

EAST BETHEL CITY COUNCIL MEETING

MAY 2, 2018

The East Bethel City Council met on May 2, 2018, at 7:00 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Steve Voss Tim Harrington Brian Mundle
Randy Plaisance Tom Ronning

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

1.0 Call to Order The May 2, 2018, City Council meeting was called to order by Mayor Voss at 7:00 p.m.

2.0 Pledge of Allegiance The Pledge of Allegiance was recited.

3.0 Adopt Agenda **Harrington stated I'll make a motion to adopt tonight's agenda including the supplement payment summary as item I. on the Consent Agenda. Plaisance said I'll second. Voss asked any discussion? To the motion, all in favor say aye. All in favor. Voss asked any opposed? That motion passes. Motion passes unanimously.**

4.0 Presentation & Public Hearings None.

5.0 Public Forum Mark Rime, 4838 South Tri Oak Circle, stated he has lived there since 1991. He is the current president of CLIA, the Coon Lake Improvement Association. With him tonight is Bruce Mceachran, the vice president of CLIA and one of their directors, Don Finneran. He stated that Coon Lake is the largest lake in Anoka County and asked vice president Mceachran to explain the issue that they are here to discuss.

Coon Lake Improvement Association Sand Flats

Bruce Mceachran 114 Colleen Street, explained that CLIA's goal is to maintain, improve and protect the water quality for present and future generations to promote health, safety and environmentally conscience activities within the lake. It has come to their attention that there is an area of the lake called the Sand Flats that has become a very popular area for boaters. In the area they are anchoring is land owned by the City of East Bethel. There are up to 100 people in this area over the course of a weekend. The area is very popular with people that live on the lake as well as people that come from the outside because it is shallow and has a hard, sand bottom. He showed a picture from Google Earth that showed the area. The problem is that there is no public facility in the area. With the large number of people using the area, CLIA feels there is an urgent need for public facilities to maintain the lake quality and health. CLIA is asking the City to work with their association to pick a lot owned by the City to house one or two portable toilets. They are also asking the City to put in a gravel road. CLIA will be responsible for servicing the toilets. He noted that the toilets would just be in place for June, July and August. He distributed a handout of the different lots in the area owned by the City that may be appropriate for the portable toilets.

Coon Lake

He said that there have been some concerns raised about people tipping over the portable

toilets. His response is that he would rather have to clean that up than have that material in the lake.

Voss confirmed that CLIA would provide the facilities and was asking the City to provide usage of the land. Mr. Mceachran stated that they may also have to put in a gravel road so the portable toilets can be delivered and accessed.

Voss asked if there was an estimated cost for this road. Mr. Mceachran stated that they haven't yet because the lot hasn't been chosen. He would guess that the cost would not be anything higher than \$3,000. He stated that there may also be a possibility of getting the portable toilets in place by barging them over if there can't be road access because of the low land.

There was a consensus of the Council to add discussion of this item to a future Work Meeting. Voss suggested that CLIA work with Colleen to prepare for the work session meeting with cost estimates and insurance costs.

Support for
Mental Health
Facility

Cassidy Disrud, 234th NW, St. Francis, read aloud a statement showing support for the proposal mental health facility. She stated that on March 5, 2017, she attempted suicide and explained some of the traumatic events that she experienced prior to this attempt. She stated that she saw her therapist on March 6, 2017 and was told that her "normal" was actually an emergency and had the first of her many intakes. March 9, 2017 she was first hospitalized and a few months later she began drinking heavily. Her addiction left her at rock bottom. On July 20, 2017 she was hospitalized at United Hospital and soon after starting attending AA, but it was at this time her eating disorder started to take over. She gave examples of her purging and excessive caloric counting and exercise. On December 14, 2017 she went to Melrose and was shocked that she was going to be admitted to intensive residential treatment for eating disorders. She stayed for two weeks and relapsed the first night she was out. She was back in school for a week when her school counselor, Ms. Schmidt and Eve, called her mother and told her how worried they were and that Cassidy needed help. On January 5, 2018, she was admitted to Prairie Care. She was there for 4 weeks waiting for a bed at the Emily Program. She stated that this was the first time she felt what it was like to be on the other side of suicide and be the one trying to save a life. At one point during her stay, she was limited her caloric intake to 300/day and her eating disorder got worse. Before going to the Emily Program, she was 82 pounds. She was at the Emily Program for 8 weeks. She stated she is still in recovery, but can say she is mentally and physically healthy. She will be 10 months sober on May 8, 2018. By building a mental health residential facility, the City will allow the staff to inspire people in the community. If she had not been given a place to heal, she wouldn't be here today.

Voss thanked Cassidy. The audience her gave a round of applause.

**6.0
Consent
Agenda**

- Item A Approve Bills
- Item B April 18, 2018 Local Board of Appeals and Equalization Meeting Minutes
- Item C April 18, 2018 City Council Meeting Minutes
- Item D MnDOT Metro Municipal Agreement Program
- Item E Authorization to Advertise for the Position of Zoning Administrator
- Item F Ice Arena Exterior Painting
- Item G Fire Department Officer Appointment
- Item H Resolution 2018-20, Amendment to Fee Schedule
- Item I Supplemental Payment Summary

6.0

Harrington stated I'll make a motion to approve the Consent Agenda. Plaisance stated I'll second. Voss asked any discussion? To the motion, all in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

**7.0
New Business**

Commission, Association and Task Force Reports

7.0A
Planning
Commission
7.0A.1 CUP
Skip
Torgerson
Aberdeen St.

Davis presented the staff report, indicating the Council is asked to consider approval of a Conditional Use Permit (CUP) for Skip Torgerson (dba Art Torgerson & Son Well Co.) to operate a warehouse and maintenance facility as part of his business on Aberdeen Street NE, in East Bethel. It was noted that Art Torgerson & Son Well Co. has been operating at 18579 Highway 65 NE for 42 years. Mr. Torgerson is proposing to relocate his operation as his business model has changed from well drilling and service to well service.

Davis stated Mr. Torgerson is proposing to build a 2,500 sq. ft. building on Aberdeen Street NE in an area that is zoned B-2, Central Business District. The site is 1.55 acres in size and is adjacent to and north of Tin Man, 21461 Aberdeen Street. Mr. Torgerson's business office and retail sales are an allowed use in the Central Business District zoning classification, Section 46, Zoning Ordinance, East Bethel Code of Ordinances. Mr. Torgerson will also have an area that will be used as a warehouse and maintenance facility and those usages require a Conditional Use Permit. Currently, Mr. Torgerson does not have any needs for exterior storage, but should that need arise, it is addressed within the conditions of the proposed Conditional Use Permit.

Davis explained that noise levels generated from activities on the site are comparable to those of the surrounding land uses. The business does not generate any hazardous waste and normal business hours are from 8 a.m. to 6 p.m. Monday through Friday.

Davis stated the Planning Commission, at their April 24, 2018, meeting voted, by a 6-0 vote, recommended approval of this CUP for City Council consideration subject to the following four conditions:

1. Outside storage of vehicles, materials, or other parts shall be limited to 50% of the rear yard immediately behind the proposed building.
2. Signage shall comply with all applicable codes and regulations of the City of East Bethel.
3. The owner must comply with all applicable Building and zoning code requirements, as well as any additional requirements as required by the City Engineer.
4. The owner must enter into a site plan agreement with the City.

Davis stated staff also recommends approval of a CUP for Skip Torgerson (dba Art Torgerson & Son Well Co.) for a business on Aberdeen St NE, East Bethel MN subject to the conditions and requirements contained above.

Harrington stated I'll make a motion to approve the Conditional Use Permit for Skip Torgerson (dba Art Torgerson & Son Well Co), subject to conditions and requirements as outlined above. Plaisance stated I'll second. Voss asked any discussion?

7.0A.1 CUP

Voss asked what would happen to the existing building. Mr. Torgerson stated that the

building has been sold and he is allowed to stay there until November 1, 2018.

Voss stated to the motion, all in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.** Voss thanked Mr. Torgerson for staying in East Bethel.

7.0B
Variance
Setback
22824 3rd St.

Davis presented the staff report, indicating the Council is asked to consider approval of a variance to allow a reduction of a front yard street setback at 22824 3rd St., Lot 3 Block 2 Eagle Ridge

Davis explained that Michelle Orlando is proposing to build a 1,200 square foot detached garage at the south-southwest corner of her lot on 22824 3rd Street. In order to permit this proposal, a variance would be required to reduce the required front yard street setback from 40 to 30 feet to site the structure. This property is zoned Rural Residential and the applicable City Codes that apply to this request are Appendix A, Zoning, Section 42, 7B and 1C.

Davis presented the three-factor test required to approve a variance:

1. Reasonableness – the lot, even though 4.81 acres in size, has a limited area for the location of an accessory structure. The only area on the property that is not restricted by wetlands, the house and driveway footprint, existing on-site water and sewer facilities and a Drainage and Utility Easement is south of the home. These restrictions require the proposed accessory structure to be located in this portion of the lot which would then necessitate the need for the front yard street variance from 40 feet to 30 feet.
2. Uniqueness – The property is significantly constrained by a Drainage and Utility Easement that encompasses approximately 60% of the 4.81-acre site and drastically reduces the depth of the developable area along 3rd Street. The remainder of unencumbered area on the site is restricted due to the location of the septic system and well. If the required 40-foot street setback was enforced, the proposed accessory building would encroach into the Drainage and Utility Easement (D & U). Allowance of this structure within the D & U would require a more entailed and difficult process of amendment to permit the proposal.
3. Essential Character – Of the 20 lots in this development, three have detached garages that are forward of the front of the homes. This request is consistent with the development pattern of the homes in this neighborhood.

Davis reported that the Planning Commission, at their April 24, 2018 meeting, recommended by a 6-0 vote that this variance request be considered for approval by City Council.

Plaisance stated I'll make a motion to approve a 10-foot variance from the standard 40-foot front yard street setback to enable the construction of a detached accessory structure at 22824 3rd St NE, PIN: 06-33-23-22-0011. Mundle stated I'll second. Voss asked any discussion? Voss stated to the motion, all in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

Davis presented the staff report, indicating the Council is asked to consider approval of a Text Amendment to the 2030 Comprehensive Plan to address group residential and residential with medical and/or assistive services as allowed uses within the Low/Medium Density Residential, Medium Density, Mixed Use, and Mixed District land use designations.

Davis reported the Metropolitan Council Planning Division has notified the City that they will not accept plan amendments to the 2030 Comprehensive Plans after June 30, 2018. This decision could affect negotiations and delay the start of projects related to senior housing, group residential, medical or medical assistive services uses in East Bethel. To ensure that City can continue with current projects and discussions with these groups that plan to begin projects, the City is proposing a text amendment change to the 2030 Comprehensive Plan to address this situation. The Amendment would allow these developments to proceed should Met Council proceed with their moratorium.

Davis explained the Metropolitan Council planning staff concurred that the City consider a text amendment to address this concern. Approval of the text amendment would allow the City to proceed with plans and proposals for senior housing and uses related to medical treatment and services involving on-site patient boarding and use and density issues not covered in the 2030 Comprehensive Plan in the interim period between the moratorium and the adoption of the 2040 Comprehensive Plan. The 2040 Comprehensive Plan incorporates these requirements and standards and is anticipated to be approved within the next 9-12 months.

Davis presented the proposed text amendment as follows:

Low/Medium Density Residential: “Low/Medium Density Residential (3-4 DUA)

The land use in this area will consist of detached single-family homes. The minimum density allowed in sewered areas is 3 units per acre. At this time, lot size in this district is determined by the availability of public water and sewer.” This is the existing language in the Comp Plan. The proposed text amendment would add the following language:

Low/medium density residential allows a mix of single-family detached homes and, including group residential and residential with medical and/or assistive services. Densities higher than typical single family residential density will be considered if the group residential and residential with medical and/or assistive services is in in an area that can be served by city sewer and water and preferred sites would be located on a major collector street or higher functional classes of roads.,

Medium Density Residential – Similar to Low/Medium Density that text language would be added to state-, *This medium density residential allows a mix of single-family detached homes and townhomes, including group residential and residential with medical and/or assistive services. Densities higher than typical single family residential density will be considered if the group residential and residential with medical and/or assistive services is in in an area that can be served by city sewer and water and preferred sites would be located on a major collector street or higher functional classes of roads.,*

Davis explained the proposed Text Amendment changes under Mixed Use and Mixed District are simply to add group residential and residential with medical and/or assistive services as follows:

7.0C
METC
Text Amend.
Res. 2018-21

Mixed Use: “The Mixed Use District has land uses that serve to provide a “mixed use” core area, commercial workplace, neighborhood dwelling units, including group residential and residential with medical and/or assistive services, and parks/open space areas.”

Mixed District - Typical Uses: “Small-lot single family; Townhomes, including single-story attached housing; duplexes; and multiplex buildings; Apartment-style housing; group residential; residential with medical and/or assistive services.

Davis stated the Planning Commission, at their April 24, 2018 meeting voted 6-0 to recommend the Text Amendment be considered by City Council for approval as well as adoption of Resolution 2018-21, Adopting the 2030 Comprehensive Plan Amendment to Add “Group Residential” and “Residential With Medical and/or Assistive Services” as Allowed Uses Within the Low/Medium Density Residential, Medium Density, Mixed Use, and Mixed District Land Use Designations.

Plaisance stated I’ll make a motion to adopt Resolution 2018-21, Adopting the 2030 Comprehensive Plan Amendment to Add “Group Residential” and “Residential With Medical and/or Assistive Services” as Allowed Uses Within the Low/Medium Density Residential, Medium Density, Mixed Use, and Mixed District Land Use Designations. Mundle stated I’ll second. Voss asked any discussion? Voss stated that in a nutshell this would allow senior housing, and the possible Hills project coming to the City. He asked Jeff Bradt to explain a little about their program.

Jeff Bradt, CEO of The Hills Youth and Family Services, showed the architectural rendering of what the Cambia Hills Children’s Mental Health Research and Residential Treatment Center facility will look like. He explained that they would serve children ages 6 – 17 with mood disorders or neurological damage with state of the art therapies and children will receive active treatment 7 days a week. There will be very high staffing levels to ensure everybody stays safe. He explained that the project itself will be \$26 million and the annual revenue to the facility will be about \$10 million. He noted that \$8 million of that amount will be spent on wages and benefits. They estimate that they will also spend approximately \$200,000-\$300,000 on local supplies and services, so the facility will have a significant impact on the community. He stated that they think the most significant impact will be that this is a facility will be something that citizens can take pride in the fact that important work is taking place in the City. He stated that he will stay after the meeting if anyone has questions. He stated that for anyone watching, he is also happy to take phone calls with questions or concerns.

Voss stated to the motion, all in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

7.0B
Economic
Development
Authority
7.0C
Park
Commission

None.

None.

7.0D
Road
Commission
7.0D.1
2019-2023
Roads CIP

Davis presented the staff report, indicating the Council is asked to consider approval of the 2019 - 2023 Roads Capital Improvement Plan (CIP). He noted the Roads Commission annually prepares a CIP, which schedules prioritized projects, evaluates needs, and establishes funding for these works for the coming year and for each of the subsequent years of a five-year planning period. This plan will be presented to City Council for approval of 2019 projects and use in the preparation of the coming year's budget and approval only commits the Council to those projects identified for the 2019 City Budget.

Davis explained the proposed 2019-2023 Roads CIP was prepared based on discussion and recommendations from the March 13 and April 10, 2018 Road Commission meetings and City Council discussion at the April 25, 2018 Work Meeting. Major street projects for the 2019-2023 Roads Capital Improvement Plan include:

1. Phase II Service Road from 187th Ave. to Viking Boulevard
2. Phase II Service Road Intersection at 187th and Central Ave.
3. Davenport Street Reconstruction from 209th up to and including 213th Ave
4. 181st Ave from TH 65 to Jackson St (to include the participation of Ham Lake to share half the cost)
5. University Ave from Sims Road to 221st Ave (to include the participation of Oak Grove to share half the cost)
6. Durant St Reconstruction/Mill & Overlay
7. Sandy Drive Overlay
8. Sunset Road Overlay (pending approval of Linwood Township to share one half the cost)
9. Bataan St Overlay

Davis noted an additional \$25,000 will be requested for the City transfer to the Roads Capital Fund for the proposed 2019 Budget. If approved, this would increase the annual transfer from \$425,000 to \$450,000 for 2019. The transfer amount has remained at the \$425,000 level since 2009 and additional funding is required to keep pace with City road improvement needs. In addition, the City receives an annual allotment from MnDOT for Municipal State Aid (MSA) designated major City arterial and collector routes (approximately 28 miles in East Bethel). The amount received for this year for improvements to these roads was \$608,000.

Davis explained it is anticipated that MSA funding for 2019 will be \$620,000 in 2019 with a 2% annual increase projected through 2023 for this account. MSA funds may be advance funded up to an amount that is 4 times the annual construction allocation or \$3,000,000, whichever is less. This plan requires advance funding but still provides a balance to accommodate a major MSA street construction project during the proposed five-year improvement period. Davis stated staff requests City Council consider approval of the 2019- 2023 Roads CIP.

Harrington stated I'll make a motion to approve the 2019- 2023 Roads CIP. Ronning stated I'll second. Voss asked any discussion? Voss stated to the motion, all in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

8.0
Department
Reports

None.

8.0A None.
Community
Development

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 None.
City
Administrator

8.0G.1

9.0 Other

9.0A
Staff Reports

Davis presented the staff reporting, indicating the Sunrise River Watershed District is having an elected officials tour on May 24, 2018. He asked anyone interested in attending to let him know and he will take care of the R.S.V.P. He also stated that the Anoka County Mediation Services is having a Rise and Shine breakfast on May 10, 2018 to review some of their programs at St. Stephens Catholic Church in Anoka. He asked anyone interested in attending the breakfast to let him know and he will also take care of the R.S.V.P.

Mundle asked about the Sunrise River tour and if more than two Councilmembers attended if it would need to be posted. Davis stated that it would be posted. Plaisance noted that the Sunrise tour stated "invitation only". He asked if in order for the Council to have a meeting whether it needed to be open to the public. City Attorney Vierling stated that if the majority of the Council is there and people call and want to attend, they should be allowed to attend. Voss suggested that the Council could also restrict attendance to just two members. Voss suggested waiting to see who was interested in attending and City Administrator Davis could make a determination of what needs to happen if more than two Councilmembers are interested.

9.0B
Council
Report
Member
Mundle

Mundle stated that they had the Arbor Day tree planting in Booster Park this weekend. He stated that the Cub Scouts were in attendance and there are four new six-foot trees, including two apple trees, in Booster Park East.

Council
Member
Plaisance

Plaisance stated he attended the Anoka County Fire Protection meeting and they voted on the budget for the year even though Blaine was not in attendance that night. He noted that there was a change to the Articles because they are trying to find a treasurer to handle the finances and asked for cities to volunteer their accounting services, but there has been limited response. The Articles were changed so the treasurer does not need to be a fire fighter. They also approved purchasing new pagers for all of Anoka County. The chemical

assessment team will also now be a part of the Anoka County Fire Protection budget.

Plaisance stated he and City Administrator Davis went to Linwood to discuss their roads program, especially the common road, Sunset. City Administrator Davis presented to them the fact that the need is not immediate but the cities needed to start planning for it. He stated that Linwood has their budget out through 2022 and after that point they may be able to jump in and upgrade that road. He thinks it was a good idea that they traveled over there to give them a heads up on the road needs.

Council
Member
Ronning

Ronning stated the Council and Planning and Zoning had a joint meeting in April. He noted that without rehashing it here, items 1,2, and 3 under the Planning Commission section of the agenda were the issues that they discussed.

Council
Member
Harrington

Harrington stated that yesterday he and three fire departments from East Bethel, St. Francis, and Oak Grove, were involved in training 350 9th graders at St. Francis High School and it went very well. He reminded everyone that the East Bethel Chamber of Commerce golf tournament is July 20, 2018. If you are interested, please go to the Chamber website and sign up.

Mayor Voss

Voss reminded everyone to watch their fires as it is fire seasons and the City has had a number of grass fires already.

9.0C
Other

None.

**10.0
Adjourn**

Plaisance stated I'll make a motion to adjourn. Harrington stated I'll second. Voss asked any discussion? To the motion, all in favor say aye. All in favor. Voss asked any opposed? That motion passes. Motion passes unanimously.

Meeting adjourned at 7:54 p.m.

Submitted by:
Kayla Atkins Rokosz
TimeSaver Off Site Secretarial, Inc.