

# EAST BETHEL CITY COUNCIL MEETING

NOVEMBER 5, 2014

The East Bethel City Council met on November 5, 2014, at 7:30 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT:      Bob DeRoche              Ron Koller              Tim Harrington  
                                 Heidi Moegerle              Tom Ronning

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

**1.0**                      The November 5, 2014, City Council meeting was called to order by Mayor DeRoche at  
**Call to Order**      7:30 p.m.

**2.0**                      The Pledge of Allegiance was recited.  
**Pledge of**  
**Allegiance**

**3.0**                      **Harrington, “I’ll make a motion to adopt tonight’s agenda. Moegerle, “I’ll second.”**  
**Adopt**                      DeRoche, “Any discussion? All in favor?” **All in favor.** DeRoche, “Opposed? Hearing  
**Agenda**                      none, motion passes.” **Motion passes unanimously.**

**4.0**                      Davis presented the staff report indicating the East Bethel Code of Ordinances, Chapter 74,  
**Public**                      Section 74-126 (b) provides for the collection of delinquent utility bills through the property  
**Hearing**                      tax system. This ordinance provides an opportunity for property owners that are delinquent  
                                 in payments to the City for utility services to come before the City Council to explain their  
                                 specific situation. The public hearing we are conducting tonight meets the requirements of  
                                 the Ordinance.

The public hearing must be conducted and property owners must be provided an opportunity to be heard before the final certification of delinquent amounts is forwarded to the County for collection with property taxes.

At the September 17<sup>th</sup>, 2014 meeting, Council set November 5, 2014, as the public hearing date for individuals wishing to object to the delinquent charges being collected through the property tax system. All affected property owners have been notified via U.S. Mail of the opportunity to appear before the City Council this evening.

The final list must be provided to the County no later than November 30, 2014. Certification of delinquent charges will improve the City’s opportunity to collect these delinquent charges.

Staff recommends that the public hearing be opened tonight to provide an opportunity for citizens to be heard on their delinquent accounts. At the conclusion of the public hearing, staff recommends approval of Resolution 2014-41 Final Certification of Delinquent Charges for Collection with 2015 Property Taxes.

DeRoche opened the public hearing at 7:32 p.m.

**4.0**                      No one came forward to address the Council on this matter.

Public  
Hearing

**Moegerle, “I make a motion to close the public hearing.”**

Ronning, “Did she hear? Maybe mention it again. We have a new person.” DeRoche, “Oh, I’m sorry. Are you here for the delinquent utility certification?” Audience member, “I’m just here to observe.” DeRoche, “Oh, okay, all right.”

**Moegerle, “Again, I move that we close the public hearing.” Koller, “I’ll second.”** DeRoche, “Any discussion? All in favor?” **All in favor.** DeRoche, “Opposed? Hearing none, motion passes.” **Motion passes unanimously.**

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

**Moegerle, “I make a motion we pass Resolution No. 2014-41, Final Certification of Delinquent Charges for Collection with 2015 Property Taxes.” Koller, “I’ll second.”** DeRoche, “Any discussion? All in favor?” **All in favor.** DeRoche, “Opposed? Hearing none, motion passes.” **Motion passes unanimously.**

**5.0  
Public  
Forum**

No one signed to speak at the Public Forum.

**6.0  
Consent  
Agenda**

Item A Bills/Claims

Item B Meeting Minutes, October 15, 2014, City Council Meeting  
Meeting minutes from the October 15, 2014, City Council Meeting are attached for your review and approval.

Item C Meeting Minutes, October 15, 2014, City Council Work Meeting  
Meeting minutes from the October 15, 2014, City Council Work Meeting are attached for your review and approval.

Item D Liability Coverage Waiver Form  
The City purchases its insurance from the League of Minnesota Cities Insurance Trust (LMCIT). A requirement of that insurance coverage is that each participating municipality must annually either affirm or waive its statutory limits of liability.

The statutory limits of liability for Minnesota cities are \$500,000 for an individual claimant and \$1,500,000 per occurrence. Cities can waive these limits by allowing an individual claimant to recover more than \$500,000, up to the \$1,500,000 occurrence limit or more if limits are waived and excess liability insurance is purchased. They may also waive the “per occurrence” limit and purchase excess liability insurance. Historically, East Bethel has not waived its liability limits and has chosen to purchase excess coverage, which increases the recovery amount to \$2,500,000. The additional coverage costs roughly \$8,000. Staff and the City Attorney recommend that the City continue this position for 2015.

Item E Administrative Assistant Hire  
The City received 87 applications for Community Development Administrative Assistant. Ten applicants were interviewed and Amy Norling was the candidate that met all of our requirements for the position.

6.0  
Consent  
Agenda

Amy has been our City intern since July of this year and has had the opportunity to prove her abilities in her performance of the duties of the position. She has demonstrated her aptitude and skills in a very professional manner and has shown she has the capabilities to perform the functions of this position. Her work has exceeded our expectations and Staff is confident that Amy is the most qualified candidate and will be an asset to the City. This position is listed as Pay Grade 5, Step 1 with an annual salary of \$41,492.13 and benefits. Funds have been included in the Preliminary 2015 Budget for this position

Item F           Set Date for Canvassing of Election Returns for Mayoral and City Council  
The City Council as the Election Canvassing Board, is required to canvass the results of the general election between the third and tenth day following general election per Minn. Stat. §204C.33, subd. 1; §205.185, subd. 3.

Staff recommends that Council schedule a Special Meeting for Wednesday, November 12, 2014, at 6:00 p.m. to Canvass the General Election results.

**Koller, “I’ll make a motion to approve the Consent Agenda.” Harrington, “Second.” DeRoche, “Any discussion? All in favor?” All in favor. DeRoche, “Opposed? Hearing none, motion passes.” Vote: DeRoche, Harrington, Koller, Ronning-Aye; Moegerle-Nay, motion passes 4-1.**

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

7.0A               None.  
Planning  
Commission

7.0B               Davis presented the staff report, indicating City Council approved a change in the process of interviews for Commissions/Authority positions at the September 3, 2014 Meeting. Candidates for vacancies are now interviewed by their respective Commissions/Authorities and a recommendation is presented to City Council based on that action.  
Economic  
Development  
Authority

7.0B.1.           The EDA interviewed two candidates for the vacant position on the Authority at their October 20, 2014 meeting and as a result of that meeting, selected Doug Welter as their recommendation to fill Mike Connor’s term, which expires January 31, 2018.  
EDA Vacancy  
Appointment

The EDA recommends that Mr. Doug Welter be appointed to fill the vacancy on the Authority with the term of appointment to expire on January 31, 2018.

**Moegerle, “I make a motion that we accept the EDA’s recommendation to appoint Doug Welter to fill the term of Mike Connor which expires on January 31, 2018. Harrington, “I’ll second.” DeRoche, “Any discussion? All in favor?” All in favor. DeRoche, “Opposed? Hearing none, motion passes.” Motion passes unanimously.**

7.0C               None.  
Park  
Commission

7.0D None.  
Road  
Commission

**8.0  
Department  
Reports**

8.0A  
Community  
Development  
8.0A.1.  
Septic  
Ordinance,  
Chapter 74,  
Section II

Davis presented the staff report, indicating City Staff is recommending amending the Septic Ordinance Chapter 74, Section II, of the East Bethel City Code. The proposed changes are necessary to reflect the recent changes in State Code, 145A.05 and 115.55 and in the MPCA Administrative Rules Chapters 7080 through 7083.

Adoption of the proposals would update our current Ordinance with the recent revisions to the State Statutes and MPCA Administrative Rules and clarify areas of ambiguity in our present Code.

Changes for the Statute and Administrative Rule compliance and others recommended by Staff are included in Attachment 2 for your review.

Issues raised by Council at the October 15 2014, meeting have also been addressed. Staff recommends Council consideration to amend Chapter 74, Section II to comply with the changes as noted in your attachments.

**Ronning, “Move to approve recommended City Code update.” Koller, “I’ll second.”**

DeRoche, “Any discussion? I guess the only question I’d have is, has legal had a chance to look at it?” Vierling, “Yes, it complies with both Statutory and Rule requirements.” DeRoche, “Okay. Any more discussion?”

Ronning, “Is it a mandatory update?” Vierling, “Well the Department of Pollution Control has the authority by Statute to establish the regulation. So, you are following, principally, those requirements. As noted in the cover sheet prepared by staff, there are a few areas that the Council can have some input on and the City staff may, perhaps, not have the strict compliance issue on some of those. But, they are noted and provided for within the draft that you have. So, to the extent the City has reserved its opportunities under the Rules, you’ve done so.”

Davis, “In actuality, there are some changes in this that lessen some of the restrictions or standards that were in place prior to these revisions. Those are noted. The City is allowed to permit a 15% reduction in vertical separation between the bottom of the drain field and the restrictive layer of the soils. Setbacks from buildings in certain situations can be reduced by 50% and modification of tank size requirements to a smaller size can be accommodated in system design. So, there are a lessening of certain restrictions in this revision.”

DeRoche, “Any other discussion?” Moegerle, “No.” DeRoche, “Hearing none, all in favor?” **All in favor.** DeRoche, “Opposed? Hearing none, motion passes.” **Motion passes unanimously.**

8.0A.2.  
Developers  
Agreement  
Classic  
Comm. Park

Davis presented the staff report, indicating that as part of the subdivision process, the City is required to enter into a Developer’s Agreement outlining improvements, warranties, and other obligations of the Developer. The Developer’s Agreement for Classic Commercial Park 3<sup>rd</sup> Addition is attached for your review. This agreement was written and prepared by the City Attorney based on Planning and Engineer Staff recommendations and has been

8.0A.2. accepted by the developer.

Developers

Agreement

Classic

Comm. Park

The approval and the signing of the Developer’s Agreement is a necessary condition. It must be met prior to the issuance of a building permit. Staff requests that Council consider the approval of the Developer’s Agreement for Classic Commercial Park 3<sup>rd</sup> Addition.

**Moegerle, “I make a motion we adopt and to approve the Developer’s Agreement for Classic Commercial Park.” Ronning, “Support.”**

DeRoche, “Any discussion? Again, the only question I’d have, Mark, have you had a chance to go through this?” Vierling, “We did with City staff. You’ll note that there are some areas where the escrows are going to be set once the building permit is applied for. So, it follows the format that we’ve been using for developer’s contracts with the City for several years.”

DeRoche, “All right. Any more discussion?” Ronning, “Yes. If I missed it, my apologies. What is the timing? Is it listed in here?” Davis, “No it is not. It’s expected to be, probably, commenced in six months or maybe the Spring time.”

DeRoche, “Any other discussion? All in favor?” **All in favor.** DeRoche, “Opposed? Hearing none, motion passes.” **Motion passes unanimously.**

8.0A.3.  
Final Plat  
Classic  
Commercial  
Park 3<sup>rd</sup>  
Addition  
Addendum

Davis presented the staff report, indicating the City Council approved the Final Plat of the Classic Commercial Park 3<sup>rd</sup> Addition at the October 1, 2014, City Council meeting. Staff is now requesting that the City Council approve the right-of-way designation for a future street extension of Buchanan Street, utilizing a 300-foot centerline radius and dedicating a 40-foot wide right-of-way, north of the centerline of Buchanan Street, for Classic Commercial Park 3<sup>rd</sup> Addition. The reason for this change is to accommodate future street improvements that would be eligible for MSA funds. MSA projects normally require the 300-foot centerline radius to meet their design requirements. To supplement this information, the Preliminary Plat has also been updated for your reference and also includes the area of right-of-way dedication. The developer is aware that the proposed building and parking must be revised and moved north to accommodate the right-of-way dedication. It is the policy of the City, where possible, to obtain easements on execution of the Developer’s Agreement or dedicated as part of the plat as it’s less complicated to secure them at this stage of the project.

This is a continuation of the platting of vacant property in the Classic Commercial Park. There have been no changes as result of comments for the Preliminary and Final Plat and CD Properties North, LLC is requesting the amended Final Plat approval.

Staff requests that Council consider the approval of the right-of-way for Buchanan Street as dedicated on the revised Final Plat for the Classic Commercial Park 3<sup>rd</sup> Addition.

**Moegerle, “I move that we approve of the right-of-way for Buchanan Street as dedicated on the revised Final Plat for the Classic Commercial Park 3<sup>rd</sup> Addition.” Harrington, “I’ll second.”**

DeRoche, “Any discussion? Again, Mark, you’ve had a chance to look through that and make your comments?” Vierling, “Yes we did. We talked with City staff. The option was for the developer to supply that extra right-of-way by way of easement. It makes far more

8.0A.3. sense for them to dedicate it as part of the Plat. It’s just easier to record and follow up on  
 Final Plat and it’s always right there. You don’t have to look in two locations to see where the future  
 Classic right-of-way is for the records. Yes, we support the request to do the addendum.”

Commercial DeRoche, “Any more discussion? All in favor?” **All in favor.** DeRoche, “Opposed?  
 Park 3<sup>rd</sup> Hearing none, motion passes.” **Motion passes unanimously.**  
 Addition  
 Addendum

8.0A.4. Davis presented the staff report, indicating the owner of the property, Irene Stern, 20204  
 Stern Highway 65 NE, has requested an Administrative Subdivision to divide a metes and bounds  
 Administra- parcel into two lots. Ms. Stern is interested in subdividing her property for the purpose of  
 tive sale of Parcel A of 10.03 acres, which is listed in your packet. The remaining use of the  
 Subdivision acreage would remain unchanged. The existing property is a metes and bounds parcel and  
 Ms. Stern is allowed to divide off one parcel from the original through the Administrative  
 Subdivision process. This property is located at the northwest corner of the intersection of  
 Klondike Drive and Highway 65.

On October 28, 2014, the Planning Commission approved the Administrative Subdivision request of the owner, Irene Stern, to subdivide the property into two separate metes and bounds parcels as described in your packet.

The Planning Commission recommends City Council approval of the Administrative Subdivision for Irene Stern as presented.

**Moegerle, “I move that we approve the Administrative Subdivision for Irene Stern.”  
 Harrington, “I’ll second.”**

DeRoche, “Any discussion? Mr. Vierling, any comments?” Vierling, “We reviewed it as per the packet and feel it is compliant with your ordinance. We support it.”

DeRoche, “Any more discussion? All in favor?” **All in favor.** DeRoche, “Opposed? Hearing none, motion passes.” **Motion passes unanimously.**

8.0B None.  
 Engineer

8.0C None.  
 City Attorney

8.0D None.  
 Finance

8.0E None.  
 Public Works

8.0F None.  
 Fire  
 Department

8.0G Davis presented the staff report, indicating that at the October 1, 2014, Council meeting,  
 City Amanda Olson of 1131 Pierce Path requested that Council consider amending the City  
 Administrator Ordinance, Chapter 10, Animals, Section II – Dogs, Division 2 – Kennels. Ms. Olson is

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requesting that Council consider reducing the acreage required for keeping of dogs. Ms. Olson lives on a 0.234-acre lot and wants to keep more than three dogs. Per City Ordinance, the maximum number of dogs allowed without a kennel license on lots less than two acres is two. More than two dogs requires a private kennel license and the maximum number of dogs allowed with this license is to be determined by the number of acres.

Ms. Olson wants to keep three dogs but City Ordinances require that lot sizes for three dogs is 2.5 to 2.99 acres. Staff reviewed requirements for Oak Grove, Ham Lake, and Cambridge and found their restrictions for the number of dogs that can be kept without a kennel license is less restrictive than our Ordinance. Please keep in mind that the number one category of complaints received by the City is for dog issues. We currently have four dog reports of violation under review at this time and these issues are difficult to enforce and resolve.

Staff is of the opinion that any further relaxation of City Ordinances that relates to dogs could increase the number of dog complaints and the amount of staff time and resources to address these problems.

At this time, staff feels that the need to amend the Ordinance needs to be more clearly demonstrated before any consideration is given to this matter. Staff requests direction from Council should there be an interest in further discussion of this issue.

**Ronning, "I move to accept staff's recommendation for discussion, at least." DeRoche, "I'll second." DeRoche, "Discussion?"**

Ronning, "Jack, you looked into this so we don't just 'blow it off' or anything. You looked into this and the size of the lot and the locations and what backs up to the property, et cetera. Can you explain that for everyone?" Davis, "The property is in Whispering Aspens. It's on Pierce Path. It's bordered on the east, west, and south by other residential properties. On the north and behind it, it is bordered by a pond. The property is less than a quarter of an acre in size. The ordinance that we have now says that you have to have 2.5 acres to have three dogs. Ordinances for Oak Grove and Ham Lake allow three dogs on lot sizes and Cambridge allows four dogs. This is an instance, though, where it's in a very dense neighborhood and, again, we have four violations of the Dog Ordinance on my desk now. One for dog running at large without a leash, two for barking dogs, and a dog bite incident. It's just our opinion that relaxation of the ordinances, especially in the denser neighborhoods, will serve to exacerbate this problem."

Ronning, "Are we aware of any complaints with regard to this occasion?" Davis, "There have been no complaints from this particular property."

Moegerle, "Is this property fenced? I think she stated that it was fenced." Davis, "It is fenced." Moegerle, "And, that's not an invisible fence but a regular fence." Davis, "That's correct."

DeRoche, "I don't think fencing is the issue, as Jack stated. The barking issue, you know, I expect the dog is going to bark if there's someone coming on your property that should not be there. I'd expect that. But, if it's in some neighborhoods, the dogs are just let out during the day, on a hook. Or, if company comes, they'll take them down to the lake or leave them tied up and the dog just barks and barks and barks. This .23 acres, you know, animals need a place to run. Dogs inherently come from the wolves and wolves run around. Dogs are somewhat domesticated but you can't be taking four dogs, or whatever, especially in this

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case on .23 acres and not expect any issues. I just don't see it."

Moegerle, "Well, I guess part of the question goes to, are these big Labradors and German Shepherds? Or, are they little, whatever they are, Shih Tzu, or whatever. The thing is..."  
Ronning, "A Chihuahua fits in a suitcase."

Moegerle, "Yeah, exactly. If it was three Chihuahua, exactly, good point. Thank you. So, I think that's an issue. The other thing is, they do have those bark suppressant devices. What I've noticed in our neighborhood, we had a resident that had three dogs. We all knew they had three dogs, we all knew that they didn't have a kennel license. Those dogs were monitored and they behaved. Number 1 dog died. Those dogs bark all the time. So, everyone tries to be patient because they are allowed to have two dogs. But, I think it really determines, you know, dog size matters and how diligent the owners are in training the dogs. So, that makes a big thing, a big difference, as opposed to a blanket three dogs. I think that there's room to discuss this and whether, you know, we didn't have the opportunity to see what the other cities have by way of division. Whether they divide it up by weight or size." Davis, "They don't. There's no mention of size or breed. The only distinction that a couple of them make is they don't count a puppy as a dog until it reaches four or six months of age."

DeRoche, "You know, this is kind of like the chicken chat. How many meetings did we waste on time talking about chickens and there was what, one or two complaints in 20 years? The thing with the dogs, Jack, is for some reason the ordinance was created. Again, dogs have to have an opportunity to run and I don't care if they are Chihuahuas or German Shepherds or what the case is. How are you going to say, 'Well, okay, you have three Chihuahuas so you can have them but you've got three German Shepherds so you can't because your dogs are too big.' If we've already got three, four, sitting on your desk, how enforceable is the ordinance? And, it states pretty adamant, why make an ordinance you can't enforce? Or, are we going to be now, instead of the 'chicken police,' are we going to be the 'dog police?' And if they have more than what they should, if the dog's barking, how are you going to enforce it?"

Davis, "The barking dog one is the most difficult to enforce because the way our ordinance is written, you have to have complaints from two different residences that live within 300 feet of the property or two people from one residence can complain. But, when the Deputy gets out there, if the dog is silent, sometimes that's hard to prove. They don't want that, to come out there every time somebody calls about a barking dog. My thoughts on it are, this is the first issue we've had with this. If there were others, I think it would be something to consider. But, until the time we get more complaints or there is a need to look at modifying it, I would recommend we leave it as is."

Moegerle, "How could we make this ordinance better for enforcement purposes? Based upon how you described the ordinance, which is correct, that's what it says, how could it be made more easy for you to enforce?" Davis, "It's just a matter of resources. Do you have somebody to go out there and catch the dog barking? You can go out there and catch the dog barking. There can be a complaint but if the dog is silent, what are you going to do? We've had numerous cases of barking dogs and the deputies go out and the dogs are silent and they instruct the people what the ordinance is and we'll get a call again in a couple days. There was one instance, actually, it was in the Beach area, and I kept getting a call from this one gentleman, probably got eight or ten calls from him over a two-month period, and the deputies would go out and the dogs would be silent. So, I don't know if it was a

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legitimate complaint or what. But, it's very difficult to enforce these barking dog issues no matter how you 'cut it.'"

DeRoche, "What do you think Ron?" Koller, "I think .234 acres is not enough room for three dogs. I would like to stick with the 2.5 acres."

DeRoche, "Tim?" Harrington, "Yeah, the 2.5 acres. I just want to make sure we exhaust everything, go through everything before a decision's made."

DeRoche, "Tom, what do you think?" Ronning, "I'm empathetic with some of these things and from my view, ordinances are a 'one size fits all.' It's not, there are differences you know, where you've got square feet or one thing or another. But, 'one size fits all.' I don't have a suggestion for doing anything different. Some of the sympathy comes from the lady came and offered this information herself rather than waiting for somebody, and there's no complaints about it. She could have done like 99% of everybody else and just don't say anything. So, that didn't make an opinion. I am sympathetic with her but I don't have a suggestion."

Moegerle, "I have a question with regard to the 2.5 acres and what's the 'rhyme or reason' to that? Could we reduce it to one acre? You know, you have three dogs on one acre. This wouldn't apply to this gal, I get that." Ronning, "Sure." Moegerle, "But, 2.5 acres is a very sizeable lot. Does it make more sense that you can have three dogs on one acre? I don't know how long ago this ordinance was written. Let's see if I can find it. Amended most recently in 2007."

DeRoche, "Well, I, sure's heck, with some of the other issues going on in the City, I would hate to see staff waste a lot of time on this. I think until a situation arises where there's more of a need to be brought up, then maybe bring it up in a Work Meeting and discuss it and try and 'hammer' everything out. I guess that's what I, the direction I would like to see staff go. Any comments?"

Ronning, "She's on, roughly, 10,000 square feet. That's not very big. Once a house and driveway and things are on there."

DeRoche, "Well, that's my recommendation to staff. Anybody else got any ideas?"

Moegerle, "Well, I think we should look to see whether we can reduce the 2.5 acre minimum to one acre. I would like to see actually what the other ordinances were for the surrounding cities that had less restrictive requirements. And, that could just be sent to me because I'm very sympathetic to the importance of pets. You know, if you move here from somewhere else where you've had three dogs and then all of a sudden you can't have three dogs, well, which one are you going to get rid of? It's like choosing between your kids. So, I would like to be more informed on what the other surrounding cities do."

Ronning, "A year ago, there was a kennel request that came before the Planning and Zoning. That group investigated everything very thoroughly, what size is the kennel, do you have privacy fences, every other thing there is to consider, pretty much. So, what's that have to do with this? Once again, this is a blanket, 'one size fits all' kind of a thing. I don't know how you can put in there that you can have Chihuahua but can't have Bullmastiffs."

Moegerle, "I understand that point. You can't say you can't have a total dog weight of 250

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pounds per acre. I mean, you can't do that. But, I am sympathetic to the 'one size fits all.' It doesn't fit everyone well." Davis, "And, keep in mind too that sometimes smaller dogs are noisier than bigger dogs. It just depends on the temperament of the animal."

DeRoche, "Well, instead of 'beating this thing to death,' who's up for just directing staff to hold off until there is more of a demand? Or, do we look at one acre?"

Vierling, "There's an existing motion on the table to adopt the staff recommendation. So either you want to withdraw that, that's fine. Or, do you want to vote on it? Certainly that's fine too." Ronning, "Or amend it."

Koller, "I would think for now to just leave it the way it is." DeRoche, "Well then we either have to vote on the motion or whoever made the motion withdraw it." Ronning, "I made the motion."

**Moegerle, "I'll amend the motion to have staff provide us with the requirements for Oak Grove, Ham Lake, and Cambridge with regard to kennels and then table it unless it is brought up again."** Vierling, "That would be out of order. You can certainly have staff research those items and bring it back to Council." Moegerle, "Okay."

**Ronning, "I'll accept a friendly amendment."** Moegerle, "Okay." Vierling, "Then the present motion to amend in front of the Council is to have staff research the neighboring communities indicated and bring back that research to the Council."

Ronning, "Before we finish that. Have we been shown what the other communities have? Have we seen that? I don't recall it myself." Davis, "I did not include that in the packet. I just wanted some direction here as to where we're going with this."

Ronning, "Well, we had discussion before and I think there was some phone calls to look into some of the locations." Davis, "The lady here said that Minneapolis was less restrictive than the City of East Bethel. That's true but the Minneapolis dogs have to be kept inside. So, there's some differences there. And, in the other three cities, they did have less restrictions on the minimum number of dogs that can be kept on the initial smaller acreage but if I recall, and I'll send that information to you, I believe some of the acreages went up and ours became less restrictive than theirs. I will provide you with that information for your comparison."

DeRoche, "With that, I call the question." Ronning, "I think that we have somebody that..." DeRoche, "Well, we have to finish this motion. All those in favor?" **Vote: DeRoche, Harrington, Koller, Moegerle-Aye; Ronning-Nay, amendment passes 4-1.**

Vierling, "That motion passes. The matter in front of you is the main motion as amended to adopt the staff recommendation but to have staff research other community's regulations and bring that back to you. The adoption of this motion would not preclude a subsequent motion at another hearing to amend the ordinance, if that was your choice."

Ronning, "I think we have a request to..." DeRoche, "It's not open right now. Well, again, to me this is like the chicken chat thing. We found that staff wasted an awful lot of time looking at something and then to find out it really hasn't been an issue. I think that this Council needs to focus on things that are at issue right now. And, if the dog thing becomes an issue, well then you deal with it. But, I don't think the City's staff, I think they're pretty

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well 'tied up' with other business between development and everything else. I would rather see them put their time into that."

Moegerle, "Well, this is a quality of life issue. I know that three of us here and another person have traveled this City very diligently over the past couple of weeks and we've seen lots of places where there are three dogs out and running around, there's invisible fences. Dogs are a big part of the quality of life of living out in this rural area. Those dogs are parts of people's families and there's emotional attachments to it just like the woman who came here and told about having to get rid of the dog that was like family and explaining that to her kids. So, I think that in order to be friendly to residents that move here from other surrounding areas, we have many vacant houses, we have many houses for sale, we don't want those houses to remain vacant because these people have three dogs and they're not going to have 2.5 acres. It's one way of being welcoming and receptive to new residents. If our regulations are compatible or closely similar to the surrounding areas."

DeRoche, "Well, my problem with that is, and you know it's come up here many times on other issues, it's great to have people move in but if I were to move into a City, I would check all their ordinances, check their plans, what are you going to do, what can I do here, what can I do for structure, how many animals can I have. If this City is going to be changing ordinances every time a person is going to move into a house and they can't meet what the City ordinances are, I think that's pure turmoil myself. And, it's not to 'unwelcome people' but because we've had a request, now this is our second or third meeting, there's a lot of discussion, and I don't think anybody up here is heartless but every decision that we make effects every household in the City. So then are we going to set a precedent? Well, okay, now if you want to have whatever come in, 'Well we'll go to the City and we'll ask them to change the ordinance,' because we want the City to be friendly? I just think it sets a bad precedent."

Moegerle, "Well, when I look at this ordinance and see that we changed it last on May 16 of 2007, and before that on March 6, 2002, you know, it's been seven years at a minimum. It's been 12 years, more than 12 years, since this has been reviewed. This is a topic about the quality of life of our City. We're very engaged with trying to attract residents and businesses to our City. To have an unduly strong ordinance, and I'm talking about the difference between 1 acre and 2.5 acres. Or, finding out what these other three cities have, just to be informed and decide, in comparison, is this our value. I think it's time to review it. It's been seven years."

Ronning, "As an accepting friendly amendment, I don't think there's any intent, on my part anyhow, to change the ordinance. It's what are some of the other ones doing and is there some, this is from now on, not before, but is there some way to mitigate the conditions?"  
Moegerle, "I second that Tom."

DeRoche, "I'm going to ask one more question and then I'm going to ask what the motion is so we can get on with it. You know, there's been a concern that if you do your 'homework' before you come here and I think this is one of those situations, that if someone really wanted that information it should have either been asked for prior to the meeting or they could have looked the stuff up on their own. Now that being said, there is a motion. Correct Mark?"

Vierling, "There is a motion on the table." DeRoche, "Okay, could you repeat it please?"  
Vierling, "The motion on the table is to adopt the staff recommendation but have the staff

8.0G.1. do research on other community's regulations relative to dogs similar to East Bethel's and report back."  
 Animal  
 Ordinance,  
 Chapter 10,  
 Dogs

DeRoche, "With that I call the question. All in favor?" **Vote: Harrington, Koller, Moegerle, Ronning-Aye; DeRoche-Nay, motion passes 4-1.**

8.0G.2. Davis presented the staff report, indicating the Board of Water and Soil Resources, known as the acronym BWSR, is accepting comments on a hearing request for a proposed amendment to Minnesota Rules Chapter 8410 relating to Local Water Management Organizations. The comment period runs until November 10, 2014. Attached is a copy of the Proposed Permanent Rules Relating to Local Water Management, Revisor's Draft.

BWSR is proposing to update State Rules 8410, which cover WMO plans, reporting and related activities. The primary changes relate to the following:

- A requirement for more measurable actions and goals in watershed plans
- A requirement to make it easier for watershed organization's to make minor amendments to their 10-year plans.
- An update annual reporting requirements.
- A change audit requirements for WMOs with smaller budgets

One item that is of particular interest is that BWSR is proposing that they will charge the WMO for costs of any performance or financial audit that BWSR conducts.

The following are Jamie Schurbon's comments on the proposed changes. Jamie is the Contract Manager for the Upper Rum River and the Sunrise River WMO and works for the Anoka Conservation District. His comments on these audit charges are as follows:

- (a) The responsibility for watershed organization oversight belongs to BWSR, and BWSR is funded accordingly by the State. If BWSR lacks sufficient funding to carry out its oversight role, this should be addressed with the State Legislature and not charged to local governments.
- (b) Costs to correct organizational deficiencies should be borne by the local organizations. The cost to determine if there are deficiencies should not.
- (c) The costs the State may incur are outside the control of the WMO are unknown. Requiring the watershed organization to pay all audit costs removes any financial incentive BWSR may have to conduct the audit expeditiously.

An additional issue with BWSR is that it attempts how to address low performing watershed organizations and member cities. The revised Rule has a more detailed process for reviews, appeals, and audits. The options for punitive action are unchanged because they are within State Statute, not Rule. The options include transferring water planning authority to the County or forming a watershed district by combining WMO's.

This is a sensitive issue. Dealing with an uncooperative member city is more challenging and the Rule/Statute offers little for corrective actions but lots of process for identifying problems and recommending it be corrected. It is the WMO's responsibility to deal with a city that is "failing to implement" the watershed plan but the WMO is not well positioned to correct the city because its members are appointed by the cities and the cities provide the funding.

Staff is requesting Council consider comment on the proposed BWSR changes to Chapter 8410 and recommends it consider endorsing Jamie Schurbon's recommendations as the City

comment. These comments are included in your packet for your review.

DeRoche, "Leon, could you come up?"

Leon Mager, Tri Oak Circle, East Bethel's representative on the Sunrise River Water Management Organization (WMO), "Yeah, BWSR administrates the watersheds and the water districts and handle all the administrative functions, which includes the audits and so on. They are financed by the State and the watersheds are financed by the communities. With the line on State funding and community funding, BWSR is proposing to move some of their administrative functions, which were originally funded by the State, over into the watershed to be funded by the communities. This is the part, really, that Jamie is objecting to and everybody should be. What's not in the packet, is that if they get 25 letters asking for an open session to the public, which would be December 2<sup>nd</sup>, then they will have that. If they don't get the 25 letters, they're not going to have the open session. So, to get the letter into them by the 10<sup>th</sup>, you won't have a lot of time. I'd really like to recommend that let's have the open session and talk about this some more rather than just, 'throw the administrative function over the fence' and have the watershed districts pick up the financial responsibility for them."

DeRoche, "Leon, could you clarify that again? So, what you're saying is you want to have the open session so that we have the opportunity, or the cities do, to say, 'No, we don't want BWSR to take over, basically the water management areas.'" Mager, "Yes, the audit function. Yes, that's true. We'd like to recommend to the staff to generate a letter and I think you have the address, don't you?" Davis, "I do." Mager, "Okay, generate letters that staff would like to see the open session, the open hearing, on this bill before they continue on."

Ronning, "Is this a cost shift?" Mager, "Yes, it is. This function then would no longer be funded by the State but it would be funded by the communities." Ronning, "Do you have any 'guesstimate' what..." Mager, "No, I do not. I just don't want to start the process. Once they start moving administrative functions out of BWSR and into the watersheds, why..." Ronning, "Once the 'train' starts moving, it doesn't stop." Mager, "That is correct." DeRoche, "There's no real control on it."

Ronning, "What about the authority? Does the cost shift with the retention of the authority? The powers? I'm not sure if that's clear." Mager, "That's not clear. Repeat that." Ronning, "BWSR is the governing, that's the umbrella," Mager, "That's the umbrella organization. Minnesota Pollution Control Agency, Environment Protection Agency, BWSR, there's a lot of them but our interface is to BWSR and then they spread out from there." Ronning, "Do they want to keep the umbrella and us pick up the tab?" Mager, "That is correct." Ronning, "Okay."

Moegerle, "What's important to know is that the Upper Rum River WMO has been really targeted by BWSR. They just had their review this last year and they had a lot of complaints and we have the report. I'm sure that will be shared with you this week with regard to non-compliance or non-activity, lack of activity, those kinds of things. So, East Bethel would be impacted by these Rule changes, probably through the Upper Rum River WMO and those costs would most likely be passed on to us. Or, if not immediately because the Rules would come too late, but it does relate to the Upper Rum River WMO. Whether that's 'leaving the pack' or we'll be affected by it. It will impact East Bethel."

8.0G.2.  
BWSR-WMO  
Review

Mager, "I think what Heidi...I'm more concerned with the Sunrise. I'm just concerned about the financial responsibilities that they're trying to shift over to us. But, you have a good point also. There's more to this bill if you read everything that's in there. The part about the poor performing WMOs and the possibility of forcing, combining them, and the possibility of forcing them into a WMD. A WMD has taxing authority and I don't know how that would all work, if part of East Bethel had to pay for this through the taxes and the other half don't. That's a real mess." Moegerle, "It's like the schools." Mager, "That's the part I'm concerned about. That's part of this also. They've got that in there."

Ronning, "What's your understanding. Do we have to have the 25 letters? Or, can the Council request the meeting?" Mager, "I'm hoping, we have a Sunrise meeting tomorrow night and I'm hoping the other cities also, our member cities, pitch in. I'm also hoping that, this letter, this only applies to the seven county metro area but there's enough watersheds and cities within the seven county metro area that I don't think there'll be a problem getting the 25 letters."

Davis, "Leon, correct me if I'm wrong, but the 25 letters refers to the difference between having an open public hearing on the matter and a private closed session. So, if they receive 25 comments on this requesting, then this has to be an open public hearing that BWSR has on the matter."

Ronning, "Have you had the opportunity to communicate this with other organizations?" Mager, "No, I'm kind of hoping that we have...Sunrise has a meeting tomorrow night and at that meeting, I'm really going to push that the members there, Columbus, Linwood, and so on, but I would assume that Jamie would carry the message at least to the members of the Upper Rum."

Moegerle, "Yes, they've gotten it as well." Mager, "And, I'll talk to Jamie tomorrow night and see if all the watersheds and conservation districts are in step with this too." Moegerle, "The Upper Rum River meets next Tuesday and from what I've got on the agenda and those kinds of things, they're very strongly inclined to endorse Jamie's comments and to send a letter. I think this is an important one for us."

Davis, "Part of the information we got from this was actually generated and submitted by Dan Denno from Oak Grove. Is he the Chairman of the Upper Rum River?" Moegerle, "Yes." Davis, "So, apparently, he's been in contact with their members requesting them to do the same thing."

**Moegerle, "I will make the motion that we write a letter endorsing Jamie Schurbon's comments with regard to amendments to the Rules." Koller, "I'll second."**

Ronning, "Does that address what you would like to see happen?" Mager, "Very much so. Thank you."

DeRoche, "Any discussion? All in favor?" **All in favor.** DeRoche, "Opposed? Hearing none, motion passes." **Motion passes unanimously.**

**9.0 Other**  
9.0A  
Staff Reports

Davis, "The East Bethel Lions, the East Bethel Royalty, and the East Bethel Bandits recently conducted a food drive and collection. 950 pounds of food were delivered to NACE (North Anoka County Emergency Foodshelf). That was a very good effort on their part."

9.0A

Staff Reports

The TBRA Grant was submitted to Met Council on Monday. We'll probably hear something on that by the first of the year. The grant application was for funding assistance to decommission the Castle Towers Waste Water Treatment Plant and to help in providing funds for the reclamation of the sewage lagoon and creating a piece of property that could be potentially used for residential development.

Also, too, don't forget the Town Hall meeting is scheduled for November 20, 6 p.m. to 9 p.m."

DeRoche, "Is that young lady that was going to speak at the Public Forum, did she leave?" Davis, "She's back here." DeRoche, "No, there was a young lady that was sitting up in the front here. She left?" *Comment off mic.* DeRoche, "Somebody's talking out there." Moegerle, "It's Leon." DeRoche, "Jerolyn Williams here? No? Okay."

9.0B

Council  
Report –  
Member  
Moegerle

Moegerle, "Last week was the Local Government Officials Meeting. It was held at the Blaine Firehouse, the new...out on Jackson Street, or Ulysses, I'm sorry. Anyway, it was a great meeting. The main jest of it was with regard to being a Heart Safe Community, what it would take for Anoka County, really, to progressively become a Heart Safe Community, which really addresses the issue of Sudden Cardiac Arrest. We do have the AEDs here in the City. We have them at the Fire Department. I think we have some of them over at the Pub and Grub, and some of these other places. For us to be a Heart Safe Community, we'd have to have about 450 points. You get points for holding trainings and per person attendance at those. So, it would be a really neat thing to endeavor to do, particularly since we've got such a high rate of qualified firefighters with those skills. It might be something to consider. It's something that Anoka County is very interested in us proceeding with.

Scott Schulte, the County Commissioner, made a presentation with regard to Met Council. He had a really interesting point of view that he was talking about whether the Governor's chair changed parties or not. The real problem that is being caused for all of us is not who has the Governor's seat and who's appointed to the Met Council but actually the Met Council staff. And so, his point was get with your Met Council representatives and say, 'You as a Met Council representative need to be more firm and controlling the direction in which staff goes on these issues of transportation requirements and housing and all these other kinds of things.' I thought that was a really interesting perspective that got away from the politics of the whole situation, which we've dealt with.

Those were pretty much the highlights. The election's over. I think we're all glad to be moving on and moving forward in a known direction. I'm pleased as well. So, that's all I have."

Council  
Member  
Ronning

Ronning, "I'm more in the form of comments, I think. First of all, congratulations to the winners and not condolences, but thanks for all the hard work everyone's put into that. It's a very difficult choice to, it's difficult to make some of those choices.

I see the Mayor-elect Steve is here and I'm kind of glad for that. I came across some items in the news media and I'd rather say it to you instead of not. *'Voss said he has talked to a lot of residents who are unhappy with the conduct between Councilmembers. Voss called it a circus. It's to the point where people call watching Council meetings entertaining, which bothers me.'*

Council  
Member  
Ronning

This is not an a-typical meeting. This is pretty much the meeting that's been going on most of this year. These five people, myself included, have done a lot of business. We've refinanced a bond that saves \$1.8 million, I think or something, \$1.5 million, \$1.8 million. The City is now in a position where prior to getting their tax revenues, we're at 60% funding. 60-65% Jack?" Davis, "The general fund balance was 60%. We allocated a portion of that for the 2016 C Bond payment and currently we are just above 50%." Ronning, "Other cities strive for 35% and we set a target for 40%, I believe." Davis, "40% to eventually get to 50%."

Ronning, "And, another comment in here is: *'When asked what it means for him to be elected as the Mayor of East Bethel, Voss said it means we're restoring order to the Council and we're restoring stability to City Hall. There will be a renewed focus on achieving our goals and bringing in services the residents deserve.'* The election is done. This, I'll just call it what it is. This is a pretty damned arrogant statement with the elections done to a public media like this. I hope, and on my part I intend to, I hope we put this behind us and don't proceed with this in January. I'm done."

DeRoche, "I'm sorry, Heidi, is there something funny down there? Okay, just curious."

Council  
Member  
Harrington

Harrington, "I just want to thank the voters for their support last night. I know there are some issues facing the City and I'm looking forward to working with the new people on the Council to get these issues resolved and making this a better City."

Council  
Member  
Koller

Koller, "Well, I was at the Fire Department on Monday. They're working on getting the new radio system set up, which will be Countywide.

And, I have the meeting tomorrow with the Sunrise River Watershed and we'll find out what they have to say about this item we just discussed. That's about it."

Mayor  
DeRoche

DeRoche, "Well, I guess Tom kind of answered my question. I was a little disappointed when I read the article in the *Anoka County Union*. Especially with the rhetoric that went on during the campaigning and positive image. I personally don't see the City Hall as being unstable. I think it's rather stable and since January of this year, I think the meetings made a complete turn around. But, because some people don't like it, I guess personally I don't care because I think business has been going on and I think we've gotten a lot done.

Unfortunately, someone found it within themselves to remove about 30 of my signs and probably 120 pieces of literature out of paper boxes. So, to those who did that, 'What goes around comes around.' That being said, I'm done."

9.0C  
Other

None.

**10.0  
Adjourn**

**Moegerle, "I make a motion to adjourn. Koller, "I'll second." DeRoche, "Any discussion? All in favor?" All in favor. DeRoche, "Opposed? Hearing none, motion passes." Motion passes unanimously.**

Meeting adjourned at 8:28 p.m.

Submitted by:  
Carla Wirth

*TimeSaver Off Site Secretarial, Inc.*