

EAST BETHEL CITY COUNCIL MEETING

August 7, 2013

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

MEMBERS PRESENT: Bob DeRoche Ron Koller Heidi Moegerle
 Richard Lawrence

MEMBERS EXCUSED: Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator
 Mark Vierling, City Attorney
 Craig Jochum, City Engineer

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

Adopt Agenda **Lawrence made a motion to adopt the August 7, 2013 City Council agenda. Moegerle seconded; all in favor, motion carries.**

Potentially
Dangerous
Dog Hearing
Todd Weller,
1608 207th
Lane NE.

Davis explained that the hearing requested by the animal owner relates to a dog bite incident that occurred on June 18, 2013. The Anoka County Sherriff's office reported a dog owned by Mr. Weller, 1608 207th Avenue NE., bit a dog owned by Rhiannon Benson, 1709 207th Avenue NE, in the public right of way.

The incident was unprovoked and it is now sufficient to issue a potentially dangerous dog notice pursuant to Chapter 10 of the City Code. Staff has included a copy of the incident report and the animal owners appeal. A review of city records indicates that the dog is currently licensed and current on rabies vaccination.

On July 24, 2013, the City received a written request from Mr. Weller for a hearing before City Council. Pursuant to City Code Chapter 10, Section 10-72, they are to be granted a hearing tonight. Mr. Weller is present to appeal the determination that the dog in question is a potentially dangerous dog by virtue of the evidence provided in the police report.

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

1. Conduct the hearing allowing the owner to present reasons why the potentially dangerous dog determination should be lifted or sustained.
2. If the potentially dangerous dog determination is sustained, identify the action to be taken: a) dispose of the animal and b) allow the owners to keep the animal with restrictions.
3. If the potentially dangerous dog determination is not sustained, make a determination that the animal is to be released without further action from or by the City Council.

The requirements should a potentially dangerous dog be sustained are included in your packet. Mr. Weller is here tonight to answer any questions and staff seeks direction on the potentially dangerous dog determination, Chapter 10, Section 10-72.

Todd Weller of 1608 207th Lane NE, "A police officer came to my door about our dog attacking someone's dog. We have two dogs, pit-bulls, one is my daughters, and one is my sons. We have had them since they were little puppies and we have lived in a couple locations before and we have never had any incidents before. They are always around kids. Unfortunately, we just

moved into this house in East Bethel and the back fence was not fixed. I had a chain going across it and unfortunately the one dog must have got under it and got out in the street. And, in the meantime, turned around and came back in. I had gone in the house and done some laundry. I came back out and both dogs were in the yard and I brought them both in. And, all of a sudden a cop was at my house saying this had happened with my dog.”

“The girl took her dog to the vet and I stopped her on her way back and asked her if everything was okay. She had the dog with her and it seemed to be fine. It had some marks on it. To make a long story short, I have taken a pole and attached it at the bottom of the fence and have it tied up. These dogs have been around kids for six years or seven years and they are the sweetest little dogs. We don’t bring them up for fighting or anything else.”

DeRoche, “Has the dog been through behavior training?” Weller, “No.” Moegerle, “Is the dog neutered? It sounds like the dog that was attacked was a female and your dog is a male, Tyson?” Weller, “Well we have a female and a male. And, we don’t think it was Tyson that did it. Because Tyson has never been aggressive or been out of our yard. The other dog has been out. She is the one that busted through the fence.” Moegerle, “Is Tyson neutered?” Weller, “Yes. He is not my dog. He is my daughters; she can probably do a better job answering your questions.”

Jessica Donovan of 1608 207th Lane NE approached the Council. Moegerle, “Are you the person who wrote the letter for the appeal?” Donovan, “My Mom and I wrote the letter for the appeal.” Moegerle, “Has Ms. Benson been compensated for the veterinarian bills and is the dog completely healed?” Donovan, “I visited with her and I have the paid the bill. I have a copy of the bill and a copy of the check that I did pay as well. As well as reimbursing her, because she did pay in cash. He is fine; he had a few puncture wounds to his neck. There were no stiches and the dog is okay. He did receive some pain medication.”

DeRoche, “Is there a reason she didn’t come?” Davis, “She was sent the letter and notice of the hearing date and time.” Moegerle, “Do you have pictures of repairs to the fence?” Donovan, “I have pictures on my cell phone.” Moegerle, “Would you be willing to share them?” Donovan, “Of course. As soon as I can get my cell phone, I can show them to you. When I did talk to her, there was another incident as well. I was walking my female dog Cocoa. And she was out and her dog was out running. And my dog ran towards her dog. That is why we didn’t know which one it actually was. One is tan, one is cocoa brown. One is smaller, one is larger. But, she couldn’t identify which one it was. That is why we assumed that it was Cocoa because she has got out and the other one hadn’t.”

DeRoche, “I have at least one issue with this. How can we say the dog is potentially dangerous when we don’t know what dog it is? And if the woman was here to explain it would help.” Donovan, “That was my biggest wonder as well.” Moegerle, “We do have the officer’s report. That was an excited utterance at the time of the event; I think the legal term is. Your point is well taken.” DeRoche, “It would be a shame to say this dog is dangerous if it is the wrong one.”

Davis, “It is hard to conduct this without both parties in attendance. Why Ms. Benson is not in attendance is unknown to us.” Moegerle, “We have a letter from the City and we have a report from the Anoka County Sheriff’s Office that identifies Tyson. Since Ms. Benson is not here and the officer is not here. You look like you have done everything correctly, is there a more middle ground we could take on this? Do you have a copy of the check you wrote for \$193?” Donovan, “Yes, right here.” Moegerle, “That shows your goodwill and efforts to solve this which goes a long way with me.” Donovan, “And I have pictures of the dogs with kids as well.”

DeRoche, “What I got out of the letter is she was thinking the sheriff was acting as an intermediary to get the check for the vet. I personally cannot condemn one when I don’t know

which one it was. And I am not going to make that kind of decision.” Moegerle, “Yes, but you would have to rely on the officer’s report anyway. And, she is the only witness and so I think we can rely on the officer and staff.”

Donovan, “On the letter she wrote she is speaking about the same dog to her knowledge. But, I only walk the girl because she is mine, which confuses me as well. Because when she wrote the letter she put in the female, but, then she uses the name of the male. There were two separate instances with the dog that she assumed would have done it, and one of them was with the female.”

Lawrence, “I am a big dog lover; I do know that if dogs are new to the area, it is like staking the area. There can be some aggression at the other dog’s expense. My dog is quite small; it weighs about 20 pounds and did the same thing. A miniature pinscher came in the area and that little rascal wanted to run and fortunately when we caught up to her they were just rolling around and having fun. But, these bigger dogs can get more aggressive of their areas, especially the pit-bull varieties or the more aggressive varieties. We have to be more mindful of this. Your dog happens to be one of the more aggressive varieties. That doesn’t mean it is. You can raise it as docile as a little lab, or as aggressive as a blue heeler if you wanted to. And then the information is kind of sketchy.”

Moegerle, “I am looking at our statute; ‘Have a proper enclosure, warning signs, tag on dog or micro-chipped.’ Do you have a tag on your dog or is it micro-chipped?” Donovan, “Micro-chipped.” Moegerle, “So if it were potentially dangerous there would have to be a tag that said it was potentially dangerous. Liability insurance, it would have to be muzzled outside and those types of things. I am not ready to do those things. But, if this happens again, this is not a good thing. You seem very responsible.”

DeRoche asked Tammy Gimpl, contract Animal Control, “Can you speak, there seems to be a mindset that all Pit-bulls are killers. You and I talked about this, and one of the questions I had for you was the lady said she sat on the dog and pulled the jaws apart.” Gimpl, “That didn’t happen. Pit-bulls, no offense to anyone, but even what was said about them being an aggressive dog, that is not true.” Lawrence, “I am not saying they are aggressive by breed, but they are a very strong dog and if aggressive, they can be very deadly.” Gimpl, “They can be a dominant dog. But, I don’t like to call any dog aggressive. Out of the 15 years I have been dealing with dogs, I have met one dog I would actually call aggressive. Most dogs are dominant and it is situational, but they are not aggressive. As far as Pit-bulls, I could assess him for you if you want, but the lady isn’t even here to defend.” Weller, “I had a motorcycle ride with 30 people at my house that the dogs hadn’t ever seen and the dogs were out there playing with them and they all loved them.” DeRoche, “People think all Pit-bulls are killers and I have seen pretty decent ones.” Koller, “I don’t think they have enough here to warrant the dangerous dog determination.” DeRoche, “I move that we take the dangerous dog off. Based on what I have read, I can’t make that determination.”

Moegerle made a motion to table the dangerous dog determination for Tyson owned by Todd Weller at 1608 207th Lane NE indefinitely and if anything happens again we will reopen at that time. Koller seconded. Moegerle, “I do think we can rely upon the identification that was given at the time of the incident. And if everything goes fine, then it will be okay. But if there is another incident, then we can reopen it and reassess it at that time.” DeRoche, “Can I get a legal opinion on this? Should we just table this permanently?” Vierling, “The motion is permissible.” **All in favor, motion carries.**

EBFDRA
Pension
Increase

Davis explained that the East Bethel Firefighters Relief Association (EBFRA) is requesting the City Council approve the attached amendments to the EBFRA Bylaws. The current Bylaws were approved by City Council on April 17th, 2013. The only change proposed is to amend

Appendix C to include a \$200 benefit increase (\$3,400 per year of service to \$3,600). The fund is currently 128% funded. With this proposed increase of \$200 per service year, the fund is projected to be 122% funded as of December 31, 2013. The East Bethel Firefighters Relief Association Board of Trustees approved the change of this bylaw on Monday, July 22, 2013. For this by-law to take effect, the City Council must also approve this item.

This change in bylaws will have no fiscal impact to the City of East Bethel. In the event the EBFRA portfolio falls below 95% of the fund balance, the City of East Bethel would be required to make mandatory contributions to the fund according to the State of Minnesota Auditor Office's formula. If the increase is not approved, the benefit stays at the current level and the fund is projected 128% funded.

The Relief Association recommends that City Council consider the approval of the increase in the pension benefit from \$3,400 per year to \$3,600 per year.

Fire Chief DuCharme, "Troy Lachinski is the President of the EBFRA and he is out of town on business so I am here on his behalf. And there are members here tonight of the EBFRA and most of them are members of the Board of Trustees of the EBFRA. As the write-up says, currently the fund is 128% funded. This is a strong fund. With the increase of \$200 per service year the projected fund will be funded 122%. This is an important part of firefighter retention and recruitment. This proposal is not connected to any City contribution and the reason for that is that will go through normal budget channels. The proposal here today or request, does not include any City contribution. And that is in my operating budget."

Moegerle, "While I understand it is not in your operating budget now, should that go under the 95% from the 110%, then wouldn't the City have to make up the additional \$200?" Chief DuCharme, "It is not the entire \$200 if the fund were to fall under the 95% which it did once in its lifetime. That shortfall is computed by the State Auditor and you are given 10 years to pay it or until the fund reaches 95%. And I think the last mandatory contribution was in 2009 or 2008 and it was \$39,000." Moegerle, "And you know what is happening in 2016 and how much \$39,000 would mean to our residents." Chief DuCharme, "There is no doubt about it, with any pension fund there is risks. And the risk with the defined guarantee is to the guarantee, which is the City. Now the State Auditor in Minnesota has come up with a formula so if there is a shortfall and it is not due all at the same time. So that it is spread out. However, looking at the fund, the last time there was an increase was quite some time ago. This does represent a 6% increase. But, when you look out over the span of 6-7 years this represents a 1% increase."

DeRoche, "The only thing I would like to see changed in it is where it says, 'There is no fiscal impact'. Change to, 'In fact, there could be a fiscal impact.'" Chief DuCharme, "Absolutely, and that is why there is the statement in there that if it falls below the 95% funded there could be a mandatory contribution by the City."

Moegerle, "I talked to Jack about this and 2016 is beyond our terms; and I hate to bind them as we were bound. And it is very hard to take this away once it is given unless we put in a sunset clause. So, my thought is to put in here that it can be done for a period of two years and it can be renewed by the City Council if they so desire. Because we are going to be in some serious financial trouble and where we are going to have to cut in 2016, I don't know that we can afford to continue to do this if they want below the 95%. I want to save the decision for the Council in 2016 to make the decision." Chief DuCharme, "There are some statutes in place that may not make that possible. Both the Relief Association members and the City Council Members would have to agree to make that change." Moegerle, "So we can't approve it for this one year only?" Chief DuCharme, "No." Moegerle, "Oh, I don't like that."

DeRoche made a motion to approve the increase in the pension benefit for the East Bethel

Firefighters Relief Association from \$3,400 per year of service to \$3,600 per year of service. Moegerle seconded. Moegerle, "But, this is a presentation only. Do you want us to vote on it when this is only the presentation?" Chief DuCharme, "This is an agenda item for the decision. Troy had been here before and made the presentation." Lawrence, "How long has the relief association been active?" Chief DuCharme, "Since 1959." Lawrence, "And how many times has the City had to step up and been forced to donate? Chief DuCharme, "Well there was the one time in 2008 and 2009." DeRoche, "Police, Fire and Public Works, you got to have them. I don't know too many people that are going to go into people's homes and try to save them and everything they own. I don't think people have a problem paying for this service. The sewer and water project, they may have a problem paying for that service. I don't think they will bark at a small increase for this service."

Moegerle, "Here is the concern and I read the minutes and we discussed this when Troy was here and the Mayor brought this up. We will have to make the mandatory contribution if the stock market tanks. At a time when the City if most hurting and development is going to be at its slowest because the stock market is in the tank, that is when the City is going to have to make the mandatory contribution. And, we are going to potentially be in a bigger bind because of this. I value what they do. But all of us have to cut and I don't want to bind the 2015 Council to go forward. That is why I suggested the sunset clause."

DeRoche, "Well, do I not want to bind another Council, no. But, I would have rather have been bound with this, then what we have been bound with, the sewer and water." Moegerle, "Until the stock market tanks." Lawrence, "If the stock market tanks, the amount of money this is, it won't make much difference. Because we are going to have to pay something if the stock market tanks and with a \$200 increase if the stock market tanks we are only talking a few dollars at best." Moegerle, "Over per year. Some people have 35 years? So it is 35 years times \$200." Lawrence, "No, no, no." Chief DuCharme, "The way it is figured when you fill out the SC13 form is you take everybody's years of service and you times it by the benefit amount, along with the vesting and everything else. Right now it is 128% funded. That is the reason you always work to increase your fund, and 72% of the money that goes in the fund comes from investments."

Moegerle, "I took some time to do some math. We have 35 fire fighters, and we are raising it \$200 a year and what is the average for those firefighters?" Chief DuCharme, "Eleven years." Moegerle, "I used 15 years average and it comes to a \$105,000 per year a difference from where we are now. And, I think people need to know that real number. Lawrence, "But that isn't the real number, Heidi. We aren't talking the entire pension of the group. We are talking the amount that brings them below the 95%." DeRoche, "If the market tanks and with federal loses, like we discussed at the last meeting, this amount doesn't seem like all that much."

Moegerle, "You objected to \$500 for paying the EDA people, and then every dollar counted. So, let's be consistent." Lawrence, "First off, this isn't our money; this is their money unless there is a problem. And, there hasn't been a problem. And, they have been in operation for 50 years and we have had to make a mandatory contribution twice. That is really good odds."

DeRoche called the question.

Moegerle, "Just a moment. I was re-reading the minutes and the Mayor had a really good point and I wonder; have you changed your mind since then?" Lawrence, "No. I was stating the facts." Moegerle, "Because I understood your position on this was different at the last meeting." Koller, "I believe that the Fire Department, I have been going there once a month and seeing all the training they do. And they have not had an increase in 6 or 7 years. So, I think it is due." Moegerle, "Here is the quote I was looking for on page 3 of the unapproved minutes from the last meeting. Lawrence said from the City's standpoint, if the market fails, you get 71% of your

money from the market. So, the City would be obligated to pay them more money.” Lawrence, “That fact I was bringing out there was it won’t cost us anything unless the market drops. However, in 50 years it has dropped twice.” Moegerle, “And in the past 13 years it has dropped twice. I understand your point, I hope you understand mine.” Lawrence, “We will do roll call.”

DeRoche, aye, Koller, aye, Moegerle, aye, Lawrence, aye; motion carries.

Chief DuCharme, “Are there any other questions?” DeRoche, “Thanks for coming out to the Night to Unite last night. The kids had a great time.” Moegerle, “In the minutes, Mr. Lachinski said if we approve this \$200 increase and then decrease the \$17,500 by \$100 each member it would be more than acceptable. He sounded very happy about that. Has that been discussed?” Chief DuCharme, “I can’t speak for him. That is one of the reasons why we separate this. Because that is a budget item that City Council has to take to a look at and decide on.” Moegerle, “I know, but I didn’t know that having been stated if that had been discussed.” Chief DuCharme, “When he gets back, maybe I can have him talk to Jack or you.” Moegerle, “Well, I would like to know if it is what the membership wants.”

Public Forum The public forum was opened for any comments not listed on the agenda. There were no comments so the Public Forum was closed.

Consent Agenda **Moegerle made a motion to approve the consent agenda pulling items B,C D E.G. M & N, so including: A) Approving Bills; B) ~~July 10, 2013 City Council Work Meeting Minutes;~~ C) ~~July 10, 2013 City Council Special Meeting Minutes;~~ D) ~~July 17, 2013 City Council Work Meeting Minutes;~~ E) ~~July 17, 2013 City Council Regular Meeting Minutes;~~ F) Resolution 2013-41 Proclaiming Constitution Week; G) ~~Interim Use Permit Renewal Mike & Cathy Beason 3500 196th Ave. NE;~~ H) Resolution 2013-42 Domestic Violence Awareness Month; I) Pay Estimate 24, Project 1, Phase1, Utility Project; J) Resolution 2013-43, Approving Plans and Specification and Authorizing Bids for Whispering Aspens Overlay Project; K) Pay Estimate #5, Jackson Street Construction Project; L) Approval of Internal Hire/Promotion of Receptionist to the Community Development Department Administrative Support I Position; M) ~~Authorize the Advertisement of the Receptionist Position;~~ N) ~~Resolution 2013-44, Accepting Donations from Chops, Inc..~~ Lawrence seconded.**

DeRoche, “I have an issue with pulling all these minutes. Because if the context and content are there, I don’t think this is the time to be fixing spelling.” Moegerle, “I don’t fix spelling and punctuation here. I do fix the words. Like last time it was ‘amble’ versus ‘ample’, which is a significantly different meaning.” DeRoche, “I think this can be done prior to the meeting. It just seems that if there are corrections other than context or content, or anything legal. I understand that maybe they are not perfect. I can understand them and I think most people can. Maybe I am reading that wrong but that is my own opinion.”

Moegerle asked the City Attorney, “What is our responsibility with approving minutes?” Vierling, “The minutes are subject to approval. Certainly the Council gets the packet in advance. If you would contact staff after you get them and notify them of any changes whether it is grammatical or those kinds of things, certainly it could be adjusted before you got here.” Moegerle, “Well, the question is if they are not accurate or there are errors, when we vote on these, don’t we vote that they are accurate and correct?” Vierling, “They don’t have to necessarily be perfect. But, substantially correct.” Moegerle, “But, we have verbatim minutes. What does verbatim mean?” Vierling, “You do not have them transcribed by a court reporter and certainly you have a tape on it. I think that they are roughly verbatim. I don’t think they are exactly verbatim.” Moegerle, “And I think considering how the minutes were used by this body in the last political season, I can imagine that they are going to be used exactly the same way in the next one. And, I think that we need to have accuracy. **Lawrence and Moegerle, aye;**

DeRoche and Koller, nay; motion fails.

Moegerle made a motion to approve the consent agenda pulling items C D E.G. M & N, so including: A) Approving Bills; B) July 10, 2013 City Council Work Meeting Minutes; C) July 10, 2013 City Council Special Meeting Minutes; D) July 17, 2013 City Council Work Meeting Minutes; E) July 17, 2013 City Council Regular Meeting Minutes; F) Resolution 2013-41 Proclaiming Constitution Week; G) Interim Use Permit Renewal Mike & Cathy Beason 3500 196th Ave. NE; H) Resolution 2013-42 Domestic Violence Awareness Month; I) Pay Estimate 24, Project 1, Phase1, Utility Project; J) Resolution 2013-43, Approving Plans and Specification and Authorizing Bids for Whispering Aspens Overlay Project; K) Pay Estimate #5, Jackson Street Construction Project; L) Approval of Internal Hire/Promotion of Receptionist to the Community Development Department Administrative Support I Position; M) Authorize the Advertisement of the Receptionist Position; N) Resolution 2013-44, Accepting Donations from Chops, Inc. Moegerle, "There are substantive issues in the minutes that need to be changed." **Lawrence seconded. Lawrence and Moegerle, aye.**

DeRoche, "Prior to voting, in the discussion phase I would like to hear what the substantive thing is in the minutes. If it is grammatical, no. I think there is so much brought up about staff time wasted, and now going over the minutes. And, people are complaining that our minutes are two months behind and if it is for grammar and punctuation, I think that is wrong." Moegerle, "You know I am not going to correct your grammar. But for example on page 7, the first full paragraph Mr. DuCharme, he says, 'One think I am sure you notice', and obviously the word is 'thing' not 'think' and should be corrected. Let's go on, we have the wrong words, we drop out 'ours' for 'yours'. I do think we shouldn't omit those because if we don't we are at the risk of making someone else look foolish. For example, on page 11, last paragraph, third line, 'Through 3013.' It should be '2013.' That is a substantial difference of a thousand years and I think that kind of stuff is important." DeRoche, "And that can't be brought up with staff?" Moegerle, "If I did and you see those changes, you are going to accuse me of some skullduggery for reasons I don't understand. So I want to be above board and transparent. For example on page 4 of 15, the top paragraph is not complete. I don't want to be accused of putting words in the minutes that were not approved by anyone else. And so, if you are willing to give carte blanche and say, those corrections will be made without coming before this body, then let's spell that out very clearly. But, if you are not willing to do that, then I think we need to do this, in my opinion."

DeRoche, "Well Heidi, I just don't concern myself with every misspelled word or period that may or may not be in the right spot. I have had people look at these and say from a punctuation standpoint they are fine. Maybe it is a different school. But, I think killing time and not putting minutes in when the content and context is there is wrong. And anybody that reads them has a pretty good idea what is being said and knows that if they do question it, they can contact staff and ask them to explain it to them."

Moegerle, "And I go to a lot of meetings that you gentlemen do not attend. And one of the things they tell me is if you have a multinational corporation that is thinking about coming to your City, they are going to look at everything about that City, including the minutes. They want to know everything about us and what we put our time and attention to. And my view is if we can take the time (which should be much briefer than we have already spent on this issue) to correct these and say that we care about these details, that speaks very well for us. Now if you are willing to say, 'Heidi you do this and don't bother us with it. I am fine. But, I would rather have it on the record that you said that because I don't want any accusations down the road that meetings have been misspent because we didn't go through each one of these corrections.'"

DeRoche, "I don't remember anyone ever tasking you with going through and being the official

minute correction person.” Moegerle, “That is correct, I think it is all of our responsibility. I think this body has a lot of responsibilities that aren’t being fulfilled. I take this very seriously. I take this as part of my duties. If I am going to vote to approve these, I want them to be correct.” DeRoche, “You want them to be perfect according to what you want, Heidi.” Lawrence, “They should be correct.” DeRoche called the question. **DeRoche and Koller, nay; motion fails. (See above for earlier voting).**

Moegerle, “Well I want to vote against these then. Can we at least pull them so I can vote against them? I don’t want to vote against the entire Consent Agenda.”

Moegerle made a motion to approve the consent agenda pulling items C D E.G. M & N to vote separately on those items, so including: A) Approving Bills; B) July 10, 2013 City Council Work Meeting Minutes; C) ~~July 10, 2013 City Council Special Meeting Minutes;~~ D) ~~July 17, 2013 City Council Work Meeting Minutes;~~ E) ~~July 17, 2013 City Council Regular Meeting Minutes;~~ F) Resolution 2013-41 Proclaiming Constitution Week; G) ~~Interim Use Permit Renewal Mike & Cathy Beason 3500 196th Ave. NE;~~ H) Resolution 2013-42 Domestic Violence Awareness Month; I) Pay Estimate 24, Project 1, Phase 1, Utility Project; J) Resolution 2013-43, Approving Plans and Specification and Authorizing Bids for Whispering Aspens Overlay Project; K) Pay Estimate #5, Jackson Street Construction Project; L) Approval of Internal Hire/Promotion of Receptionist to the Community Development Department Administrative Support I Position; M) ~~Authorize the Advertisement of the Receptionist Position;~~ N) ~~Resolution 2013-44, Accepting Donations from Chops, Inc.~~ Lawrence seconded; all in favor, motion carries.

C) July 10,
2013 City
Council
Special
Meeting
Minutes

Moegerle made a motion to not approve item C) July 10, 2013 City Council Special Meeting Minutes. DeRoche made a motion to table item C) July 10, 2013 City Council Special Meeting Minutes. DeRoche, “Everyone can submit their corrections and they can come back to the next meeting for approval.” Koller seconded. Moegerle, nay; DeRoche, Koller and Lawrence, aye; motion carries.

D) July 17,
2013 City
Council Work
Meeting
Minutes

Moegerle, “I pulled this because there are substantive changes that need to be made. For example on page 3 of 6, Stacie was talking and she omitted it should be ‘\$1.5 million.’ Then Ron has some of these. The last paragraph he talks about the only things that are getting ‘refed’ and I think he meant ‘refinanced.’ Page 4 of 6, the second full paragraph I don’t know what that word is. I think it is ‘re-conjecture,’ he is not here but I think that is an error. Then going down the second to last paragraph.” Vierling, “I think you have had enough illustrations, if you had a motion to amend them, these could be amendments.” Moegerle, “These are things I think should be amended.” Vierling, “Are you moving to approve this document with those amendments?” Moegerle, “There are additional things that need to be amended in order for it to be approved with accuracy.” Vierling, “You can have a motion to amend; you just have to itemize your amendments.” Moegerle, “Okay. Also, Ron is speaking in the next to last paragraph, ‘We are in the **whole** big time.’ It should be ‘**hole**.’ The next paragraph, ‘We are caught in the same situation we were **in, in June**.’ Perhaps the biggest one, the long first full paragraph, \$16,900,000. I would recommend that these meeting minutes be corrected with those changes.”

DeRoche, “Seeing how you brought up Mr. Ronning’s name at least twice, maybe we need to table these. Because if he is the one that made the statement, he is the one that should be making the corrections. And, I think a fix could be if you see corrections you e-mail them in to City Hall and Jack can very easily e-mail them out to the different members and say, “This is what Council Member Moegerle thinks should be corrected. Do you have an issue with that? And then it can be put in the official record.” Moegerle, “I think it is all of our responsibilities, so I don’t think it should be left to me.” **Moegerle seconded the motion to table, all in favor, motion carries.**

E) July 17, 2013 City Council Regular Meeting Minutes

DeRoche made a motion to table Item E) July 17, 2013 City Council Regular Meeting Minutes. Koller seconded. Moegerle “When are we going to go over these? And, under what circumstances?” DeRoche, “Well, I do go over them and I have seen a couple words misspelled. But, if I thought it had some real serious meaning, I would probably bring it up. But, I don’t see us sitting here going through these line by line. I think it is probably in poor taste. I think it is something that should be done with staff.” Lawrence, “I think in poor taste is inaccurate. These are inaccuracies that need to be corrected.” DeRoche, “Fine, but why do it over an open mike in public. When the corrections can be made, these have not been substantive. If you are changing something in the content, I can see it.” Moegerle, “Here is the problem. I would be glad to do that. But the problem is, if I submit these changes, then I am subject to all kind of accusations of micromanaging the minutes when this is something we are all supposed to do.” Lawrence, “Yes we are all supposed to do this.” **All in favor, motion carries.**

G) Interim Use Permit Renewal – Mike & Cathy Beason - 3500 196th Ave. NE

Item G - Interim Use Permit Renewal – Mike & Cathy Beason - 3500 196th Ave. NE – Moegerle, “I remember when this came before the Planning Commission. I read the amended information we got last night in the e-mail which indicated this was a craft business in which the owner had to reside there. But in the original documentation it was clear that the homeowner did not live at that site. What we got yesterday indicates the homeowner must live there. It is my understanding that there is a caretaker there 24/7.”

“Since this doesn’t meet the technical requirements of our ordinance, I am not willing to support this. I am willing to be supportive of getting that ordinance to the ordinance committee so that it can be changed to allow such a business with a caretaker 24/7. For that reason I would like to call a vote. I am completely in support of their business. I just think that our ordinance as written is not accurate and does not allow for it. So, I cannot vote in favor of it.” DeRoche, “So what do they do in the interim, close it?” Moegerle, “If it is a 3 to 1 vote then it passes. But, in my view, I think it is a small change in the ordinance that would allow 24/7 caretaker and we can probably bring it back in two weeks.”

Moegerle, “It seems the address for the permit application and the Pines are not the same. The permit requires that it is a home occupation, or you reside there as I read it and Colleen provided us. I suggest we table this for two weeks, extend your current permit and change the ordinance so it is technically correct.” Lawrence, “Who owns the property?” Mike Beason, “My wife and I do.” Vierling, “But, you don’t reside there?” Beason, “Yes, during the week I do. I am fixing up the caretaking apartment, so on the weekends when most of the guests are there, I have to go to our other house a block and a half away.” Vierling, “Do you declare homestead status on this property?” Beason, “Yes, we do.” Moegerle, “Do you homestead the other address too?” Beason, “No.” Vierling, “If you are going to consider an adjustment to the zoning ordinance, it seems to me if you did have a circumstance and I don’t know that is the case here, where someone was not residing or homesteading and wanted a home occupation permit and the thought was you were going to change it from a home occupation to a permitted use, you have to hold a public hearing under the zoning code before you can make that change.”

Moegerle, “Was this a single family home converted?” Beason, “Yes it was.” Moegerle, “Because it says owner occupied.” Vierling, “He apparently is occupying it and does homestead. So at the present time, I don’t know that there is a major issue there. Unless there comes a time in which he fails to qualify for homestead on the property or acknowledges that he doesn’t reside there at least 50% of the time.” Lawrence, “Are you residing there for 50% of the time?” Beason, “Yes.” Vierling, “I don’t think you have an issue then.”

DeRoche made a motion to approve the Interim Use Permit Renewal for Mike & Cathy Beason at 3500 196th Ave. NE for The Pines Craft Center. Koller seconded.

Moegerle, “I would ask that this ordinance be brought up to the ordinance committee so that we can add that additional phrase so that all appropriate circumstances can be covered. Because I think the intent is that there is someone at these craft centers when it is at ownership capacities and there are guests there. So that a business such as a bed and breakfast could come in and they could have a caretaker so that if it isn’t homeowner occupied.” Lawrence, “I don’t see what the problem is; he is the homeowner and is occupying the site.” Moegerle, “My point is, this should be an ordinance that we should consider adding provisions of a caretaker and the ordinance committee is meeting and can discuss that.” DeRoche, “There is a proper forum to do that and right now we are dealing with this permit.” **All in favor, motion carries.**

M) Authorize the Advertisement of the Receptionist Position

Item M - Authorize the Advertisement of the Receptionist Position – Moegerle, “I pulled this. I talked to Jack about the recycling position and how important this is. We are almost on the cusp of meeting our recycling requirements set forth by Anoka County. And, I just want to make sure that when this position is filled, we can maintain our momentum towards obtaining our recycling goal. I wanted to indicate that this is an important value when filling this position.” DeRoche, “I think you can do that one, can’t you Jack?” Davis, “Yes and this is quite an unusual job combination, Receptionist/Recycling Coordinator. We have two people that have quite a bit of experience and the new person can take advantage of their knowledge, so we can finally meet our recycling goals.”

Moegerle made a motion to approve the advertisement of the Receptionist position. DeRoche seconded; all in favor, motion carries.

N) Resolution 2013-44, Accepting Donations from Chops, Inc.

Item N - Resolution 2013-44, Accepting Donations from Chops, Inc. – Moegerle, “I pulled this to specifically recognize CHOPS, Inc. for the donation for the Family Fun Night at Booster Day. “

Moegerle made a motion to adopt Resolution 2013-44 Accepting Donation from CHOPS, Inc. Koller seconded; all in favor, motion carries.

James Crews – Conditional Use Permit – 21461 Aberdeen St. NE – Tin Man Fabrication

Davis explained that the applicant, James Crews, is requesting a Conditional Use Permit (CUP) to operate a fabrication and machine shop at the above address. Attached to this request is a brochure that describes the nature of this business. Staff has been to Mr. Crews’ shop in Oak Grove. Mr. Crews has outgrown that facility and wants to be in an area that was located close to Highway 65. It is his intent to utilize his existing facility for storage and overflow parts. He has stressed that there will not be any outside storage of parts or vehicles at the proposed location in East Bethel and all storage will be inside the building. The following issues were addressed at the July 23, 2013 Planning Commission Meeting:

Noise – Noise levels when doors are closed and machines are operating create minimal impact. Mr. Crews currently has neighbors next door to his business in Oak Grove and they do not have any issues with noise. His neighbor at his current address has stated that it is not obvious that Mr. Crews is running a business at the Oak Grove location. The Planning Commission discussed the noise level when the doors are open and concluded that it would be similar to the noise emitted from trucks driving on Highway 65.

Permitting for waste – The current septic system is compliant and TinMan does not do any painting, oil changes, engine repair or any activity that generates hazardous waste. They fabricate, customize parts and recycle as much as possible and little or no waste is generated.

The proposed location is an existing building in the B-2 (Central Business District). The building has been previously used as a veterinarian clinic and a heating/AC business. Mr. Crews has indicated that he and his employees will utilize the back parking lot. The business generates

only a small amount of walk-in traffic and at this time he does not sell retail parts. He has an office and does internet sales along with sales generated by advertising and word of mouth. His clients range from individuals to other shops. He also makes parts that are marketed by distributors.

The Planning Commission approved and requests City Council to consider approving a Conditional Use Permit to James Crews of TinMan Fabrication, Inc. to operate as a builder/fabrication shop for rods, custom and classic automobiles at 21461 Aberdeen St. NE, East Bethel, MN 55011, PIN 08-33-23-43-0009, subject to the conditions in your packet. Failure to comply with the conditions would result in the revocation of the CUP.

Moegerle made a motion to approve the request for James Crews of TinMan Fabrication, Inc., for a Conditional Use Permit to operate as a builder/fabrication shop for rods, custom and classic automobiles at 21461 Aberdeen St. NE, East Bethel, MN 55011, (PIN 08-33-23-43-0009), with the following conditions: 1) No outside storage of vehicles or other parts; 2) Signage to comply with all applicable codes and regulations of the City of East Bethel; 3) Building to be issued a Certificate of Occupancy for the proposed use once all applicable State and fire building code requirements have been met; 4) Comply with City of East Bethel Code of Ordinances – Zoning, Appendix A, Section 27 Landscaping Requirements; 5) Comply with City of East Bethel Code of Ordinances – Zoning, Appendix A, Section 22, Off Street Parking and Loading Requirements; 6) Failure to comply with the above stated conditions will result in the revocation of the Conditional Use Permit. Koller seconded.

Jim Crews, TinMan Fabrication, 19470 Nightingale Street NW, Oak Grove approached the podium. DeRoche, “I drove by the property on my way here, and it is pretty shabby looking. As far as the noise, I am curious how much noise your business really makes because there is a daycare center there? Have you talked to them at all?” Crews, “No, I have not talked to the daycare at all. I understood that they had opportunity to come and talk at the Planning Commission meeting, but they didn’t show.” Lawrence, “What kind parts do you make, or machines do you have?” Crews, “Machines? Mills, lathes, saws.” Lawrence, “What kinds, can you be more specific?” Crews, “Manual lathe and manual mill. No CNC at this time, maybe in the future we might be able to do something more, but not at this time.” DeRoche, “Is there any way to do an IUP instead of a CUP? I say that because a CUP is kind of permanent.” Davis, “The Interim Use Permit relates to the home occupation and the Conditional Use Permit is more for the zoning. This use has to be classified in Other Uses Permitted as determined by City Council in this use.”

Lawrence, “What kind of scrap do you generate?” Crews, “Mostly steel. If you think about a rusty car that compares. We recycle most of it.” Lawrence, “Where do you store that until it is disposed of?” Crews, “I don’t have a container right now, I am in a residential area. But, I will get one once I am in an area that I can have one.” Davis, “I assume this would be inside? The one thing about this zoning district is outside storage is limited to 100 square feet maximum. And there are restrictions on parking larger trucks that have a GVW of over 12,000 lbs.” DeRoche, “The only reasons for my questions are we are looking at developing that corridor and who knows who is going to go in that corner.” **All in favor, motion carries.**

Engineer
Improvement
Projects
Update

Jochum gave the engineer improvement projects update as follows:

Phase 1, Project 1, Utility Project - This project is substantially complete. All project components have been tested and are operational. The contractor continues to work on punch list items. Final Payment for this project is expected to be presented to Council on September 4.

Trunk Highway 65 Service Road

The service road on the west side of Trunk Highway 65 from 215th Avenue to 221st Avenue is ready for advertisement except for two right of way closings. There was an issue with one of the right of way documents due to a probate issue. This item has been resolved by the City Attorney. It is anticipated that all right of way documents will be signed in the next two weeks. The project will then be advertised to solicit bids. Bids for this project will be presented to the Council at the September 18, 2013 Council meeting.

Castle Towers/Whispering Aspen Forcemain Project

As you are aware this project was awarded to LaTour Construction. Contracts have been prepared and signed by the Contractor. Staff is currently waiting for the Certificate of Insurance from LaTour Construction. Upon receipt of the Certificate the contracts will be signed by the City. Construction on this project is anticipated to start in mid August. Since the writing of this item, the certificate has been received. The pre-con has been set for August 22nd. Construction likely won't start until September. Lawrence, "Will they work through the winter?" Jochum, "This project has to be complete by December 15th." Davis, "The pre-con for the Met Council portion will be held next week. It will be held here. We are trying to get a date from them. And at that time we will know the start of that project too." Lawrence, "Can you send me an update on that?"

Lincoln Drive, Laurel Road and Longfellow Drive

The preliminary design for this project has been completed. A total of 8 properties have been identified for right of way acquisition. Property appraisals are currently being performed. Upon receipt of the appraisals recommendations for right of way acquisition will be presented to the Council. It is anticipated that this project will be ready for bid late this fall. Preliminary work such as utility relocation and clearing and grubbing could be completed this year. The majority of the construction would be completed in the spring of 2014. Moegerle, "This came up last night at the Coon Lake Beach Night to Unite and the rumor was that this would be next year. Is there any possible way that you will get the right-of-way acquisitions so we can complete it this year?" Jochum, "My experience of getting eight people to sign easements with no issues is almost unheard of." Moegerle, "I thought there was just one holdout, a non-local property owner." Jochum, "Appraisals are taking four to six weeks. They haven't even been presented the offers yet. And, we won't present those offers until we present them to Council." DeRoche, "There is one property owner that is out of town a lot. He isn't home a lot and is home now. You may want to hook up with him." Vierling, "We still have to get the appraisal and such." Jochum, "But maybe I can talk to him about his schedule and such, if Jack has his contact information." DeRoche, "Because they own quite a bit of property."

Jochum, "Were there any other questions?" DeRoche, "Did they finish the punch list on Coon Lake Beach?" Jochum, "They have not. Hopefully they will get out there in the next couple weeks. They wanted to wait and see what grass established and what didn't."

Website Policy Davis explained that the existing City Website Policy was adopted in 2007 and needs to be updated to provide guidance and direction that is required as a result of the changes and improvements on the new City Website which went on-line in February 2013. The proposed policy addresses the following items which are not included in the original policy:

- updates the provisions for external links
- provides for consistency of punctuation, capitalization, numbers, symbols and abbreviations
- explain the criteria for promotions of community events, fundraisers and services
- display of news and announcements
- posting of archived information
- posting of current information, and
- removal of information.

The adoption of this policy will provide staff with more consistent and detailed guidelines for inclusion of material to populate the website with convenient, consistent and accurate information about East Bethel's departments, services, amenities, and general information.

Staff recommends adoption of the Website Policy as presented in the Attachment.

Lawrence made a motion to adopt the Website Policy as presented in the attachment.

Koller seconded. DeRoche, "External links, government and quasi government entities. What are we talking about?" Davis, "We are talking about public functions and quasi government links are things like Alexandra House, Cedar Creek, anything that is somewhat affiliated with a government sponsor or organization or relies on them for some funding." DeRoche, "To what extent will we have the entities that market the commercial property within the City? Are we turning this into an advertising firm for them? Or is it just going to be on the Community Development website of lots that are for sale?" Davis, "That is correct and that is one reason we limited it to commercial and industrial. These are part of our economic development program that the City does have some actual control over. And, individual residential listings were omitted for that reason, because we don't have control over them." DeRoche, "There is a statement under Website Accuracy and Relevancy: The website is not designed to be used as a document repository or historical archive. So, how old do you consider the information on there before it is taken off? I read current EDA statements in which people said a lot of things we had to change because they were bored with it." Davis, "I think you have to evaluate it and determine "Is it still a continuing item?" That will probably be done based on our interpretation and what feedback is from Council on what needs to be changed and moved around."

Moegerle, "'Entities with which the City has an existing formal, contractual relationship?' So we would add Weidema. We would add the City Engineer, the City Attorney and LaTour. And, I understand that this says as, 'We may provide this.' But really do we want LaTour and Weidema on here? When I talked to Jack I said the name of this is a policy and it sounds like it is more of a guideline. But, if we can withhold saying Weidema and LaTour can't be on there, shouldn't we call this a guideline instead of a policy? Or should we explore that a little more? I was concerned about promotion of community events, services and fundraisers. Particularly, the last two sentences which say, 'Services to East Bethel residents and/or businesses provided by non-profits or charitable entities may be promoted on the website provided that any associated fees are directly related to the service provided. The City will not post information related to fundraisers.' So if the Senior Center has an admission fee of \$4 to their dance, that is a fundraiser. I think we should clarify that last sentence to say no private fundraisers."

DeRoche, "Should we pull it and make some changes?" Moegerle, "Yes, and whether we say it is a policy or a guideline. I just don't want LaTour knocking on our door saying this." Vierling, "I don't have any issue with policy or guideline because the City retains discretion under either one. But I do think you want to take a look at the fundraiser issue?"

Moegerle made a motion to table the Website Policy. DeRoche seconded; all in favor, motion carries.

Moegerle, "Can we schedule a work meeting to review this? Or should we submit it to the Website Committee? Shouldn't they meet anyway?" Davis, "What are the duties of the Website Committee? I think this is more of a Council decision. I would like to submit this to Mr. Vierling for his comments on this to make sure we are current and take it from there." DeRoche, "That is fine." Davis, "And if the Website Committee wants to weigh in on some other things, fine." Moegerle, "Because primarily they are people with some websites so they might know and have experience that is valuable to us."

Davis explained that the City Council has discussed the preliminary 2014 Budget at Work Meetings on July 10 and 17, 2013 and on August 7, 2013. This agenda item is left open if there is a need to continue the work meeting discussion as part of the regular City Council meeting.

DeRoche, "We had a pretty good discussion tonight. Kind of a wake-up call, I wished that would have been televised. I think we need to go with the recommendations that came out in the budget discussion. Part-time person not being hired. For the worst case scenario as far as the levy goes, we have to set it by September and we are looking at an 18.6% increase. We can always take it down but once the bills are here, they are here. We are better off going with no connections and if we get the connections, then that is kind of a give me. If we say we are going to get 50 or a 100 and we don't get them, then we are going to have problems."

Davis, "To briefly summarize, we had a discussion on the revenue side of the budget and identified the revenue sources. We also discussed some other potential reductions in the budget. This would result in about \$48,600 in cuts and present a general fund budget which would be equivalent to last year's. So, it would not increase from last year's. This means over the last three years the budget has been cut for two years and held the same for this proposed 2014 year. The proposed budget cuts are a reduction of \$25,000 in the transfer for the park capital fund, \$12,500 for the Fire Department for purchase of rescue equipment that is related to confined entry, \$5,100 for reduction of a proposed temporary position in the building department in the summer of 2014 and a reduction of \$6,000 in the engineer's budget. And this will give us a budget that is essentially the same as last year's. The other component that was addressed was we will have to come up with approximately (in a worst case scenario, which means zero (0) connections) \$1.1 million for bond payments. This is where the resulting 18.6% tax increase would come from. There would be none from the general fund. It is all due to the bond payments for the sewer and water project."

DeRoche, "Could you touch on the Fire Department equipment, so people don't think we are taking away something they have already?" Davis, "This is for rescue equipment for confined entry for rescue for the sewer project. This would be entrance into manholes. I had a discussion with the Fire Chief and we both concur that this is an item that can be postponed and may be eligible for the remaining balance of our bond funds to be spent on. Also, we don't have anyone that is trained for confined entry. The City of Isanti has a program that they could do mutual aid for us."

Lawrence, "Can you also give a brief summary of the tax increase, what the average taxpayer can expect on a \$200,000 home?" Davis, "The average increase on a \$100,000 would be \$80, \$200,000 would be \$150 and \$300,000 would be \$300 a year." Moegerle, "Although we haven't approved the minutes of July 17th, Troy Lachinski indicated that 'a drop of \$3500 would be perfectly agreeable for all of us?' And that wasn't on your list?" Davis, "No it wasn't. We are looking for another \$50,000 in the City general budget. This can be reduced and we are working on this. The refinancing is still an unknown. We are also looking at possibly other sources of minimizing the cities participation in this. We have a cell tower lease that is up, we have a potential to gain a signing lease. We are working on getting that worst case scenario down." Moegerle, "When residents get their tax statement, is this levy amount for sewer and water going to be separated?" Davis, "It is going to be combined." DeRoche, "There is no way to line item that for the sewer and water?" Vierling, "The notice is going out from Anoka County, so they are not going to be able to give you that kind of feature. Sometimes cities do an article in the newsletter or a stuffing in the utility billing." Davis, "I thought about doing an article, but there are too many unknowns. I am a little hesitant about doing this. If we are going to do something, maybe we could do a mailing."

Moegerle, "I think we need to have a public meeting about the levy." DeRoche, "The PowerPoint that Mike had, I think people need to see that. Because then they can see the

numbers and see what someone could potentially be paying on their \$200,000 home. People have to know that this is a reality.” Davis, “We can consider setting the date of the Town Hall Meeting tonight. There is no reason it has to be the second week in November. We could have it earlier and devote it exclusively to this subject.” Moegerle, “I floated something by Mike. Each year we get a property tax refund booklet. How much of this tax will go away from the property tax refund? He said it was a real complicated issue. But, before we go too far down this, we need to know how much these people might get back in a property tax refund. Mike seemed to be very optimistic that this would be a possibility.” DeRoche, “Isn’t that more of a resident by resident kind of deal?” Davis, “It is. And too, since we changed from the homestead to the Market Value Exclusion, I don’t think you figure that and send it in for a refund the way you used to.” Moegerle, “We need to figure out how that is going to change for people.” Davis, “The only thing is if your property taxes do go up, you can use that as a deduction on your federal and state taxes. It is not a dollar for dollar return.”

Thursday, October 10th at 6:30 p.m. was set for the Public Meeting to discuss the Tax Increase due to the Water and Sewer Project. The Town Hall Meeting will be held at 6:00 p.m. on Thursday, November 21st.

Davis, “I want to compliment our intern, Melissa Craft. She has done an excellent job on the website. She has populated it with a wealth of information. We have been very lucky to have her. Go out to the website and look at all the updates she has done.”

Staff Reports None

Council Member Report – DeRoche, “I went to the Coon Lake Beach Night to Unite last night. Deputies showed up. The Firefighters showed up. The kids had fun. Had drawings.”

DeRoche

Council Member Report – Koller, “I was at the Fire Department talking with Chief DuCharme and one of the new fire trucks is supposed to be done Friday. It is replacing Engine 21 because it has some severe rust problems to the frame. The firefighter dance brought in about \$12,000. They had an interesting fire call. A woman was stuck to a dog with tremble fish hook. There also were a couple of bad accidents, one on 181st a fatality, and one on 237th which they had to airlift, and we helped with one on Lexington in Ham Lake which was a double fatal.”

Koller

Council Member Report – Moegerle, “It has been an exhausting time. Booster Day was a success. We got a lot of respondents on the survey. I think we got 76 respondents and 24 were out of the City. Non-City residents do come to the City. The pageant was something I opened in Mayor’s absence. The new Royalty will be introduced at the Council meeting in September. I went to Cedar Creek, and they had a total of 13 people from here.”

Moegerle

“Somehow I got appointed to the LMC Policy Committee for Legislation. I was on it last year and I never attended any of the meetings. My interest in it was primarily what happened to East Bethel in December 15, 2010 should never happen again. I brought that up and said this should not happen to another City. They are puzzling on how we could prevent this from happening. So, for example, not be able to get all the bonding done on an election year by the 1st of the year would be one way. It is going to be difficult and not something that will be resolved this year. My seatmate was from Metro Cities. Metro Cities is the Met Council watchdog. We are not a member. It is strictly for the Met Council districts. And they are interested in coming to see us and making a presentation on what they could provide us. It is something we should consider.”

“The following day, there was a teleconference with Pat Born of Met Council and he agreed that given the rather experimental nature of our waste reclamation plant (these are more

functional in Arizona than the cold of Minnesota). We were all invited to the Local Government Officials Meeting on July 31st. At that meeting I had another opportunity to speak to the chairwoman of Metro Cities. Her name is also Pat. We were all invited to the 3M Anoka County booth. I attended on Thursday and Friday in the morning. Rasmussen College was there with information about how they could work with our businesses. With regard to the clear cutting, it is my understanding that August 14th is the next meeting on that and the DNR is going to make an offer. I have been getting calls and notice that there are much more people living in boats and campers on Coon Lake.”

“I learned about a program run by cities that issue traffic tickets and the offender can have their fine reduced in cost if they take a class and a lot of the money comes to the cities. This is a program by Kurt Glaser. I have talked to him about this. It is a way to raise revenue. We would need to get the Anoka County Sheriff to agree.”

“There was a rumor I heard was that Carlos Avery was being closed.” Davis, “In fact Tom Hackbarth e-mailed me. He contacted the DNR. They are consolidating some offices there. There is one building if they don’t tear it down it will fall down. They are considering moving those grass rigs to Cambridge. In the scope of things, it would not be detrimental, because they normally locate them where they are most needed.” Moegerle, “I heard it from an apparent authority on it. At the Parks Commission we were talking we need to complete our master plan in order to get funding from Met Council eventually for parks and trails. I did stop over at Northway ATV and they are interested in ATV trails. We also know that Cedar Creek has the Memorandum of Understanding which includes ski trails. Those are some things that it looks like we need to consolidate and get some involvement and input in so we have a good master plan by the end of the year.”

Council Member Report - Lawrence Closed Session – Union Negotiations & Active Litigation

Lawrence, “I have been working with the Fire Department on the Fire Relief Association. It has busy with other details going on. I think we are going to move to close session.”

Vierling, “For the benefit of the public pursuant to Minnesota Statute 13.D the City Council is going into a closed session at the recommendation of the city attorney and staff to discuss union negotiations regarding Minnesota Public Employees, bargaining unit and relative to matters of litigation of John Schaser. The meeting for the union will be tape recorded and preserved as required by the statute and will be maintained for two years as required by law. The other session will not be tape recorded. We will come back into open session to review any action taken in closed session.”

DeRoche made a motion to adjourn to closed session to discuss union negotiations and matters of litigation. Koller seconded; all in favor, motion carries.

Vierling, “For the benefit of the public and for the record, the Council concluded the closed session at 10:27 PM. Attending the closed session were Council Members DeRoche, Koller, Moegerle, Mayor Lawrence, City Administrator Jack Davis and myself. Council reviewed with the city staff issues regarding the union negotiations with bargaining unit Minnesota Public Employees and active litigation. The City Administrator reviewed negotiations, gave the issues and the Council received his recommendations and gave instructions to parameters. No particular actions or motions were issued by the Council at this time.”

Adjourn

DeRoche made a motion to adjourn at 10:28 p.m. Moegerle seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk