Murphy, "I think he's assuming that. No, I'm not the owner." DeRoche, "I can't dispute it. I wasn't there."

Murphy, "I think it's an easy assumption for him to think that. You know, he comes to my house. The dog is there. I think it's easy to assume that I'm the one handling it, giving him the paperwork. But, it's clearly Joe's name on the paperwork. The vaccinations, it's his animal. I've taken care of it from time to time when he's here because sometimes he'll have a place where you can't have an animal and this time he's at his apartment residence and there are no animals allowed. I don't know what more I can do address to that. If you look in the licenses, you're going to find a license that's in his name as well."

DeRoche, "I'm going to ask for a legal opinion. With nobody else here, Mr. Vierling, what do we do?" Vierling, "Certainly the Council has the opportunity because of the incident. The process so far, the animal is presumptively potentially dangerous unless the Council wants to determine otherwise. You can either sustain that finding or reverse it. If you sustain it, then you go on to the issues of the opportunities to impose requirements. Relative to the issue of ownership, your ordinance defines 'ownership' as anybody that owns or harbors a dog. Obviously the dog was at this residence for a period of time. I don't think 'ownership' is really an issue. What is an issue is whether or not you wish to sustain the finding and if so, what you intend or want to do about it. If the dog is not here and is not going to be brought back, it would seem that you could certainly have a requirement that the dog not return to the City. Again, it's up to the Council, in your discussion, to choose what you will."

Moegerle, "Could we hear from Dawn, the witness to the provocation? The hearing hasn't been closed."

Dawn Steinke, 337 Aspen Road, "My grandsons were fishing that evening and I happened to walk down to our dock which is just a few down from Ms. Murphy's. I heard the yelling. This Randy got out of his vehicle screaming and yelling for his daughter Kyrstin. The dog, you know, turned and looked at him and as he screamed more, then Randy kicked the dog. Then I saw the dog lunge at him because he had kicked the dog. I thought, 'Oh, my gosh, that guy is just screaming and yelling and he's sounding like he was just a maniac.' That's

what brought my attention to turn and look.”

Moegerle, “How long did he scream and yell?” Steinke, “Quite a while.” Moegerle, “What’s that mean? Five minutes? Three minutes?” Steinke, “Well, for me to turn and look at his yelling, I’d say about three to four minutes it went on. And, he was continuing yelling as he kicked the dog.”

Vierling, “Where was the man in proximity to the property when he was yelling?” Steinke, “In the front.” Vierling, “In the street?” Steinke, “Uh huh. He pulled up and then the dog was on a leash.” Vierling, “So, the dog charged the man while he was in the street?” Steinke, “No. He when he got out of his van...” Vierling, “He being the man?” Steinke, “The man. Randy got out of his van and as he was yelling, the dog kind of walked that way and then Randy kicked him because, umm, and then the dog leaped out at him.” Vierling, “While the man was in the street?” Steinke, “Uh huh.” Vierling, “So, the man was not on private property?” Steinke, “Well, I don’t know if you’d call it private property right there.”

Vierling, “There’s a report that the dog also bit the daughter of the man. Is that correct?” Murphy, “I heard that on the report. Kyrstin had been at our house and then she was there for the next three days. There was never any mention of anything like that. She had been there, I mean, almost non-stop. In fact, the day that she was there that this incident supposedly happened, she was left home alone all day and that is why I had her the entire day. I think he was upset because she had left home and came down there. I think he’d left instructions. I’m just assuming because he seemed upset that she was there. If there had been any kind of an incident, and he’s never had any kind of an incident biting kids or anything like that, I would have heard about it. The only thing I could think of, and I’ve never seen any marks or anything, is that we’re in the process of replacing carpet and there’s tack strips, if she had knelt on something. But, I can’t think of anything. There was never anything and if that had happened, why would she be down there again, consecutively, three days straight? That just doesn’t make any sense. There was never mention of, ‘Oh, she’s been bit. Has he got rabies shots?’ There was nothing.”

Vierling, “In reading the report, ma’am, the police report reflects that there’s a claim that the dog bit the child.” Murphy, “You’re correct, that...” Vierling, “Not at the same time. At a different time.” Murphy, “Right, but it was all brought up that same day.” Vierling, “I understand that.”

Moegerle, “When did you last see Kyrstin? Have you seen her recently?” Murphy, “Yes. In fact the reason they couldn’t contact me, is I had emergency business and I was out of town when you had been trying to contact me. While I was gone, the person that was staying with my children had reported that she had come over, you know, wanting to play with the kids. Like I said to her, I think that right now, because of the circumstances and this whole thing about extorting money and all that kind of thing, I thought it was just best not to, you know, have her mingle there right now. It’s just too risky. So, yeah, I don’t know when that would have been. Two weeks, a week and a half ago? I don’t know, something like that. While I was gone.”

DeRoche “Who lives on Lexington Avenue?” Murphy, “It’s a tenant. What’s her name? It would be? You’re asking me their name? The party that’s renting, you’re asking the tenant’s name? I own the property. Are you asking? That’s what I’m trying to clarify.” DeRoche, “I don’t know if I really need the name of the people.” Murphy, “Okay.”

DeRoche, "I'm just looking at the paper and it said you, 'Ms. Murphy escorted me to the address of 4740 Lexington. At this time, I conducted photographs of Gringo.' So, is that where he wound up?" Murphy, "No, he's not there. No. He was just there...my basic thought was these people are trying to extort money. At that point, I wanted him in no vicinity of anywhere and have any more problem until it was all resolved. So, he went there and that night the officer then went there. He photographed the dog and it says on there that he wasn't aggressive, showed no aggressive behavior or anything like that. Then he rode back in the car with me. He was there that night, the next day, and then he came and got him the following day."

Moegerle, "'He' the dog? Not, 'he' the police officer?" Murphy, "Yes, sorry, the dog was there back at the 814 residence from that evening after the officer had done his protocol, whatever he had to do, until the 10th."

Moegerle, "Is Gringo still alive?" Murphy, "I hope so." Moegerle, "Had Gringo ever bit anyone before, unprovoked?" Murphy, "No. No, he liked to chase things but that was the extent of it. That's why he was kept leashed all the time."

Moegerle, "Had he bit anyone after he was provoked before?" Murphy, "No, nothing that I'm aware of. Like I said, I don't have him all the time."

Steinke, "My little grandkids walk by there all the time and we go by on the golf cart and the dog has always been just a nice dog with the kids. The kids always play with him. Never was assertive with our grandsons. Dakota just loves little dogs and he, if that dog can tolerate Dakota, Dakota is quite rough with dogs and Gringo never did anything to Dakota. Always a gentle dog to our kids." Murphy, "He's like one of those dogs that's always 'Mr. Happy.' Happy, happy, constantly wagging his tail. Not like any kind of aggressive breed or anything like that."

Moegerle, "26 pounds, right?" Murphy, "Yes, I think that's what...Schnauzers are known, I never looked up to see their temperament but I'm assuming that."

DeRoche, "Got any questions Ron?" Koller, "So the dog isn't there anymore?" Murphy, "No, and honestly I think that due to the circumstances, I feel really, really vulnerable with what Randy and this whole circumstance. Like I said, the minute this took place and he asks me for money, there was no way I was going to do a favor or have him there with the ability to have him, you know, try and do this whole money thing. Basically, when it happened, he called me and said, 'You know, this can all be resolved. I've been through this. My brother got 5 grand.' And, I was, 'Say what?' And then he's hanging on the phone and pretty soon it's like, '\$2,500 or I'm calling the Sheriff right now.' And, it's like, 'Call the Sheriff.' You know? I mean it's ridiculous. I felt totally like he put the whole situation together. I'm all for if you want to put a restriction that he's not allowed back there, or anything like that, in East Bethel. Makes total sense. Whatever that type of situation...but it seems a moot point that he's not there, to go any further, in my opinion."

Moegerle, "The hearing is still going, but I think that since the dog is not here, the complainant is not here, we have a witness that says it was provoked, that the dog does not belong to Ms. Murphy, that the dog be prohibited from returning to any of Ms. Murphy's properties in East Bethel. Zero tolerance. And, that would be the end of it."

DeRoche, "I would like to see the license. I don't understand why, if it's licensed to Joe..."
Davis, "If there was a license, there was not a license issued in 2013 nor in 2014. I did have one of our ladies go back and double check our records and there was no license issued in either of those years."

Murphy, "Can you go any further back than those years?" Davis, "They could but I didn't see any point because it means the dog was not currently licensed. That was all we were concerned about." Murphy, "If you are looking for ownership, if that's what they're worried about, then I believe it could have been 2010 or 2011."

DeRoche, "No, I think that the license has to be renewed every year. Isn't that what it is? And, then the rabies thing is good for two-three years." Murphy, "I believe the rabies he just had was in October, something like that." Davis, "He was current on his rabies vaccination."

Moegerle, "But the licensing thing is kind of a different issue than the unprovoked attack."
DeRoche, "Let's close the hearing before we discuss what's going to happen."

Moegerle made a motion to close the dangerous dog hearing. Koller seconded. All in favor motion carries unanimously.

DeRoche closed the dangerous dog hearing at 7:51 p.m.

Steinke, "Are all the dogs in the Coon Lake Beach area supposed to be licensed?" Davis, "Yes." Moegerle, "Yes if they reside there. Visiting dogs aren't."

Vierling, "Ma'am, the hearing's been closed. Why don't you hold your questions until they get done with this matter." Moegerle, "You'll have an opportunity at the Public Forum to ask those questions."

DeRoche, "What is staff's opinion on this?" Davis, "Well, it's hard to pursue this when the plaintiff is not present. I think that probably a prohibition of the dog returning to East Bethel is a valid recommendation, or any other restrictions you wish to place upon it. We don't know the whereabouts of the dog and are never likely to know. So, some of the things that we can require are conditions for keeping a potentially dangerous dog are a moot point in this. They're not applicable."

Moegerle, "And, Mr. Alvite also lives in Wyoming so the dog may have been licensed there. When you have people moving in and out, where the license is...if you don't change it every time you move, you don't know. So, he's not here to answer that question. I think that's a real difficult one to enforce on the licensing but, I don't think the dog should return."

Moegerle made a motion to sustain the finding that the gray Schnauzer named Gringo owned by Joseph Alvite, 814 South Lakeshore Drive NE, Wyoming, MN 55092, is potentially dangerous and order that said dog shall not return to any property within East Bethel. Koller seconded. All in favor, motion carries unanimously.

**Public
Forum**

the Coon Lake Beach area. When we call on the dogs, nobody seems to come and check on these dogs.” DeRoche, “That’s not necessarily true. We write out quite a bit to the dog catcher.” Steinke, “Okay.” DeRoche, “East Bethel, for a while, seemed to be a haven for people to drop their animals off. If you see one and she comes out and doesn’t see it, well, we get billed and there’s no ‘dog in the hopper,’ as it were.”

Steinke, “We had put one in our back yard and kept him there and we were trying to locate a dog catcher to come get him.” Moegerle, “Call animal control.”

Steinke, “I called the City and they didn’t have no numbers for me.” Davis, “When did you call? When did this happen?” Steinke, “This happened nine months ago, about.” Davis, “Who did you talk to with the City?” Steinke, “It was a gal and she sent me to, I don’t know if it was Nick, or, I can’t remember the name. I’m not sure. We’ve also called on the barking of a residence that’s continuous barking and they told me that I have to tape record it.”

DeRoche, “Who told you that?” Steinke, “When I called the City and had the complaint about the barking dogs.”

Moegerle, “The ordinance requires two complaints for someone to come out. So, they could be two people in your household or you and another neighbor, that’s what activates it. I don’t have the ordinance right in front of me, but I remember that very clearly. So, you hang up, you complain, get your husband on the phone and have him complain. Or, you can complain also via our website and then you have a paper trail.” Steinke, “Okay, we do have a video.”

Davis, “When you have a dog issue, call Central Dispatch, 763-427-1212. The Anoka County Sheriff’s Department is responsible for enforcing our City Code regarding dogs. They will come out as quickly as possible to address the issue.”

DeRoche, “Make sure you tell them it’s a non-emergency. Because, if you call 911 or the 427, you’re going to get the same place. But, they need to know if it’s an emergency or if it’s just, I hate to say, ‘It’s just a dog.’ But that’s kind of how they look at it. They’re going to go take a ‘bad guy’ down before they come for a barking dog. I would hope that’s what they’ll do. I’ve always heard they respond because I’ve talked to people who’ve gotten cited for it.” Steinke, “Okay, thank you.”

Moegerle, “Is part of your issue about dogs without leashes? Is that it?” Steinke, “Leashes and the barking. The people who own them...just continuously bark and they have like five dogs, Beagles.”

Moegerle, “Do they have a kennel license?” Steinke, “I don’t know that. And, my husband has a brain injury and it’s really frustrating because it goes on day and night. No matter who walks by, the dogs...”

DeRoche, “Where are they?” Steinke, “They are on Birch. I don’t know if it’s actually Birch or Aspen because their house is in between. Actually, I think it’s Aspen. Their mailbox is on Aspen.” DeRoche, “I think I’ve heard that but I haven’t heard the dogs and I’m not going to just walk...” Steinke, “You can hear them three blocks away. My brother lives a little ways away too and it’s like, they’re...” DeRoche, “Do they do it all day long?” Steinke, “Yes, constantly.”

Davis, "If you will call Central Dispatch. Even if they don't get out there immediately, they will get out there and they will, give them the address and they will go and investigate, talk to the owner. If they have more than two dogs, they'll cite them for not having a kennel license. Dogs are probably our biggest complaint in the City. We have more complaints over dogs and they're one of the hardest things to enforce. But, if you will call that number, they will come out and they will do what they can to address the problem."

Steinke, "Okay, thank you. This will work." Moegerle, "Thank you."

**6.0
Consent
Agenda**

Item A Bills/Claims

Item B Meeting Minutes, July 9, 2014, City Council Work Meeting
Meeting minutes from the July 9, 2014, City Council Work Meeting are attached for your review and approval.

~~Item C Meeting Minutes, July 16, 2014, City Council Meeting
Meeting minutes from the July 16, 2014, City Council Meeting are attached for your review and approval.~~

Item D Deputy City Clerk – Letter of Resignation
Staff is recommending acceptance of the Deputy City Clerk letter of resignation, with regret.

Item E Resolution 2014-23, Check Signatories Resolution
Staff is recommending approval of Resolution 2014-23 to designate check signatories.

Item F Resolution 2014-24, Domestic Violence Awareness Month
Staff is recommending approval of Resolution 2014-24 declaring October 2014 as Domestic Violence Awareness Month.

Item G CDBG Contract
Staff is recommending authorization execution of the CDBG Contract between Anoka County and the City of East Bethel.

Item H Resolution 2014-25, Designating Castle Towers WWTP Surplus Property
Staff is recommending approval of Resolution 2014-25 designating surplus property and approval for disposal.

Item I Acceptance of Quote for Culvert Replacement on Klondike Drive
Staff is recommending acceptance of quote and award of bid to replace the culvert on Klondike Drive to Classic Construction Company in the amount of \$11,800.

Item J Resolution 2014-26, SCNA Grant Application
Staff is recommending approval of Resolution No. 2014-26 authorizing application to the Minnesota Natural Resources Damages Grant Program for outdoor recreation facility development and natural resources restoration at the Sandhill Crane Natural Area and to negotiate in good faith to establish and execute a Joint Powers Agreement with SCNA partnering agencies.

Item K HRA Meeting

Staff is recommending to schedule an HRA meeting on August 20, 2014, starting at 6:30 p.m.

Moegerle, "Want to pull C."

Moegerle made a motion to approve A, B, D, E, F, G, H, I, J, and K. Koller seconded. All in favor, motion carries unanimously.

Item C Meeting Minutes, July 16, 2014, City Council Meeting

Moegerle, "No discussion, I'm just not going to vote for it. So, if you want to approve them, that's fine."

DeRoche made a motion to approve Item C, Meeting Minutes, July 16, 2014, City Council Meeting. Koller seconded. Roll call: DeRoche and Koller-Aye; Moegerle-Nay, motion carries 2-1.

7.0 Commission, Association and Task Force Reports
New Business

7.0A None
Planning
Commission

7.0B None.
Economic
Development
Authority

7.0C None.
Park
Commission

7.0D None.
Road
Commission

8.0 Davis presented the staff report, indicating the Council is asked to consider scheduling a Work Meeting to discuss changes to City Code, Chapter 10, Article V, Farm Animals.
Department Reports

8.0A City Council has been considering amending City Code as it relates to the keeping of chickens. The following is a timeline of meetings that have discussed this subject:

- June 4, 2014, City Council met and directed Staff to survey the policies of other cities in regards to the keeping of chickens;
 - June 18, 2014, City Council Meeting met and Staff presented a report to City Council as to the policies of other cities in regards to the keeping of chickens. As a result of this meeting and discussion, Council scheduled a Work Meeting for June 25, 2014 for further consideration of this matter;
 - June 25, 2018, City Council Work Meeting the matter was further discussed and Council was requested to forward recommendations to the City Administrator for inclusion in a revised draft ordinance to be presented to Council at a later date.
- 8.0A.1.
Amendment
to City Code,
Chapter 10,
Article V,
Farm Animals
8.0A.1.
Amendment

Two options for the ordinance will be ready for discussion by Friday, August 8, 2014. Staff requested that a Work Meeting be held on August 13, 2014, to continue this discussion with these two options for the ordinance.

Moegerle made a motion directing staff to schedule a Work Meeting on Wednesday, August 13, 2014, starting at 6:30 p.m., to discuss an amendment to City Code, Chapter 10, Article V, Farm Animals. Koller seconded. All in favor, motion carries unanimously.

8.0A.2.
Rezoning
Property from
B-2 and R-2
to I-1, PID
#2033234300
01,
19801 Hwy.
65 NE,
33.5 acres

Davis presented the staff report, indicating the Council is asked to consider scheduling a Work Meeting to discuss for a Rezoning for Central Wood Products, at 19801 Highway 65 NE.

The Planning Commission has approved a request for rezoning 19801 Highway 65 NE, Central Wood Products, from a split zoning of B-2 and R-2 to Light Industrial. This property is 33.5 acres in size and the need for the action is to correct a split zoning issue and address the land use of this area of the Corridor.

Staff recommends that this matter also be scheduled for a Work Meeting for August 13, 2014, to further discuss the issue.

DeRoche, "Seeing that the Planning Commission has already approved this, I guess I looked at it and I'm ready to take a vote if everybody else is."

DeRoche made a motion to take action on the request for rezoning of 19801 Highway 65 NE, Central Wood Products, from a split zoning of B-2 and R-2 to Light Industrial. Koller seconded.

Moegerle, "Vote on what this evening?" DeRoche, "The rezoning." Moegerle, "We don't have a write up on this. I'd like more information on that. It's fine if you want to postpone it to the next Council meeting. That's fine, but I don't have a write up on it."

DeRoche, "How much of a time thing is this Jack?" Davis, "We would need to take action by the next Council meeting. The quicker we can do something on it, the better. Central Wood Products has some expansion plans. They want to add to their building. They will be coming in very soon to try to get permits to expand their lawn furniture line, which they have been very successful with. I don't think there are any major issues here with this. The lot that they own, the 40-acre lot, was arbitrarily divided into two zones. The zoning that was done does not really make any sense at all. The frontage is zoned B-2, the back portion and equal half was zoned R-2. The R-2 designation is definitely one that is probably not compatible with that area. But, in order for them to expand their business and give them the flexibility, even the B-2 zone is too restrictive."

DeRoche, "Isn't that the same thing that happened with the Johnson place on Klondike?" Davis, "That's essentially the same thing, right."

Moegerle, "In theory, I don't have any objection to it. But, I do think that for transparency we need to have a hearing. I will make a motion that we have a special meeting."

8.0A.2.
Rezoning

DeRoche, "There's already a motion still up." Vierling, "There is." Moegerle, "Why don't we do a special meeting? Because, we were in the discussion." DeRoche, "I guess what I

August 6, 2014
Property from
B-2 and R-2
to I-1, PID
#2033234300
01,
19801 Hwy.
65 NE,
33.5 acres

would like to do is, I'll retract my motion."

Motion on the floor retracted by DeRoche.

DeRoche made a motion to add the request for rezoning of 19801 Highway 65 NE, Central Wood Products, from a split zoning of B-2 and R-2 to Light Industrial, to the Council Meeting Agenda on August 13, 2014, with discussion held prior to consideration of the Amendment to City Code relating to Farm Animals.

Davis, "Do you want to do that as a Special Meeting so we can vote on it?" DeRoche, "Yes."

DeRoche clarified the motion was to add the request for rezoning of 19801 Highway 65 NE, Central Wood Products, from a split zoning of B-2 and R-2 to Light Industrial, to a Special Council Meeting Agenda on August 13, 2014, starting at 6:30 p.m.

Moegerle amended the motion to schedule a Special Council Meeting starting at 6:25 p.m. on August 13, 2014, for the purpose of considering the request for rezoning of 19801 Highway 65 NE, Central Wood Products, from a split zoning of B-2 and R-2 to Light Industrial.

DeRoche, "Didn't I just do that?" Vierling, "The motion to amend would probably be out of order because I hadn't heard a second on the main motion yet."

Koller seconded the main motion (by DeRoche). Vierling, "The main motion is there."

Moegerle, "Do you second my amendment?" Koller, "No." Moegerle, "Thank you." DeRoche, "The main motion is to have a special meeting prior to the chicken ordinance on the 13th." Moegerle, "At 6:30 p.m." DeRoche, "So, to amend it to have a special meeting on the 13th ...there's already a motion." Moegerle, "I said at 6:25 p.m." DeRoche, "At what time?" Moegerle, "I said at 6:25 p.m."

DeRoche, "6:30, 5:30? Well, Tom, nobody else can get here before 6:30, right?" Koller, "I can." DeRoche, "I know. I can but I can't speak for Tom and Tim. They're not here. I'd say tentatively for 6:30 p.m." Moegerle, "So, we're having two meetings scheduled at the same time." Vierling, "It's a common practice. One would follow the other one." Moegerle, "Which will go first since we're going to have people who will be coming?" DeRoche, "I think the chicken ordinance should go second. I think the rezoning, being as time sensitive as it is, we need to take care of that one way or another." Vierling, "Under normal priorities, the Special Council Meeting would take priority over a Workshop. The Workshop would follow."

Koller, "Do I have to second that one?" Vierling, "No it doesn't need any more seconds." Moegerle, "You already seconded it." Moegerle, "I would like to have the motion restated, please." DeRoche, "The motion is to have a Special Meeting on the 13th of August at 6:30 p.m. and to follow will be a Workshop on the chicken ordinance, 'chicken chat.'"

All in favor, motion carries unanimously.

8.0B
Engineer

None.

8.0C
City Attorney
8.0C.1.
Verizon Cell
Tower Lease

Vierling, “This is an update for Council with regard to, the Council, at its last meeting did approve the opportunity to negotiate with Verizon in regard to having other cell leases on City premises. We’re engaged in that process. The City staff has reviewed and really has some recommendations relative to capacities within that cell service, or the opportunity to put other cell providers in there and make sure there is enough capacity for other antennae to be located on there. And, a few other items that we prepared for a draft lease. We’re engaging in that. We haven’t completed it. We have had a little bit of pushback from Verizon, which is not uncommon. We have seen that before, especially lately. This is a status update. We’ll bring it back to you when we get it finalized out or if there are impassible problems that we can’t resolve, we’ll certainly come back to you with that. Just wanted to let the Council know that we had tendered a draft lease to them that had the staff recommended provisions in it. We’ll continue to work with them and, hopefully, bring that back to you.”

DeRoche, “Thanks Mark. Any questions?”

Informational; no action required.

8.0D
Finance

None.

8.0E
Public Works

None.

8.0F
Fire
Department

None.

8.0G
City
Administrator

None.

9.0 Other
9.0A
Staff Reports

Davis, “The only thing I have to add is that the concrete overlay project of Viking Boulevard, just east of University Avenue to the Stock Lumber building in Oak Grove, was bid last week. The bids came in at approximately \$600,000 higher than the estimates. The Anoka County Highway Department presented this to the Board. They rejected the bids and this project will be bid again in a couple of weeks. Hopefully, it can still be done this year but this may be something that is delayed until next year.”

9.0B
Council
Report –
Member
Koller

Koller, “I was at the Fire Department this week and Oak Grove Fire Department came over and looked at our new Engine 31 because they are thinking about buying one.

The Charter School in the old Our Saviors Church is, hopefully, going to open next month provided they pass all the State inspections.

There was a safety alert that the Fire Department received from New York about a ‘Fire Challenge’ that’s going around with teenagers where they pour alcohol on themselves and light it on fire. Then they have somebody videotape them to put on the internet. They are warning about taking care of situations like that.

9.0B

Council
Member
Koller

Next Monday, I get to go with the Fire Department and tour the new Sewage Treatment Plant. That's about it."

Council
Member
Moegerle

Moegerle, "Yes, quite a few things. The CLIA Picnic was several weeks ago, catered by Smokey's. It was very educational about the drainage and issues of Coon Lake. It was a success. There's more to be discussed there, I see.

Last week, Thursday and Friday, was the 3-M Championships. We were all invited to attend. Anoka County and Blaine sponsor a hospitality suite and they sponsor some economic development-type of information. It's also a good time to get to know staff and elected officials there.

I attended a conference/educational-type of presentation by Web.Com, which was helpful in formulating some new concepts in what we may need to apply to our website to get it used more effectively. East Bethel website statistics may be something we should be looking at.

I have a better appreciation of how strenuous golf is and how fit you have to be to play. I'm not a big golf fan. I also spoke with Tom Ryan, the Mayor of Blaine. He was very excited about what the 65 Corridor group is discussing about issues of speeding traffic through/along 65 and applying what they had learned with regard to getting overpasses for farther up north. He was excited. That is something that will be looked at more closely. He also had more things to talk about with regard to a 500-acre natural preserve that is going to be going in along Lexington Avenue, which so many of us are going to see. He is also concerned that we're not getting transportation monies up here because it's all going to the rail in the southwest part of the Cities.

To change the subject, I noticed the reader board says that filing for election is 'to August 12.' It's 'through August 12 at 5 p.m.' So, you have an extra day on Tuesday if you're interested in so doing.

I also spoke with Tim Yantos at the 3-M Championships. He's in charge of emergency calls. He had several things to say. They get one emergency call every minute in Anoka County. They get two calls a day on failed attempted suicides and they also get 'baiting calls' to get officers into odd situations. Who thought that kind of thing happened here? I certainly didn't.

Last night was Night-to-Unite. It was an opportunity for kids to do the 'officer friendly, your fireman is your pal' kind of thing. It was a success over at Coon Lake Beach and I imagine it was throughout the City. That's what I know."

Council
Member
Harrington

Council Member Harrington was absent.

Council
Member
Ronning

Council Member Ronning was absent.

Mayor
DeRoche

DeRoche, "First, I guess, on behalf of myself and the City of East Bethel, I'd like to personally extend our heartfelt condolences to the family of Officer Patrick who was with the Police Department. He was laid to rest today. That was really kind of a tough deal. It's a tough deal any time when guys go down.

I went to the Unite over at the Community Center. A couple deputies came. The Fire Department came over. The kids had a good time. There was a lot better turnout last night than it was last year. A lot more people are starting to come out, a lot more younger people seemed to be coming into the Beach. Hopefully, they're coming into the City.

I was asked about a grocery store on the corner of 65 and 22. As far as I know, I haven't seen any plans or heard anything yet. Other than that, pretty quiet."

9.0C

None.

Other

10.0
Adjourn

Moegerle made a motion to adjourn at 8:16 p.m. Koller seconded. All in favor, motion carries unanimously.

Submitted by:

Carla Wirth

TimeSaver Off Site Secretarial, Inc.