

**EAST BETHEL CITY COUNCIL WORK MEETING**  
**MARCH 23, 2016**

The East Bethel City Council met on March 23, 2016, at 6:03 p.m. for the City Council Work Meeting at City Hall.

MEMBERS PRESENT:        Ron Koller                      Tim Harrington  
                                     Brian Mundle                 Tom Ronning

MEMBER ABSENT:         Steve Voss

ALSO PRESENT:            Jack Davis, City Administrator

**1.0**                         The March 23, 2016, City Council Work Meeting was called to order by Mayor Pro Tem  
**Call to Order**         Ronning at 6:03 p.m.

**2.0**                         **Harrington stated I'll make a motion to adopt the agenda for tonight's Work Meeting.**  
**Adopt**                     **Mundle stated I'll second.** Ronning stated any discussion? In favor? **All in favor.** Ronning  
**Agenda**                   asked opposed? The ayes have it. **Motion passes unanimously.**

**3.0**                         Davis presented the staff report, indicating the Spring Town Hall Meeting is scheduled for April  
**Town Hall**             19, 2016. Due to a number of issues that are of interest to residents, it is anticipated that  
**Format**                   attendance at this meeting may exceed the ability to seat those present and the occupancy rating  
                                     for the Council Chambers.

The entire meeting could be conducted in the Senior Center. Should this be an option, we would need to arrange for recording of the meeting.

In addition to establishing the location, the Council may wish to discuss the agenda and any change in the format of the proposed meeting.

Davis stated, I would recommend that we consider doing the whole meeting in the Senior Center. I would expect that we'll have a larger number of people than we usually do. We can get Brian to bring his camera that he uses for the North Metro TV to record it. We also have a number of wireless microphones over there that we can use and pass out to the audience. And, I think it would be a much better site to accommodate a larger crowd.

Davis stated we have 60 seats in here and I'm sure they'll all be filled up. I just want to make sure that everybody that comes has a seat and nobody has to stand out in the lobby again. Koller stated yes, that would make sense. Ronning stated yes

Davis stated if you want to, we can investigate that and make sure that we can get the recording done and then we can bring back a recommendation at the April 6<sup>th</sup> City Council meeting, if you all think that site will be suitable for conducting the Town Hall Meeting.

Ronning stated sounds good to me. Koller stated yes.

Davis stated we're going to have, Mn/DOT's here in the 6-7 o'clock session. They'll have somebody here to answer questions about the Reduced Conflict Intersection proposal and have some displays. Mid-Continent is also going to be here so anybody that has any cable issues or questions or concerns about service, they'll be here to answer those questions.

**3.0**                         Davis stated also, there'll be the Department Heads being available for any questions and  
                                     Commissioner Julie Braastad will be here.

Davis stated once we finish the first session, if there are still some people that have questions about the improvements to the 22/65 intersection proposal, we could do an agenda and have that first; so the Mn/DOT people could be here to answer any questions and if they want to leave, then they could go ahead and leave. The same way with the cable company. If anybody had any questions of those, we could set up two specific agenda items for them. So, if they do not want to participate in the rest of the meeting, some of them have a little distance to travel, they can get out of here.

Koller stated I'm sure we're going to have allot a lot of time for the CST. Davis stated I'm sure we'll have many comments on that. Are there any other items that you think we need to bring up and just open up for any type of public discussion?

Mundle stated when Congressman Emmer's representative was here, I did extend an invitation for him to attend the Spring Town Hall Meeting. I don't know if anything will come of it. Davis stated I had done the same thing a couple months ago and was told he was scheduled for that night. However, if he changes his mind, he's more than welcome.

Davis stated another couple of things I want to make sure that we get out at the Town Hall Meeting and at the next Council Meeting is the Local Board of Assessment and Appeals will be meeting on April the 20<sup>th</sup>. I want to make sure that everybody knows that that's the meeting you come to if you have any questions about the valuation of your property. If you want to appeal that, then that's the meeting; the only opportunity you have, to appeal that to the County. So, we want to get that message out.

Davis stated that's essentially the recommendation tonight I have for the format for the meeting. I think it would be essentially the same except maybe when we have the middle part for public comment that we do have the two agenda items for the Mn/DOT and Mid-Continent. So, in case those people want to leave, that will get them out of here at a decent hour.

Ronning stated that seems like most of it. Then the rest of the time is pretty much for residents. Davis stated yes, and then it'll be open to whatever anybody wants to discuss.

**City Council supported staff's recommendation to hold the Town Hall Meeting in the Senior Center and ask staff to report at the April 6<sup>th</sup> City Council Meeting relating to the ability to record the Town Hall Meeting.**

**4.0  
Ordinance  
Amendment  
Snowmobiles**

Davis presented the staff report, indicating that Mike Harris, 421 226<sup>th</sup> Avenue, spoke at the Public Forum at the February 3, 2016, City Council Meeting. Mr. Harris' concern related to the City Ordinance requirements for the operation of snowmobiles.

City Ordinance states that snowmobiles in platted subdivisions must be ridden upon the most right-hand lane of a City street and snowmobiles in un-platted subdivisions must be ridden on ditch bottoms or outside slope, or shoulder when necessary, of City streets.

As there are a mixture of platted and metes and bounds subdivisions in the City, the requirements of the Ordinance can be confusing and don't provide a reasonable means of identifying the areas within City streets where snowmobiles can be operated.

City Council discussed this issue and directed staff to investigate the history of the City Ordinance. Staff performed an electronic search and found two items relating to this issue. As indicated in Attachment 6, it appears that the change was made to clarify Ordinance 44B. Even though the clarification provided a clear standard in terms of definition, it still may not be

practical in application in terms of the mix of the different types of subdivisions within the City.

Davis stated what we found out, and if you'll turn to Page 22, there's an old write up for a Council agenda that directed the City Council to amend the Snowmobile Ordinance because the definition wasn't clear. The old Snowmobile Ordinance actually was in place when the City was a Village. Based on that discussion, there was a proposal which still didn't clarify it and there was another change in the language and on Page 19 in 2005 which is Ordinance 44B, which is what we have today. The reason the numbers have changed is we switched to Municode. They changed the arrangement of everything as far as the numbering system. This was done previously to clarify some misconceptions where a snowmobile could operate. In my opinion, it didn't go far enough. I think the issue we have here is there are two areas where you can ride. Two areas of the City's right-of-way. One's in a platted subdivision, which says you have to ride on the paved portion on the right-hand travel lane. The other, if it's an unplatted subdivision, then you have to ride on the shoulder, ditch bottom, out-slope or in-slope.

Davis stated the problem is nobody knows what's a platted or what's metes and bounds when you're on a snowmobile. The only real way you can do it is to go to the City website, then look it up on GIS. It's listed there. But, that's the only listing that I've ever seen that shows it on a map. And, I don't think anybody's going to carry a map around with them.

Davis stated if you're interested in changing the ordinance, I've also attached what Ham Lake does. Ham Lake is a little more restrictive than we are. St. Francis is very restrictive. They only have certain areas that you can ride and you've got to have a card and you can only ride on that portion until you get to a snowmobile trail. Oak Grove does not address snowmobiles in their city ordinance. In Oak Grove, you can ride a snowmobile anywhere within the city right-of-way. Blaine's ordinance is a little confusing too. But, it more or less restricts you to city street but in some cases you can ride in ditch bottoms and shoulders and slopes. To me, the simplest clarification of this would be to allow the operation of snowmobiles within the City right-of-way.

Davis stated the other issue we have with the snowmobiles too is if you have no snow, the City streets are plowed, and you're in a platted subdivision, you can't ride it in the ditch bottoms, the shoulders, or the slopes. So, you've got to ride on pavement until you get to a metes and bounds subdivision.

Koller stated I think let him ride on any City right-of-way would be fine. Trying to determine what is and isn't platted, whether you can ride here or here, or there, it's too hard. Davis stated it was discussed that maybe part of that distinction was made because maybe in platted subdivisions you had, maybe, more developed lawns down towards the street edge. But, I don't see any difference. They can be platted or metes and bounds and the landscaping doesn't seem to vary because of the type of subdivision.

Davis stated generally, in any areas where the vegetation's disturbed in City right-of-way over the winter, whether it's by snowplow damage or any other means, the City does go back and repair those. If something happens on private property, then it's not a City matter. Then it becomes a civil issue between the property owner and a snowmobile rider. But, I think, in my opinion, the way to keep this thing as simple and as understandable and as enforceable as possible, is to make no distinction between the two different types of subdivisions for riding.

Mundle stated well the simplest would be allow in City right-of-way until we may get complaints and then we may have to discover another way to do it. But, if there's been no complaints over the last how many years, 11 years, if this is the first complaint that's arisen, it's not a huge deal.

Koller stated it was a complaint that they didn't understand the rules, not that there was a problem with it. Davis stated yes and the complaint wasn't about damage. Like I say, that was the first complaint that I've received since I've been here about snowmobile use. Now you get all kinds of complaints about, well, 'snowmobiles are up in my yard.' Well, that's unfortunate but unfortunately, we have no jurisdiction or authority on that.

Davis stated you see people that do put up fences. You can put up a fence on your property line but you can't put the fence up in City right-of-way. We've got one issue with that now and the property owner was told to remove it because he extended the fence all the way down his driveway to the edge of the pavement. We told him that since there was no snow and no snowmobilers, that he had until the frost got out of the ground to remove his posts so he said he would take care of it. If we do this and there are issues, I think then you have to make adjustments to kind of react to that. But, I don't see that there's going to be too many issues based on past history.

Koller stated if nobody knew there was a rule about it, they didn't know they were breaking the rule. And, we haven't really got complaints other than a few trespass ones but that won't change that.

Harrington asked can you please repeat that? How far down? You know when you were talking about that guy putting a fence down his yard, how far down? Davis stated he put the fence all the way down to the edge of the pavement. So your property line on most City streets is going to start 33 feet from the centerline of the road. Harrington stated okay, well I put a fence up in my yard because of my septic and my drainfield. But I've got my posts right down to the road. So, I supposed that fence shouldn't be there? We just don't want the snowmobiles running across my drainfield and my septic system, you know. Davis stated if you put it across your front property line, you're okay. Legally, you can't put anything on the City right-of-way unless you get permission from the City.

Ronning stated just for the record, could you kind of indicate what the City right-of-way includes? I know you spoke to it. Are there any other? Davis stated, the City right-of-way is a strip of land that's owned by the City for the purpose of locating a City street. Within that right-of-way, there's enough width for the pavement and also for drainage, ditch lines, snow storage. Most City streets have a 66-foot wide right-of-way. So, if the street is in the middle of the right-of-way, then your property line starts 33 feet from the center of the street. So, you may mow and maintain right up to the edge of the pavement, but generally from the edge of the pavement to your property line is going to be about 12-15 feet. Ronning stated that sounds like it's safe enough. Koller agreed and stated yes.

Davis asked so do you want us to proceed to present some kind of draft ordinance? Koller stated yes, a simplified ordinance. Ronning stated yes. Davis stated I think this is a good time to do it, well before the next season gets under way. We can have that ready for the next Council meeting then. Mundle stated sounds good.

Koller stated our ATV Ordinance, most people don't even know about. Ronning stated well, there's a lot of things a lot of us didn't know about. Koller asked do you have an ATV? An unidentified gentleman in the audience responded yeah, I do. Koller asked do you know the ordinance in East Bethel? The unidentified gentleman stated no, well I know you couldn't ride your ATV if it's like a State trail. Koller stated you can ride on the shoulder of City streets in East Bethel. Mundle stated I thought you could ride in them, on the street. Koller stated on the street, on the side there. Mundle stated as long as you're a resident of East Bethel. Koller stated yes, you can even, in City streets but not County and State roads.

The unidentified gentleman asked can you ride them right now? Koller and Davis answered yes. The unidentified gentleman asked even (*inaudible*) can ride them? Koller stated well, you can't ride down the ditch. You ride right on the road as long as it's a City street you can. Mundle added and you're a resident of East Bethel.

The unidentified gentleman stated oh, I can't ride on a County road, right? Koller replied not on a County road, that's County controlled and the State highway is State. But, any City street and I think Bob DeRoche pushed that through quite a few years ago and nobody even knows about it. Ronning stated in 2011 or 2012.

The unidentified gentleman asked if I get a permit, can I ride on a County road? Koller stated I don't know how the County works it. Davis stated I don't think they give permits. The unidentified gentleman stated well, I've been on an ATV run up in McGregor (*inaudible*) and we could ride on a county road. Just for that day. Koller stated oh, that's nice. The unidentified gentleman stated but he had to take out liability insurance. Koller stated liability yes. But, in East Bethel, you can drive on the City streets. If you want to go visit your neighbor or something, you can, without getting arrested

**City Council requested staff to draft an amendment to simplify the Snowmobile Ordinance, as discussed, to make no distinction between the two different types of subdivisions for snowmobile riding, for consideration at the April 6, 2016, City Council Meeting.**

**5.0  
Ordinance  
Amendment  
Large  
Animals**

Davis presented the staff report, indicating at the November 4, 2015, the City Council meeting, Ms. Jerolyn. Williams appealed a City Staff decision to not allow a miniature horse on her property at 19715 Tri Oak Circle. Staff's decision was based on requirements of City Code, Chapter 10, Article IV, Section 10-116, 'no animal regulated by this article can be kept on a parcel of land located within a platted subdivision or on any parcel of land less than three acres provided further, that if 80 percent of the lots within a platted subdivision are larger than three acres, an IUP for keeping a regulated animal may be issued for any of those lots larger than three acres.' The exception does not apply in this situation.

19715 Tri Oak Circle is a platted lot of 2 acres in size and is located in the Viking Knoll Subdivision. The other platted lot in this subdivision is 2.28 acres. There are no distinctions between horse breeds or size included in the City Code. Section 10-115 that provides definition for animals, parcels and platted subdivisions.

The Planning Commission previously discussed this issue and the consensus at that time was that the lot size of three acres regardless of the size of the horse should remain in effect. It was a discussion item only and no formal recommendation was made to the City Council. The topic was re-introduced to the Planning Commission at their meeting on January 26, 2016, and there was a lengthy discussion as to amending the ordinance to address this particular request.

The concern expressed by the Planning Commission was the establishment of the precedence of reactionary revisions that only address an individual's specific or unique request. After much discussion, the recommendation of the Planning Commission was to keep the Farm Animal Ordinance, Chapter 10, Article V, unchanged in relation to the miniature horse issue. The Planning Commission voted 6 to 1 to recommend the Farm Animal Ordinance relating to the keeping of horses remain as written.

5.0 The City Council discussed this item at their regular meeting on February 17, 2016 and directed staff to investigate that. At this time, the City staff and the Planning Commission recommend

that no changes be made to accommodate this request.

Should Council desire to proceed with consideration of a change to the Ordinance, a sample revision is included in Attachment 3 for discussion. The basic changes needed to address this situation are the addition of a definition of miniature horse, eliminating the requirement of limiting the animal within platted subdivisions, establishment of a minimum lot size, restrictions or no restrictions to residential zoning districts, and number of animal units per acre.

Davis stated staff's recommendation is based on the fact that there is some concern that this may set a precedence for some of the stranger pets that are coming out like fainting goats; people that want to buy two fainting goats so they don't have to mow their yard; or screaming goats that actually scream like a human; potbellied pigs; and, other types of what are considered to be domestic but exotic animals. If we allow the miniature horses, there's concern that this just 'opens the door' to set the precedence for having to approve these other types of animals.

Mundle stated I have nothing against miniature horses, anything like that, and in the future if the need arises, it could be something that could be changed, but I think, I tend to agree with the Planning Commission and their recommendation not to change anything at this time. Koller stated I would agree with that.

Ronning stated I'm the one that was objecting for the most part and only the people that were there and doing whatever that was at the time, as far as intent goes, know what the intent actually is. I noticed there's two places for exceptions in there. So, the people that wrote that, opened it up to exceptions. Not that it was a closed, 'to death do you part' ordinance or anything. And, the other thing that's a little conflicting is it's for large animals. This isn't a large animal. Mundle stated its equine and by definition, it's a horse. So that's where it is.

Davis stated there's two sections in the ordinance that actually deal with this, under large animals and farm animals. One of the reasons that we recommend, if there is a change, it would have to be done in two places because both of them refer back to that platted subdivision issue. One of the issues we have in our ordinances is it permits something in one spot but then it's not consistent throughout. So, if you read one of these and it wasn't included in this, you saw that it wasn't permitted, you would think it wasn't permitted. Or, if you read and saw it's permitted in one, you'd think it was in the other.

Davis stated a miniature horse, what's the definition of a large animal? Miniature horse is, according to the definition doesn't exceed 38 inches at the withers. Is that a good-sized animal? Some people would say, 'Yes.' Some, a horse person would probably say, 'No, it isn't.' But I think if there is a change, it should be in both of those sections just so when you read one, there's consistency with the other because it does go back and reference the platted subdivision requirement.

Mundle stated well if you're comparing a miniature horse to a standard horse, yes it's a smaller animal. But if you consider, say, dog breeds, it's certainly not a Chihuahua. So and you could compare it to a Great Dane or a Mastiff and those are, obviously, larger animals. Now if they jump up on you, put their paws on your shoulder, and look you in the eye. Ronning stated probably more destructive animal than a miniature horse.

Davis stated our only other concern too was, is this just something temporary. In relation to this case, the person requesting this may only be interested in a miniature horse for a couple of years and then that person may be gone because kids grow up and they do move away.

5.0 Ronning stated as I said at that meeting, I'm one that thinks we're here to help keep the place

running but we're also here to try to help people get where they want to be. If the miniature horse lasted for a week, there'd be no harm. No harm to the City.

Koller stated but if you opened the ordinance up, you've got, 'Well, I want sheep.' Ronning asked how about chickens? Koller stated we did chickens. Mundle stated but there was a large demand for chickens. Ronning stated yes, I'm not sure how much. Mundle stated it was more than one person. Ronning stated more than one person, certainly. Mundle stated and we're not the only city that developed a chicken ordinance in the last five years. Ronning stated we followed Blaine. We discussed it for a year or so and then we followed Blaine after it was done.

Harrington stated I guess I'm kind of with Brian and Ron. I'd just as soon keep it. I don't want to open a 'can of worms.' I mean, we do a miniature horse then, like you said, the next guy comes in and says, 'Hey, I've got a goat.' Or, 'I've got a pot bellied pig.' Then the 'floodgates' open. I'd like to help this person out but.

Mundle stated I commend the daughter for raising the funds and the hard work that she put into it. Harrington stated yes. Mundle stated that's something pretty extraordinary for a teenager to do, to be that dedicated towards something. Harrington stated but if you open it up for one, you know down the line somebody else is going to come with something. It's just a matter of time.

Ronning stated no doubt and we'll consider it. Harrington stated yes. Ronning stated it's not as though because this is no good and something else wasn't, that nothing in the future is going to change. Harrington stated right. Ronning stated so it's something to look at with an open mind.

Mundle stated this isn't just about allowing a miniature horse. It's to what standard do we change our ordinance for. Do we change it just because somebody wants it changed? Or, do we change it because there's something wrong with it, like the Snowmobile Ordinance? Or, that the ordinance is outdated and no longer applies to today's living situations? Or, is there a great need, a big demand for that change?

Ronning stated if she goes out and gets some kind of a class project, or something, for it, she fits right within the ordinance. It's all perfectly well and fine. So if the school's involved, how come it's good? But, if it's a person, only a person? I'll just recommend to her go get somebody involved with it and bring it back and say it's a project.

Mundle stated if they want to do that, that's their prerogative. And, if they fit into the ordinance, then that's great. Ronning stated and that's okay. But if you want it without a project it's not okay. So, it's okay and not okay in the same location, same position, same everything. Mundle stated I understand what you're saying exactly.

Davis stated the only thing under that exception, it says, 'The permittee must comply with all other farm animal regulations set forth in the Code.' And, in this case, I thought of the same thing. You know, if there's a way to do this without changing the ordinance. You know, join the 4-H. Say, 'One of my projects with 4-H is to see if a miniature horse can successfully be kept on a small urban lot.' But the problem is when it says, '...permittee must comply with all other farm animal regulations...' the farm animal regulations say you can't have it in a platted subdivision of less than three acres.

Ronning stated we changed something else on the acres not that long ago, didn't we? Mundle asked with the out buildings? Davis stated yes that change allowed for the construction of accessory structures on smaller lots. We reduced the acreage requirements for accessory structures.

Ordinance  
Amendment  
Large Animals

Ronning stated I mention it, just don't think of it in the sense of a horse. Think of it in the sense of also history that rules have been changed. Mundle stated but we also had big demand for that to be changed. There was numerous people. I was on Planning, that came forth asking for a variance because their neighbor that has 3.01 acres can have a pole building but myself, I have 2.96 acres, I have to make a stick built building. There's a large price difference between the two. We said, well, just because the price differences are not a hardship, we had to turn numerous variance requests for those down. So that's where part of that desire to change those requirements came from.

Ronning stated and they should have been changed. I don't understand why there's that sort of limit in the City to begin with. I mean, you're not going to put up a rodeo sort of a thing. But if it fits and it matches the structures and stuff, what the hell. But, that was there before us.

Davis stated with what I'm hearing, since we don't take any action, we won't proceed on this until, unless it comes up again. Mundle stated I'm fine by that. Ronning stated yes. Davis stated all right. Ronning stated democracy at work. Davis stated that's all I've got

**City Council did not recommend that Staff proceed with an ordinance amendment to consider miniature horses.**

**6.0  
Adjourn**

**Harrington stated I'll make a motion to adjourn. Mundle stated I'll second. Ronning asked all those in favor? All in favor. Ronning asked opposed? The ayes have it. Motion passes unanimously.**

Meeting adjourned at 6:37 p.m.

Submitted by:

Carla Wirth

*TimeSaver Off Site Secretarial, Inc.*