

## EAST BETHEL CITY COUNCIL MEETING

February 5, 2014

The East Bethel City Council met on February 5, 2014 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT:        Bob DeRoche                Ron Koller  
   Heidi Moegerle             Tom Ronning

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

Call to Order        **The February 5, 2014 City Council meeting was called to order by Mayor DeRoche at 7:30 PM.**

Adopt Agenda        **DeRoche made a motion to adopt the February 5, 2014 City Council agenda with the additions to the agenda, bonding series (handout) and the supplemental bills that were submitted after the submission of the packet and a motion for censure that was tabled.**

DeRoche, "A couple of resolutions have 2013 on them and now they are 2014, do they need to be corrected? The motion for censure was overlooked the last time and something done with it."

Moegerle, "Where are they going to be added to the agenda?"

Davis, "The first one is the ordinance and it can be added to 4.0 bond sales. The supplemental bill should be added to the consent agenda as A.1."

DeRoche, "For the censure, I don't know, I guess 8. 4A, after town hall meeting date."

**Ronning seconded; all in favor, motion carries.**

2010 B Bond Refinance Proposal        At the January 22, 2014 City Council Meeting, Council authorized Ehlers and Associates to solicit proposals for the sale of refunding bonds 2014A with a par amount of \$5,590,000. These bonds will be used to refund the 2010B GO Utility Bonds.

Ehlers, Inc. will compile the bid results for this bond issue and provide the tabulations for Council consideration on February 5, 2014.

We have provided the Resolution, less the award information, for your review: Resolution 2014-04 Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$5,590,000 General Obligation Refunding Bonds, Series 2014A. Ehlers will revise the resolution with the sale results once they become available.

Ehlers, Inc. will provide additional information regarding the interest and debt service schedules during the presentation on February 5, 2014.

Pending an acceptable sales proposal, staff is seeking direction from City Council regarding adoption of Resolution 2014-04.

Stacey Kvilvang with Ehlers will provide more information. Staff is seeking direction regarding adoption of resolution 2014 -04.

Kvilvang, "We did have the sale today, there were six bidders. The lowest responsible bidder was

Piper Jaffrey. This was about 20 basis points lower than what we expected. The future value savings of about \$1.5 million it is about \$220,000 than what we expected. Before you tonight the new PAR amount is \$5,485,000. “

Moegerle, “If you could clarify in section six on page 19, it references the City owning the sanitary system, we don’t own the system, because Met Council does own the treatment facility, are there concerns with that statement.”

Kvilvang, “No concerns.”

Ronning, “Can you restate the savings?”

Kvilvang, “It would be \$1.5 million, that was to allow savings up front to allow development to happen. It shows in 2015 you have \$77,000; 2016, \$140,000, 2017, \$175,000 and 2018, \$262,000 and thereafter you have approximately \$40,000 per year.”

Moegerle, “What that does is absolve us from paying principal until later?”

Ronning, “The first fifteen were interest only on the old bond”.

Kvilvang, “No they wouldn’t allow that. It looks like before 2018 is when you would have been kicking in principal before”.

**Koller motion to adopt the Resolution 2014-04 Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$5,590,000 General Obligation Refunding Bonds, Series 2014A. . Ronning seconded; DeRoche-Aye, Koller –Aye, Ronning-Aye, Moegerle-Nay, motion carries 3-1.**

Public Forum

Council member Ronning, “I don’t know how many people were here at the last meeting. It was a lively meeting to say the least. Richard Lawrence had made some comments and that were very accusatory and damaging. On his behalf, that is uncharacteristic as anyone that knows him. It seems he was pushed or put up to this. I retained an attorney, Michael H Daub and asked him to look into some of this. He issued a letter on February 4.

Dear Mr. Ronning:

I appreciated the opportunity to meet with you in my office. You have requested that I advise you whether you are eligible to hold public office in Minnesota. In 2012, you were elected to the East Bethel City Council.

You have inquired because on March 31, 1992, when you were living in Oakland County Michigan, you were convicted of carrying a “concealed weapon.” Under § 750.227(1) of the Michigan Penal Code a person carries a concealed weapon when they are in possession of a “double edged nonfolding stabbing device” in a motor vehicle, whether concealed or not.

According to the information I reviewed from Oakland County Michigan, you entered a plea of guilty to that charge, were sentenced to pay court costs of \$300 and placed on probation for one year. You were discharged from probation on February 8, 1993.

Based upon the facts that have been related to me, the Michigan conviction does not disqualify you from holding public office in Minnesota. To determine if you can hold public office following your conviction, two issues must be reviewed: (1) if you are eligible to vote and, (2) have your civil rights been restored.

In Minnesota, municipal elections where voters nominate or choose by ballot any public officials are governed by Minn. Stat. ch. 205. Under Minn. Stat. § 205.13, subd. 1, “An individual who is eligible and desires to become a candidate for an office to be voted for at the municipal general election shall file an affidavit of candidacy with the municipal clerk.” The affidavit must be in the form specified in Minn. Stat. § 204B.06, subd. 1. Under Minn. Stat. § 204B.06, subd. 1(1), the affidavit must provide information including that the candidate is an eligible voter.

Eligibility to vote is governed by Minn. Stat. § 201.014. To be eligible to vote an individual must be 18 years of age or older, a citizen of the United States and maintain a residence in Minnesota for 20 days immediately preceding the election. However, under Minn. Stat. § 201.014, subd. 2(a), certain individuals are not eligible to vote, including an individual convicted of any felony whose civil rights have not been restored.

The rights felons lose are primarily governed by state law. Under Michigan law, certain rights and privileges are lost upon conviction of a felony. Michigan prohibits persons who have been convicted in state and federal court from voting while incarcerated. Under Michigan Election Code § 168.758b, this right is lost if the crime is a misdemeanor or felony. The right to vote is automatically restored upon release.

Under Minn. Stat. § 609.165, subd. 1, when a person has been deprived of civil rights by reason of conviction of a crime and is thereafter discharged, such discharge shall restore the person to all civil rights and full citizenship, with full right to hold office, the same as if such conviction had not taken place. Under Minn. Stat. § 609.165, subd. 2, you were discharged by an order of the court on February 8, 1993. As a result, it appears that under Minnesota law, when you were discharged from probation on February 8, 1993 your civil rights were restored, including your right to hold public office.

If your eligibility to hold public office is still the subject of any further question, I will be glad to evaluate any additional factual or legal information which might support such a claim. I have appreciated the opportunity to assist you. Should you have any other questions or concerns, do not hesitate to contact me.

Very truly yours,

Michael H. Daub”

Consent  
Agenda

Item A

Bills/Claims

Item B

Meeting Minutes, January 22, 2014 Regular City Council

Meeting minutes from the January 22, 2014 Regular City Council Meeting are attached for your review and approval.

Item C

Resolution 2014-05 Accepting Work

The Contractor has completed all construction and punch list items for the Jackson Street Reconstruction Project and has submitted all the required documentation to consider this project for final payment. All costs associated with this project are paid 100% by the

Municipal State Aid Construction Fund. Staff recommends final payment of \$57,010.21. A copy of the final payment form and resolution accepting the work are attached.

Moegerle, "I would like to pull B please."

DeRoche, "Do you want to pull B for grammatical errors or content?"

Vierling, "You have added A, A1, B and C."

**Ronning motioned to approve the consent agenda with the addition of A1. Koller seconded the motion.**

Moegerle, "Are we approving the full consent agenda?"

Ronning, "Full."

Moegerle, "I would like to pull b for a substantive issue, and I think clarification is required."

Ronning, "That would require an amendment to the agenda."

Vierling, "Yes, if the majority doesn't want to remove an item."

**DeRoche-Aye, Koller-Aye, Ronning-Aye, Moegerle-Nay. Motion carries 3-1**

New Business  
Review of Ordinance 49, Second Series Amending the Zoning Code Relating to Accessory Structures in the City and consider approval or modification of the sidewall heights for accessory structures

Review of Ordinance 49, Second Series Amending the Zoning Code Relating to Accessory Structures in the City and consider approval or modification of the sidewall heights for accessory structures

On September 25, 2013 City Council adopted Ordinance 46, Second Series amending the Zoning Code relating to accessory structures. Council also directed staff to have Planning Commission look at some additional items in the zoning code relating to Section 14. Detached Accessory Structures.

Planning Commission discussed this item at their October 22, 2013 meeting. A public hearing was held at the November 26, 2013 Planning Commission meeting for the Zoning Code changes and the approval provided at the October 22, 2013 Planning Commission meeting was reaffirmed.

At the January 8, 2014 City Council Meeting, Staff presented those changes that were recommender Planning Commission as Ordinance 48. Mayor DeRoche made a motion to table Ordinance 48, § Amending Appendix A, Zoning, Section 1, General Provisions of Administration and Section 14 Accessory Structures. Councilperson Ronning seconded; all voted in favor and the motion carried to table was made due to a previous Council request to re-examine the wall height requirements structures and furnish Council with information on the regulations of surrounding Cities.

Included in the attachments are a spreadsheet of the sidewall height regulations and the narrative of each City's requirements. Our current regulations are similar to those of our surrounding Cities. The table that have been approved for Ordinance 49 is attached and the table in the Ordinance that lists sidewall heights that are our current standards.

Staff is seeking direction from Council as to approval as is or with modifications to

Ordinance 49, Second Series, Amending Appendix A, Zoning, Section 1, General Provisions of Administration and Section 14. Detached Accessory Structures and direction to publish.

**DeRoche moved to table the agenda item.** “My reason not only the wall height, because of the concerns on metal on the side of the building. Does that include aluminum? I would recommend there be a work meeting and discuss this with the Planning Commission. We need to figure out what it is going to be. Otherwise we will get into a revolving door. I have had numerous calls on this topic.” **Ronning seconded.**

Ronning, “Accompanying with this there are examples from Ham Lake.”

Davis, “The other community examples are Ham Lake, St. Francis, Andover, Cambridge and Isanti.”

Ronning, “I think this is selective. I would like to see what our tax fee is for cigarette license, and car license. No one else in the state has it.”

Davis, “We have the comparison table on fees. Ours are comparable with others. We did lower the cigarette license fee to \$100 a few years ago.”

DeRoche “To compare us with other cities is fine, you’re not comparing apples to apples, we represent the City of East Bethel residents. There is no one over on Coon Lake that has an acre. I couldn’t put up my house legally right now. People buy their lots and I would caution anyone on a commission, to consider personal feelings or what you don’t like but doesn’t mean other people shouldn’t have it. Any decision doesn’t affect one or two people out there. Are there things that I have seen that I don’t like; sure, you have to deal with it. There may be things on my property that others don’t like. I have handled quite a few calls on this. It is really restrictive. Maybe the new development coming in. Well those are being set by the plan. An accessory building, you can’t build a garage big enough to put something inside. Heck I have boats, snowmobiles atv, trailers, tractors, and they aren’t junky, but if I have two or three trailers sitting there, I don’t want to drive somewhere to get it.”

Davis, “Your motion is to table and have a joint meeting. Since the Planning Commission has already had the meeting concerning this , City Council can act on Planning Commission approval and make additional amendments.”

Ronning, “It isn’t just a garage or a shed; it is dogs houses and sheds or doll house and a trailer that was included and subtracted from the total amount. Steel siding is used every place. They will do the siding onsite. They will do the entire length of their home and to go way back I have never seen a need for a change in the ordinance. I don’t know why it is a subject.”

Moegerle said “I looked at that, and looked at St. Francis, and I saw another example that was provided that showed the side wall height could be higher if you got approval from your neighbors. I think if they have several acres they could have higher wall heights. I appreciate the 10 foot sidewall height in small areas, but we should have the option of higher side wall heights available.”

DeRoche, “We should have a work session and hammer it out, along with a couple of issues.”

Moegerle, “Why can’t we talk about it tonight when these people are here?”

DeRoche, “Because I want to do more research and don’t lay the openness on me.”

Ronning, “I don’t know that everyone has a complete understanding of what we are being asked to do. I have sat through a lot of this. I have concerns. I don’t want to put an ordinance in that makes

people say this messes me up.”

Winter, “Zoning text amendment, it was part of two or three different ordinances. The intent was to clean it up. It wasn’t meant to make it more restrictive. Someone who is on a large acreage. You couldn’t put it along side yard; you could put it in front. The steel siding isn’t anything in there; you can’t have a pole building that is less than three acres. It has to match the character of the house. We are not legislating that you have to have that, it is less restrictive. The only thing that is missing is the sidewall height. The planning commission elected to approve it the way it was. The majority of it has not changed. Fish houses were taken out of there. Miscellaneous play structures were taken out. I think it has become less restrictive and easier to understand. We are willing to take a look if the intent is to allow larger accessory structures? Is that what you are thinking?”

DeRoche, “This is why I made the motion to table, so we could have the discussion.”

Davis, “They were talking sidewall heights.”

Winter, “Remember impervious surface.”

Ronning, “We sent it back, because we didn’t like the way it was.”

Winter, “You have looked at it twice, your recommendations the second time were incorporated into the revised amendment. The City Council would like to see a different side wall height. All the other changes you recommended were included.”

Moegerle “How difficult would it be to add a permit for higher side wall height?”

Winter, “We are still operating on the old on.”

Davis, “No.”

Ronning, “Once it is passed, that is it, is anything not falling under the ordinance would be a variance.”

Vierling, “Former definition of a hardship was they had to prove the condition was not created by them, it wasn’t economic and was detrimental to their property, they have modified that standard somewhat. If it is determined as a reasonable option by the Council you can allow it.”

Ronning, “There is a lot more in the picture.”

**DeRoche called the question. DeRoche-Aye, Koller-Aye, Ronning-Aye, Moegerle-Nay. Motion carries 3-1.**

Davis, “Is there a date you would like to schedule a work meeting?”

DeRoche, “Are there other issues we can work on?”

Davis, “What is the date of the next Planning Commission meeting?”

Winter, “There is only one item on their next agenda, Viking Preserve.”

DeRoche, “Thoughts from everyone.”

Davis, “I asked for a special meeting for next Wednesday, I would recommend it be changed to next Thursday night.”

Moegerle, “I might be out of town on the 13<sup>th</sup>.”

Moegerle, "What about the 11<sup>th</sup>?"

Davis, "That is Roads Commission."

Winter, "You could come in on the Planning Commission. We have talked about a couple of other ordinances."

Davis, "If you have it on the same night of the Planning Commission half of the equation is already there."

DeRoche, "How receptive are they going to be to the change? The meeting would be on the 25<sup>th</sup> at 6:00 p.m. for a work meeting."

New Business  
Utility  
Infrastructure  
Loan Program  
Extension

The City's portion of the Municipal Utility Project is complete and there are 13 businesses that were required to connect to the system. There is a substantial cost to these businesses owners for accessing the new utilities and City Council and the Economic Development Authority discussed ways to minimize the financial impact. As a result, "The Utility Infrastructure Loan Program" was approved by City Council on April 17, 2013 to address this situation.

The program provides for loan amounts to cover up to 4 City SAC and WAC and MCES SAC charges and an additional \$5,000 toward costs for the physical connection to the system. Approved loans are for a five year period at an interest rate of 4%. Eligibility for the loan requires that all eligible applicants must be in good standing with the City and all property taxes, applicable city licenses, and utilities must be current and paid. This program expired on December 31, 2013. Three of the affected properties in the service area have not paid their SAC and WAC fees and/or have not applied for these loan funds.

The expiration of the Utility Infrastructure Loan Program was discussed at the January 22, 2014 HRA meeting and it was recommended that City Council extend this program for an additional 90 days. This extension would enable any remaining property owners to address any eligibility issues for loan applications that are outstanding. One loan has been approved from this a fund and a second loan was tabled due to issues with eligibility.

The original loan amount was capped at \$37,800 for 2013 and is itemized as follows:

- Up to 4 City SAC (\$2,000) and WAC (\$3,600) units.....\$22,400
- Up to 4 MCES SAC (\$2,600) units.....\$10,400\*
- Up to \$5,000 to be applied to connection costs.....\$ 5,000
- Maximum Loan Amount.....\$37,800

The MCES SAC charges are subject to a 4.9% annual increase and the charges for 2014 for this fee have increased from the 2013 fee of \$2,600 to \$2,727.40

Staff recommends City Council consider extending the deadline for the Utility Infrastructure Loan Program for an additional 90 days with an expiration for May 6, 2014 and increase the maximum loan amount from \$37,800 to \$38,309.60 to reflect the increased costs of the MCES SAC charges.

**Moegerle motioned to extend the deadline for the Utility Infrastructure Loan Program for an additional 90 days with expiration for May 6, 2014 and increase the maximum loan amount from \$37,800 to \$38,309.60 to reflect the increased costs of the MCES SAC charges. Koller seconded the motion.**

Moegerle, "Have we had conversations with people that haven't paid?"

Davis, "No, we wanted to make sure this was approved."

Ronning, "Do you know if any of them have had their situation change?"

Davis, "No."

**All in favor, motion carries unanimously.**

Local Board of Appeals and Equalization Training

Per Mn. Statute 274.014 at least one voting member of each Local Board of Appeal and Equalization (LBAE) must have attended and equalization training course within the last four years. The local LBAE, which is the City Council, hears all appeals for property tax objections and requests for adjustments at an annual LBAE meeting. This year's LBAE meeting is scheduled for April 16, 2014 at 6:30 PM at City Hall.

The Minnesota Department of Revenue teaches the course and provides the training for those LBAE members who require certification. Traditionally, the City has selected two Council persons, who have a majority of their terms remaining, as the City's designees for the training. Mayor DeRoche and Councilperson Moegerle completed the training in 2011 and their certifications expire at the end of 2014.

The local board's duties will be transferred to the county for the current year's assessment if the training is not completed or if only one member is trained and is absent from the LBAE meeting.

The schedule for the training will be announced in March. It is recommended that Councilpersons Koller and Ronning attend the training. Upon completion of the course their certification will be valid for four years.

We will provide the information on the training schedule as soon as it is released.

Staff requests that City Council designate Councilpersons Ron Koller and Tom Ronning as the LBAE Councilpersons for the required LBAE training.

**DeRoche made the motion that City Council designate Councilpersons Ron Koller and Tom Ronning as the LBAE Councilpersons for the required LBAE training. Koller seconded.**

DeRoche, "Could I take it also?"

Davis, "Yes, we would just have to post it."

Moegerle, "Our training is good through 2014."

Davis, "Anyone else who wishes to attend can go."

DeRoche, "I would be interested in going."

**All in favor, motion carries unanimously.**

Schedule  
Special City  
Council  
Meeting for  
February 13,  
2014 to Review  
City Council  
Vacancy  
Applicants

Consider scheduling a Special Meeting for February 13, 2014 to review applications for the vacant City Council seat and discuss the impact of the Army Corps of Engineers permit decision on the Viking Preserve Project

At the January 8, 2014 City Council Meeting, a vacancy was declared for the Council seat which was previously held by Bob DeRoche. Council directed that applications be taken for this position and be accepted until noon on February 12, 2014. It was further directed that Council would consider calling a Special Meeting at 6:30 PM on February 13, 2014 to review the applications and select those that would be extended an invitation for interview at the February 19, 2014 meeting.

A second agenda item for consideration for this meeting is a discussion of and a proposal to address the financial impact of the lot of reduction for the Viking Preserve Project and its impact on the feasibility of the project.

Staff recommends that City Council schedule a Special Meeting for February 13, 2014 at 6:30 PM to review the Council vacancy applications, select applicants for interviews and discuss the Viking Preserve Project's feasibility issues as a result of the proposed lot reduction.

**DeRoche motioned to schedule a Special Meeting for February 13, 2014 at 6:30 PM to review the Council vacancy applications, select applicants for interviews and discuss the Viking Preserve Project's feasibility issues as a result of the proposed lot reduction. Koller seconded; all in favor, motion carries unanimously.**

Set Date for  
Spring Town  
Hall Meeting

Consider approval of a date for the Spring Town Hall Meeting

The Spring Town Hall Meeting has been held since 2005. The meeting is generally held in April and is designed to be scheduled on a date that doesn't conflict with any other municipal or school district meetings. ISD # 15 and ISD #831 don't list any meetings for Thursday April 10<sup>th</sup> or 17<sup>th</sup>, 2014. Other potential dates that don't appear to pose any scheduling problems for the City Town Hall meeting are Tuesday April 15<sup>th</sup> and Thursday April, 24<sup>th</sup> 2014.

In the past the Question and Answer/Public Forum presentation in Council Chambers has focused primarily by citizen questions for City Council. While the number of participants for this part of the program has declined since 2010, it still presents a valuable opportunity for residents to express concerns and present questions to City Council.

We need to set the date for this meeting so we can place the notice in our Spring Newsletter. The newsletter will be sent to the printer on or before February 28, 2014 and be distributed to City residents by mid-March.

Staff is requesting that City Council set a date in April for the Spring Town Hall Meeting.

**Moegerle motioned to set the Spring Town Hall Meeting for April 24. Koller seconded; all in favor of the motion, motion carries unanimously.**

4a Censure of  
Council Person  
Moegerle

Ronning, "Is there any action required to discuss this item."

Vierling, "No"

Ronning, "I made the original move to censure, because we were having an uncontrolled debate. It was becoming unresponsive to the Mayors responsive. It was seconded and tabled."

Moegerle, "My comments were based on the letter we received. I didn't get an answer on that. Many times when we get a letter like that, we deal with it right away, so we are assured things are dealt with and assured. That affected on how I voted and how things were done. Since I didn't get comments back until this afternoon. I have been in the dark on how things were being done. If legal advice is going to be provided to the Council it should be provided to everyone. Until this afternoon I didn't get that. I apologize. I didn't think I was out of line."

Ronning, "My recollection wasn't a request for information, it was explaining that we were doing things wrong, that we were commingling funds."

Moegerle, "The first issue was which was not reflected in the minutes."

DeRoche, "You could have found it when you were talking to the Anoka County Union. There were slanderous accusations that went out against Ronning, Koller and DeRoche. You made statements against the three of us and then you stated the meeting was illegal. You voted against everything except you going to the LMC meeting."

Moegerle, "I wanted to go so I could learn more. The Anoka County Union must have taken their quotes from the meeting tape. Once I heard what was in the union, I contacted them so they could change the record. I want people to see transparency and openness."

DeRoche, "You always put out transparency. What was your comment after the censure?"

Moegerle, "I said smack my hand."

DeRoche, "We aren't going to talk about the censure."

Moegerle, "I didn't bring up the commingling, since that meeting on October 23. I am more concerned about the other facts than about that."

DeRoche, "You are getting off the agenda."

Moegerle "I wanted to get a legal determination on the matter if the letter was not of value. I kept being interrupted. If the allegations were true, what would the affect be?"

DeRoche, "He was giving you legal advice; it isn't his determination to say if it was good legal advice. The point is do we censure you or not."

Moegerle, "I don't know if he is being hired by Richard and he has been hired for her on a different issue. Whether we can go ahead with the bond sale, with what we had learned in that issue. I didn't know what it would say before we received it. I wanted a legal opinion and didn't get the information."

Ronning, "These have been brought up more than one time; I have copies of your emails. This is not a new issue. Bad mouthing. We have never done that except at your end of the table. Move for censorship. The council person here smack my hand."

Moegerle, "We have a lot of comedy in the Parks Commission. I was directed at one thing. The

remaining part of the council thought I was going in a different direction. For whatever reasons, it was the words of other people. Co-mingle wasn't here issue. They didn't come from her. She felt it was very important to deal with the original letter."

Ronning, "I made the comment on co-mingling and I apologize for that."

**DeRoche called for the vote. Deroche-Aye, Koller-Aye, Ronning-Aye, Moegerle-Nay. Motion carries 3-1.**

Staff Reports Meeting with the HRA committee on the CBDG funding at 10:30 at the Court house.

DeRoche, "We just got an email today with a synopsis of the meeting. Are they just starting the process and how many people will be at the meeting?"

Davis, "Colleen or I will be at the meeting."

Council Reports Moegerle, "Parks Commission is excited on planning on the trails. We can't get funding on trails until we are on the Anoka County Master plan. They are currently getting that all into the GIS, so we will have a full inventory of the trails.

Council Member Moegerle Moegerle, "Always file your property tax refunds."

Moegerle, "Spoke with Kurt Glasier, the Traffic Education Program is making a lot of money for Circle Pines. They have their own police department so that is why they are moving ahead. The decision this council made, the ACSO said we would go ahead with the ticket education program."

Moegerle, "LMC conference was great and educational; the topics were dealing with difficult people. I found out there are some questions that can't be answered. How do I work with people on the different end of the spectrum?"

Moegerle, "I spoke with Carl Neu and he had some great information on open meeting laws and the application of that."

Moegerle, "I have gotten calls and letters from residents, with the issue of proof reading. Can we get the unapproved minutes from October 23 posted?"

Davis, "The Sheriff said he would consult with the County Attorney he stated they wanted to wait for the State Legislature to decide on the Traffic Education Programs."

Vierling, "The Cities participating are having data requests in a class action."

Council Member Ronning Ronning, "December 18, probationary period, we had a motion to suspend that. There were charges of co-mingling and there were damaging statements. We don't employ anyone here. We don't direct anybody to do anything. We communicate with the city administrator. Some of the comments were damaging. I started with this last time. The comments made by Council person Moegerle meeting about minutes. In no way does this reflect my opinion. Council Moegerle was misleading and inappropriate. Wendy, Chad and Mike have made valuable contributions as staff members.

Some of the stuff is unfortunate. We do have the right, we don't hire and fire. That is the job of the administrator. I have heard the term is it puts us in a hostile work environment. I am not going to put anyone in a hostile work environment."

“Last meeting we requested the city engineer to come up with numbers on right of way, easements. Frontage road on 221 to 215.”

Jochum, “I prepared a memo and sent it to Jack.”

Davis, “It will go out in the Friday update.”

Council  
Member Koller

Koller, “Fire chief isn’t here tonight. He is at fire fighter training graduation. Fire Station 1 has developed a leaky roof. We need to look into that. Station 1 has one in the conference room and it is staining the ceiling.”

Ronning, “Do we have insurance that covers that?”

Davis, “We have a building capitol fund that can cover those repairs. Insurance no. Warranty has expired.”

Mayor  
DeRoche

DeRoche, “I attended LMC and the Mayor part was good. Everyone down there was very well aware of the City of East Bethel. That is one of my biggest concerns. I started out three years ago and never planned on being the mayor. I have had a lot of people compliment me on the meetings. One of his questions to the mayors was what do you do with unruly people. Their comments were you can’t judge your employees, everything they were saying to me, was explaining East Bethel. I would endorse Tom’s statement. I don’t know, maybe people don’t want to call me with bad stuff.”

“LMC about getting along with people was like taking a class at the U of M. There was touchy feely stuff. I am a meat and potatoes sort of guy. Being all mushy doesn’t work, some people don’t figure it out.”

“Ticket education, I follow it pretty close. If I see something on KSTP, I will email it to Jack. If judges are saying it is illegal, there must be something to it. There is so much talk about staff time. In reading certain emails, there have been 33 calls on the Kurt Glasier thing. The City Attorney might have had one or two. If an issue comes up, you get your packet soon enough, you read it. you call staff ahead of time. When you get here, you should be ready. We shouldn’t go on and on and on.”

“If we bring something up, it is talked about and you vote on it, and then you move on to the next issue. To consistently go over things is a big waste of time.”

“When I read the Tribune, most people say that isn’t you. Well at the local government meeting, people said I read about you in the paper. You can’t believe everything you read in the paper. Even if it is not factual. You’re being tried without having a trial. Why would we want to go up there? Read the Anoka County Union that stuff has to stop. I don’t think it is just one reporter. They can’t interpret what you are saying. There are certain liabilities. I think it has to stop. This Preserve thing is moving forward. I know a couple people are interested in doing some stuff. If we get some nasty articles it kicks you backwards.”

“There was a fishing contest on Saturday on Coon Lake. Fish for the Cure was last weekend. Route 65 is coming up.”

Closed Session  
– Purchase of  
Real Property –  
Minnesota  
Statute ....

Vierling, “Thank you Mr. Mayor. For the benefit of the public, we would note that the Council is about to go into closed session, pursuant to Minn. Stat. §13D.05, subd. 3(c), with regard to the issue of potentially obtaining easements from affected property owners adjacent to 185<sup>th</sup> Avenue, Laurel Road and Lincoln Drive reconstruction projects.

As the statute requires the City in the notice to go into closed session to identify each of the parcels, I will read the following parcel ID numbers into the record; those are the 8 parcels that are impacted by this meeting, are: 36.33.23.13.0015; 36.33.23.13.0005; 36.33.23.13.0008; 36.33.23.14.0003; 36.33.23.14.0001; 36.33.23.14.0002; 36.33.23.41.0001; 36.33.23.42.0001; as I indicated, the Council will be going into closed session.

The closed session will be tape recorded as required by statute. That tape will be maintained for a period of 8 years. If the Council should take any action during the course of that closed session, then an action will be announced when we come back into open session immediately following the closure of the closed session. With that Mayor and Council, I recommend that a motion be made at the present time to go into closed session for the purposes I have indicated.”

**DeRoche motioned to go to the close session for the discussion. Koller seconded the motion. All in favor, motion carried unanimously.**

#### **Following the closed Session**

Vierling, “For the benefit of the public and the members public on the cable viewing audience, as well as the Minutes, we note that the Council conducted a closed session from 9:08 p.m. to 9:26 p.m. reviewing the Engineer’s project as it affects the 185<sup>th</sup> Avenue, Laurel Road and Lincoln Drive reconstruction project. Council reviewed the Engineer’s recommendations with regard to necessary takings or acquisitions for easements for right-of-way purposes along 8 parcels. All 8 parcels were those that I indicated in the notice that was read into the record before we entered the meeting. Based upon that, the Council didn’t make any specific motions during the closed session, but it’s anticipated that they will as soon as this notice is concluded. We note for the record that the meeting was tape recorded, and attended by Mayor DeRoche, Councilpersons Moegerle, Ronning, and Koller, also Craig Jochum, the City Engineer, Jack Davis, City Administrator, and myself as the City Attorney. That is the end of the report.

If Council also wishes to make a motion at the present time to authorize the Engineer to begin contacts with the affected property owners for purposes of negotiating acquisitions of right-of-way that would be appropriate.”

**DeRoche motioned to direct City Engineer to enter into negotiations on the property needed for the Lincoln/Laurel reconstruction. Moegerle seconded. All in favor, motion carries unanimously.**

Adjourn

**DeRoche made a motion to adjourn at 9:30 p.m. Koller seconded; all in favor, motion carries unanimously.**

Submitted by:

Jill Anderson  
Recording Secretary