

EAST BETHEL CITY COUNCIL MEETING

AUGUST 20, 2014

The East Bethel City Council met on August 20, 2014, at 7:30 p.m. for the regular City Council meeting at City Hall.

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

ALSO PRESENT: Jack Davis, City Administrator
 Mark Vierling, City Attorney
 Mark DuCharme, Fire Chief

1.0 The August 20, 2014, City Council meeting was called to order by Mayor DeRoche at 7:30
Call to Order p.m.

2.0 The Pledge of Allegiance was recited.

**Pledge of
Allegiance**

3.0 **Harrington made a motion to adopt the August 20, 2014, City Council agenda. Koller
Adopt** **seconded.**

Agenda

DeRoche, "I'd like to make an amendment and move 8f to 7a1." Moegerle, "Under Planning Commission?" DeRoche, "Well, it's under New Business. I mean, I don't care where you want to put it. Might as well move it up." Ronning, "The point is the time more than the place?" DeRoche, "Absolutely. All right, let's put it 7e. It doesn't move it up much, but...would you accept that amendment?"

Harrington and Koller accepted the friendly amendment to revise the agenda. All in favor, motion carried.

4.0 DeRoche, "Good evening ladies and gentlemen. We're going to recognize and honor the
Presentation three new young ladies to represent the City of East Bethel. First I'd like to have Ms.
4.0A Heather Rickbeil. Would you please come on up here? Bear with me here, I'm going to
East Bethel read this."
Royalty

DeRoche read in full Resolution No. 2014-27 Recognizing the 2014-2015 East Bethel Royalty and recognizing Ms. Heather Rickbeil as Ms. East Bethel and an Ambassador for the City for the next year. DeRoche presented the resolution to Ms. Rickbeil.

Rickbeil, "Thank you."

DeRoche, "Ms. Hulst? I think I met you guys at the Fireman's Dance." Hulst, "Yup."
DeRoche, "Yeah, good evening."

DeRoche read in full Resolution No. 2014-28 Recognizing the 2014-2015 East Bethel Royalty and recognizing Ms. Allisyn Hulst as 2014-2015 Junior Princess and an Ambassador for the City for the next year. DeRoche presented the resolution to Ms. Hulst.

4.0A DeRoche, "Ms. Madison Hall? How are you? You're not nervous are you? No, you don't
need to be nervous. With the job you're in, you should be up here."

DeRoche read in full Resolution No. 2014-29 Recognizing the 2014-2015 East Bethel Royalty and recognizing Ms. Madison Hall as 2014-2015 Little Miss and an Ambassador for the City for the next year. DeRoche presented the resolution to Ms. Hall.

Doug Meyenburg, East Bethel Pageant Committee Member, "I'd like to take this time to just formally thank the City Council, the City staff here in City Hall, and all of Public Works for all of the help that they give us. It's a real big project to pull the pageant off and these girls, they're running night and day. We really appreciate your cooperation. I'd like to thank Jack because Jack's one of those guys I can make a phone call to and he makes it happen or tells me to 'go stick my head in the mud.' But, you've got a real good staff and we appreciate all of the help. Thanks."

DeRoche, "Thank you Doug." Moegerle, "You're welcome."

4.0B
Sheriff's
Report

Commander Shelly Orlando presented the July 2014, Sheriff's Report.

DWI's: There were three DWI's in July. One DWI involved a single vehicle crash, where a male passenger was injured. The vehicle had been traveling at a high rate of speed on Sims Road when it left the roadway, struck an embankment, was airborne for several feet before rolling two to three times. The passenger in the vehicle as well as the driver sustained injuries. The driver smelled of alcohol and admitted to having 'a lot' to drink. A blood test was taken. Charges are pending the results of the test. The two other DWI's were the result of traffic violations.

Thefts: There were 35 theft reports taken. Thirteen were financial transaction card fraud reports from East Bethel residents. The fraudulent activity was able to be pinpointed to having occurred at a local business. The business had its point of sale machine compromised by a hacker. The hacker was able to obtain credit card information for several customers. The credit card information was then used in California, Nevada, and New Jersey. Unfortunately, no viable suspect information was developed. There were three theft from vehicle reports that occurred during the evening hours of July 26-27 at the Village Green trailer park. Items taken included a Garmin GPS, cigars, and an iPod Touch. There were two separate reports of purses being taken from vehicles. One was parked in the driveway of a residence and one was parked at a boat launch. Two unrelated reports were of prescription medication missing where suspects were family members. There was a report of an ATV and two bicycles taken from a garage. There was another report of an ATV stolen after breaking into a garage. A neighbor had noticed a male driving an ATV at 4:30 a.m. and saw a red, older truck following it but had not called in. One theft report involved a ring that was taken by an acquaintance. The deputy made contact with the suspect who denied having the ring. The owner did receive the ring back and requested no further charges be pursued. One theft report involved swindle with the reported selling of pigs. The victim reported paying \$1,000 for pigs. The suspect advised he was not able to sell the pigs and couldn't meet the order. The victim told the suspect to return their money. The suspect alleged that he had sent a check in the mail, which was never received.

Burglaries: There were two burglaries reported. One which involved the theft of the ATV from the garage, mentioned above. The second was a report of pry marks found on a door and some empty medicine bottles were found on the floor. There was nothing else located.

4.0B

Damage to Property: There were 11 reports of damage to property. There were two

reports of damage to mailbox reports. One report of damage to a fence post. There were two reports of spray painted graffiti located upon playground equipment as well as a mailbox nearby. There was one report of a male who drove through a few yards while leaving the neighborhood. The male advised he was being chased and threatened after being at a party and had to drive through the yards to get away. There was one report of a tail light being broken while it was parked at a boat landing.

Arrest Breakdowns: There were six felony arrests, three were for 5th degree controlled substance. They were the same incident but three males arrested. Criminal sexual conduct, there were two, one male arrested. He was charged with a third and fourth degree. And, one criminal vehicular operation and that was that accident I reported on under the DWIs.

Misdemeanors: 4 arrests. One was for a violate of a harassment order, one was for harassing phone calls, two were for disorderly conduct, two were for possession of drug paraphernalia, one was for possession of a small amount of marijuana in a motor vehicle, two were for theft, one was property damage, one was juvenile curfew, one 5th degree assault, one trespass, and one RV trespass.

DeRoche, "Thank you."

5.0
Public
Forum
6.0
Consent
Agenda

No one signed to speak at the Public Forum.

~~Item A~~ — Approve Bills

Item B Meeting Minutes, July 23, 2014 City Council Work Meeting
Meeting minutes from the July 23, 2014 City Council Work Meeting are attached for your review and approval.

Item C Meeting Minutes, August 6, 2014 City Council Meeting
Meeting minutes from the July 16, 2014 City Council Meeting are attached for your review and approval.

Item D Recording Secretary
Staff recommends that Sue Irons be offered a one-year contract to provide Recording Secretary Service for the City of East Bethel.

Item E Pay Estimate No. 8 for Castle Towers/Whispering Aspen 2013 Forcemain Project
This item includes Pay Estimate No. 8 to LaTour Construction, Inc. for the Castle Towers/Whispering Aspen 2013 Forcemain Project. This pay estimate includes payment for the fiber optic cable installation, electrical work, pavement construction and restoration. Staff recommends partial payment of \$58,747.81.

Item F Pay Estimate #3 for the Lift Station No. 1 Reconstruction Project
This item includes Pay Estimate #3 to LaTour Construction, Inc. for the Lift Station No. 1 Reconstruction Project. This pay estimate includes payment for construction of the lift station driveway pavement, clearing and grubbing, electrical work, site grading and restoration. Staff recommends partial payment of \$45,968.13.

6.0 ~~Item G~~ — Liquor Violation

~~Item H Resolution 2014 30, Wendy Warren Appreciation Day~~

Item I Intern Employment Extension

Staff recommends that Council extend Amy Norling's internship to after the General Election and end on November 6, 2014. This extension request is for the same rate of pay, \$12/hr. with no benefits, and would not exceed 320 hours.

Item J Supplemental Payment Summary

Staff is recommending approval of the supplemental payment summary.

Moegerle, "I'll pull Item A and also pull Item H." Harrington, "I'd like to add Item J, Supplemental Payment Summary." Koller, "I guess we should pull Item G." Moegerle, "Yes."

DeRoche made a motion to approve B, C, D, E, F, I, and J. Koller seconded. All in favor, motion carried unanimously.

Item 6.0A
Approve Bills

Moegerle, "I pulled A for, on Page 15, a bill for \$8,091.16 on the reason that June 29th, I asked Jack to see if we could get some limited information, hash marked would have been sufficient to kind of criminal matters that are being prosecuted and what we're getting for our flat fee attorney fees. I haven't seen anything there documenting what it has accomplished so I just want to pull that one bill because I don't want to vote for it. All the others are fine."

Ronning, "Which one is that?" Moegerle, "\$8,091.16. It's our legal prosecution fee. We pay it monthly, it's a flat fee. All our other...they're fine." Ronning, "Is that finished?" Moegerle, "It's the only one I don't want to vote for."

DeRoche, "Okay, all those in favor of passing Heidi's, oh, you just want to pull it." Moegerle, "Yes, I just don't want to vote for that one."

DeRoche, "All right. All those in favor of A?"

Roll call: DeRoche, Harrington, Koller, Ronning-Aye; Moegerle-Nay, motion carries 4-1.

6.0G
Liquor
Compliance
Violation

It was noted that on July 1, 2014 Route 65 Discount Liquors sold alcohol to a minor and failed an alcohol compliance check by the County. Per City Code, Chapter 6-93, Article IV, Prohibited Sales and Compliance Checks:

A first violation will result in an administrative penalty of up to \$500.00 to the licensee and up to 8 hours of community service. The penalty assessed to the licensee will be waived if the licensee was not the individual clerk, bartender, or employee involved directly in the violation and if the licensee can provide proof within 14 days of the date of the violation that the clerk, bartender or employee involved had attended RBS (Responsible Beverage Service) staff training approved by the City prior to the alleged offense.

6.0G

Due to the owner's record of no previous violations, history of involvement, and support of

Liquor
Compliance
Violation

many civic events and City activities, and the enrollment of his staff in the RBS program, it is recommended that no community service be required in this case and that the fine for the offense be \$250.00.

Koller, "I saw Brad was here so I pulled it but I'm assuming you want to tell us what happened?"

Brad Slawson, Route 65, 18407 Highway 65 NE, "I didn't want to. We had a customer enter the liquor store, I believe it was on July 11th and attempt to purchase alcohol. Our employee did card the customer and misread the ID. Ultimately, did serve a minor. Clearly, that's not a policy of ours, we try to train against that. She's a great employee. She's a good person. She's quality staff that we have and she made a mistake. Clearly, that's not a mistake that we want to make so anything we can do to recognize the mistake did happen. It's something that we train our employees on, something that we've talked to her about. We have a lottery machine that she can scan and then it shows. In the future she knows now that if she can't read it clearly enough, she can scan it on the machine. So, we apologize for that. That's not what we're in business for. That's not what we want."

Koller, "It says here that this is the first time and you've been there for how many years?" Slawson, "Just a year and a half. But they do test on a somewhat regular basis. We have a nice stack in my office that we have, that we pass and that's good. We want to pass them all and just because we pass a whole bunch does not give us an excuse to fail one either. We take it serious and we want to make sure that doesn't happen again."

Koller, "Okay, that's..." DeRoche, "Thanks Brad." Slawson, "Thank you." Moegerle, "Thank you for coming in."

Ronning, "Just for a point of information that's not necessarily from you, I'd like to see a copy of this license that was relied on. When it comes in, it's not here, but I'd like to see it."

Orlando, "She's an underage buyer for our Department so her information is not going to be on that." Ronning, "I'd like to know what the person that made the mistake was looking at." Orlando, "She had a Minnesota Driver's License." Ronning, "Right." Orlando, "And, we do photocopy it before they go out and attempt to purchase alcohol with it. But, it's not something that's included as part of our report."

Moegerle, "She's a confidential informant, or something?" Orlando, "Yes." Ronning, "I wonder if she could do it and black out the address stuff. Just for..." Orlando, "What purpose is it that you're..." Ronning, "How clear is...that's the evidence. That's all the evidence there is and if that's the entire reliance, we should be very clear on what it looks like." Orlando, "The license indicates that it is an under 21 license. In Minnesota, there is under 21 and over 21." Ronning, "Yes, I'm aware."

Slawson, "I'm not proposing that it wasn't readable. I don't know what she did wrong. It was probably legible. She just said that she mis-read it. By no means am I saying that it was a trickery or wasn't readable. I think sometimes they are hard to read and if she has trouble reading it, she should just scan them. I'm assuming everything was done correctly."

Ronning, "This is my curiosity." DeRoche, "I think we've discussed it 'to death.'"

DeRoche, “All those in favor of passing Item G?”

All in favor, motion carried unanimously.

6.0H
Resolution
2014-30,
Wendy
Warren
Appreciation
Day

It was noted that Wendy Warren tendered her letter of resignation to City Council on July 21, 2014. Wendy has been employed by East Bethel since August 2002 and her name has become synonymous with that of the City. In honor, appreciation and recognition of her 12 years of service to the City and the residents of East Bethel, Council is requested to approve Resolution 2014-30.

Moegerle, “I pulled H because I think every one of us is very grateful to the service that Wendy Warren has given to us and how much we miss her. I certainly hope that we have an opportunity to see her and express that in person. It’s an honor to be able to honor her with a resolution like that. I wanted to have a specific one and personally vote for that one.”

DeRoche, “Well, I think Wendy pretty much knows how much...I mean I’ve talked to her quite a few times. I actually, I don’t think it was something that she really wanted to do at this particular time but, it’s kind of the ‘hand she was dealt’ and you can’t replace the kind of history that she’s got in her head. Most people in the City, you say ‘Wendy Warren,’ they know exactly who she was. Now that we’re doing the resolution, is there something we can give her for...” Davis, “We will give her the resolution and her designation of Wendy Warren Appreciation Day will be on the reader board and on the website. I informed her of what was going on tonight. So, she’ll have an opportunity to come by Friday and see what’s up there. So, we want to make sure that’s prominently displayed for everyone to see.”

DeRoche, “I guess, personally, I’d like to read the resolution and give it to her. I think that’s a little more appropriate. That being said, any more discussion on it?”

Moegerle made a motion to adopt Resolution 2014-30, Wendy Warren Appreciation Day. Ronning seconded. All in favor, motion carried unanimously.

**7.0
New Business**

Commission, Association and Task Force Reports

7.0A
Planning
Commission

None.

7.0B
Economic
Development
Authority

None.

7.0C
Park
Commission

None.

7.0D
Road
Commission

None.

August 20, 2014
7.0E
EBFRA
By-Laws and
Benefit
Increase

Davis presented the staff report, indicating the East Bethel Firefighters Relief Association (EBFRA) is requesting the City Council ratify the EBFRA By-laws, Appendix C with a \$400 benefit increase.

The East Bethel Firefighters Relief Association (EBFRA) is requesting the City Council to approve the attached amendments to the EBFRA Bylaws. The current By-laws were approved by City Council on August 7, 2013. The only change proposed is to amend Appendix C to include a \$400 benefit increase. The fund is currently 131% funded.

With this proposed increase of \$400 per service year, the fund is projected to be 118% funded as of December 31, 2014. The East Bethel Firefighters Relief Association Board of Trustees approved the change of this By-law on Monday, July 28, 2014. For this By-law to take effect, the City Council must also approve this item.

The 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 then 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 to remain 131% funded.

Staff is requesting that this benefit increase be improved for the EBFRA.

DeRoche made a motion to approve the benefit increase for the East Bethel Firefighters Relief Association as per the Work Meeting discussion. Koller seconded.

Moegerle, "When was this last increased?" Fire Chief DuCharme, "August 7, 2013." Moegerle, "So, this will be the second year in a row that we've increased it?" DuCharme, "That's correct."

Moegerle, "And, how much did we increase it last year?" DeRoche, "I don't know if 'we're increasing it' is the right terms." Moegerle, "We ultimately have to pay for it."

DuCharme, "It was increased \$200 on August 7, 2013. The fund, right now, is operating at \$1.7 million. As Administrator Davis read, it's currently, roughly about 131% funded. At the Work Meeting, we were reporting a 4.9% year-to-date increase. Actually, as of today, that's 5.01%, with projected liabilities of \$1.4 million. If, at the \$4,000 level per service year, our current assets of \$1.7 million, there still would be over \$300,000 in the account."

Moegerle, "What happens is, this is not something that comes out of the Council 'pocket' until your fund becomes underfunded at less than 95%. Is that right?" DuCharme, "I understand that Councilor. Also, this is one of the only fringe benefits that the fire fighters receive. 79% of this fund is accrued from investments and the rest comes from State Aid, as we went through, and City contribution."

Ronning, "Just for clarification. Who collects the money? Who administers it? Who watches over the funds?" DuCharme, "Well, the Relief Association has hired a professional money manager who not only watches over the money but also makes sure that the By-laws are up-to-date and the fund is compliant."

DeRoche, "Mark, can you just...a couple of the comments are a little misleading. Ronning, "I'm not quite done." DeRoche, "Go ahead."

Ronning, "Ms. Moegerle is correct in the fact that if there's some shortfall, you know, the City could be liable. What, you said you were 105% or something?" DuCharme, "Right now, 131%." Ronning, "131%." DuCharme, "Right. With the proposed benefit increase, the fund would be, at this point in time, 118% funded."

Ronning, "If I'm not mistaken, if everybody eligible left, there would be funds left." DuCharme, "If everybody left today?" Ronning, "Yes." DuCharme, "The fund would pay out \$867,000, actually \$867,744." Ronning, "Out of how much?" DuCharme, "\$1.7 million." Ronning, "Sounds okay to me."

DeRoche, "Well, again, could you clarify? Because, I think we've had this discussion even last year and some people are making the assumption, 'Well the City's paid out so many times in the past.' How many times has the City actually paid out over the last ten years? Twenty years?" DuCharme, "You know, Mr. Mayor, there was a period in time, and I believe it was 2009, where there was a mandatory contribution. But then it was, I think it was a two-year period of a mandatory contribution. Once the investments and once the economy started to straighten out, that was quickly erased and the mandatory contribution was not there any more."

DeRoche, "Well, it's unfortunate that certain people weren't here the night that the PowerPoint was out because it kind of gave a really good description of the history and where the money comes from, where it goes. It's not just willy-nilly that anybody can just come and get the payout."

Moegerle, "And we all appreciate the service. I think that the comments that I've heard is, '15% in two years? Well, I'd like to have the increase there.' But, it's per year and that's the issue." DuCharme, "I think everybody has to put that into perspective that we're getting these men and women up, the middle of the night, and we're paying them, you know between \$8 and \$12 per hour. It's not a, it's not get out of bed and come to the Fire Station four-hour minimum. It's one-hour minimum, is what it is. Part of the way we are able to operate a paid-on-call Fire Department is to offer a benefit like this. This is a good plan. I think it's fiscally sound. I endorse the increase. I think the fund can sustain it. I think the Relief Association is frugal in what they look at. Some of the goals that they presented to the Council over the years, you know, and one of the big ones is they don't want to go under 110% funded. They always want to be over funded."

DeRoche, "Well again, it's the fire fighter's money that they have invested." DuCharme, "Yes, and that's a good point because the State Aid that comes in is not a City State Aid or it's not a State Aid that goes to any other jurisdiction. That's State Aid specifically for Relief Associations and the Relief Association is a pension arm of the Fire Department."

Moegerle, "I call the question." Vierling, "There's no motion on the table." Moegerle, "I thought he made a motion to approve." Vierling, "I don't have a motion."

Moegerle made a motion to approve the benefit increase for the East Bethel Firefighters Relief Association as per the Work Meeting discussion. Koller seconded.

Ronning, "Everything that's been stated, I think, is accurate. Ms. Moegerle's accurate in

7.0E
EBFRA
By-Laws and
Benefit
Increase

what she said. Everything you, we all agree with that. But, for clarification for those that aren't here, that is their money. It's collected from them?" DuCharme, "The money is collected from a couple sources. One is the investment on the fund, the return on investment. The second is the State Aid that comes in, which is what we call...close to a 2% fee that comes off fire insurance policies. And, there is a City contribution in the past few years that has been there."

Davis, "Actually, the City contribution to that fund has decreased. Two years ago, I believe, it was \$17,500 and it's \$14,000 this year." DuCharme, "And \$14,000 in the proposed 2015 budget also."

Ronning, "Just so there's no misunderstanding that it's, it's not coming out of the road budget or anything else." DuCharme, "No, no it's not. It's not coming out of any capital budget and, like we've stated before, that money is managed by the Relief Association's money managers, professional money managers."

DeRoche, "I've never heard any complaints as to that so I don't know where it came from."

DeRoche, Harrington, Koller, Moegerle, and Ronning-Aye, motion carried.

DuCharme, "Thank you Council." Moegerle, "Thank you." Ronning, "Thanks for what you guys do."

**8.0
Department
Reports**

Davis presented the staff report, indicating the Council is being requested to resolve the question of amending City Ordinance, Chapter 10, Article V, Farm Animals, as it relates to the keeping of chickens on lots of less than three acres.

8.0A
Community
Development
8.0A.1
City
Ordinance,
Chapter 10,
Article V,
Farm Animals

City Council has taken under consideration the amendment of City Code as it relates to the keeping of chickens. The following is a timeline of meetings that have discussed this subject: Meetings were held on June 4, June 18, June 25, August 6, August 13, and now again on August 20. At the conclusion of the Work Meeting on August 13, it was the general feeling of Council that the ordinance should not be changed at this time.

Council has indicated and Staff is requesting that this matter be tabled until such time that the need to amend this Ordinance is more clearly demonstrated.

DeRoche, "Well, I don't know if 'tabled' is the right word or just 'left as it is.' I, you know, 'if something's not broke, don't fix it.' Ronning, "If something's not broke, don't break it." DeRoche, "I personally think there's been way too much time put into this. And, I think we have a lot more important issues so for the time being, I have no problem just, until it becomes a problem, then it gets addressed."

DeRoche made a motion to table consideration of an ordinance amendment to Chapter 10, Article V, Farm Animals, as it relates to the keeping of chickens on lots of less than three acres. Ronning seconded. DeRoche, Harrington, Moegerle, and Ronning-Aye; Koller-Nay, motion carried.

8.0B
Engineer

None.

**Reorder
Agenda**

The Council agreed to reorder the agenda to next consider Item 8.0F, Fire Department, 8.0F.1, Monthly Report.

8.0F
Fire
Department
8.0F.1
Monthly
Report

Fire Chief DuCharme, "In your package, Council, you have the July 2014. We continue to run an average amount of fire calls. In July of 2014, we ran 42 calls. Of those calls, 22 were medical related. It was interesting. On the medical calls this past month, was that every medical call, the patient was transported by ambulance to the hospital. Usually, we have half a dozen or so that elect not to go.

What you don't have in there, and I apologize, is the inspection report. I wasn't able to get that out. We also continue our inspection program of businesses in the City. We got through ten of those including a couple of those were related to the Star of the North Academy that will be starting up this Fall.

As far as fires, if you remember, seems like I've been talking about this for a long time, the pole barn fire the first of July, which is part of this report, that was the rekindle. So, when you look at that you'll see a building rekindle, that was the rekindle of that fire. Then we also assisted Linwood on a mutual aid building fire. With that, are there any questions on the Call Reports?"

Ronning, "In the ambulance, did we lose anybody?" DuCharme, "No, no, it was a good month. Yeah, it was a good month."

Moegerle, "Was the person in the ATV accident seriously injured?" DuCharme, "Yes." Moegerle, "How're they doing?" DuCharme, "It was a roll over. It was a couple kids that were involved in that. If I'm not mistaken, they were scraped up, a couple broken bones. They were home alone at the time, from what I understand."

DeRoche, "Were they legal?" DuCharme, "I'll leave that to law enforcement." Moegerle, "Deft reply." DuCharme, "I'll leave that to law enforcement. I don't recall, Mayor. I don't recall the helmets, I don't believe they had helmets on, which is a shame. Not only is it illegal but you've got these kids riding these pretty powerful machines and they've got to be protected."

Ronning, "Do you anticipate, or is there a fire ban? It's been so dry, now it's wet." DuCharme, "It's wet right now. You know, we will have a fire ban later this, as we get into the fall season. The forecast right now is for a wet period coming up starting tonight and into the weekend. It looks like next week it brings somewhat of a wet period. So, that definitely helps. But, what you've got to remember is we have what we call 'one-hour fuels' and that's the green grass that may look green and right now it's about three feet high. It can rain three inches in an hour and all it takes is an hour for that to dry out enough to burn. We continue to be cautious about what we're burning and where we're burning. Hopefully, the public can appreciate that. My best guess is that once we get into late September, many times we start getting into the dry portion of the year. There will be another burning ban and there will be a burning ban that will carry over, no doubt, until snow cover. Usually in that November period, is when we see that." Ronning, "Thank you."

Harrington, "Mark, I was going to ask you. That accident on Highway 65 and 187th, it says 'motor vehicle accident with injuries.' What kind of injuries? Do you recall?" DuCharme, "You know, I don't recall. I can look that call up and get you a report."

8.0F

Fire
Department
8.0F.1
Monthly
Report

Harrington, "I know that's one of the roads that we're looking at, trying to find another way in and out." DuCharme, "Yeah. I think that was like 5 o'clock in the morning. Without looking at the...but I think what it was, we had some scrapes and bruises and things like that and the patient transported for observation and to get checked out. As far as a serious injury, that was not one."

Harrington, "Okay. And, I talked to you earlier about the phone call I got today. The scam?" DuCharme, "Absolutely. I'd like to address that right now. Occasionally, our residents will get phone calls from a solicitor on the telephone asking for a donation. Sometimes this donation is in the range of \$40 to \$50 and the solicitor will allege that the local Fire Department gets the benefit of that money but it doesn't happen that way. Certainly, if somebody wants to give money to the local Fire Department, whether it's East Bethel, Oak Grove, or whatever, the best way to give that money or donate that money is to bring it right to the City. If you write a check, you write it right to the City of East Bethel. I would be very skeptical and I warn the residents about this, that we're not part of any fund raising via phone calls. I'm glad you brought that up because that's been an issue that's gone on for several years. The Fire Service has been fighting that."

DuCharme, "The other thing that I was going to talk about real quick is construction on Lexington and County 17. That affects Coon Lake Beach and residents there. I want the Council to know, and the public to know, that we're daily checking the road to see where it's closed off and we're letting our fire fighters know the best access. On a daily basis we're doing this, the best access to Coon Lake Beach. Right now, the road's completely open. I can see where they've made cuts in the asphalt and are getting ready to do the culvert work. It sounds like they're going to do that starting next week, starting next Monday, where we will have some road closures. We're going to manage that. They have set up a detour and the detour goes through Carlos Avery. It's actually the old game farm road. We can't run a fire truck down there. We're not going to take that detour so we will be working with the County and we will, as I say, be checking the accessibility on a daily basis so we can get emergency vehicles in there."

Harrington, "Can I add one more? If they start lengthening Laurel too, there's going to be..." DuCharme, "Yes." Harrington, "So, I don't know if there's going to be an overlap between those two or if one will be done." DuCharme, "You know, I'm not sure what the time is on Lexington and County 17 there and I'm not sure when they're going to start Laurel and Lincoln." Davis, "Lincoln and Laurel are still tied up with right-of-way issues so there won't be any overlap on those projects." Harrington, "Okay."

DuCharme, "But even that project, when that happens, even with Lincoln and Laurel we have a second way in. We know that. I just want to let everybody know that we've talked about it as a Fire Department and in my staff and we're well aware and making sure that we can do our job."

Moegerle, "Thank you." DeRoche, "Thanks Mark." DuCharme, "Thank you. Thank you for everything."

Informational; no action required.

Davis presented the staff, indicating the Legislature has recently amended the Minnesota Government Data Practices Act (MGDPA) to require government entities to create procedures ensuring that data that are not public are only accessible to persons whose work assignment reasonably requires access to the data. These provisions went into effect on August 1, 2014.

The Information Policy Analysis Division (IPAD) of the Minnesota Department of Administration has provided new guidance to government entities including model policies designed to meet the new statutory requirement. Claims of public employees accessing not public data have resulted in many lawsuits and have been costly for State and local governments. The League of Minnesota Cities recommends that all cities make compliance with the new law a high priority.

Minnesota Statutes, Chapter 13, requires that each government entity establish policies that govern the treatment of government data. Each government entity is required to have two policies regarding access:

- One policy must explain the rights of the public
- The other policy must explain the rights of data subjects.

A government entity is required to create a document that identifies and describes any private or confidential data maintained by the entity.

Davis, "At this time, I'd like to request the City Attorney to review the amendments to the Practices Act and any of the mechanics for implementation of these amendments and provide us some recommendations for compliance with the new requirements of the law."

Vierling, "And, I note for the Council's benefit, that we already have reviewed the Data Practice Policy for members of the public and for data subjects. We've made our edits and corrections on those and those have been supplied back to staff. So, from that perspective, those documents we see as noncontroversial and certainly can be approved as policies to be used by the City.

There are other aspects of the Act that have a very practical application in terms of your IT systems and which of your employees have access and which do not. I suspect that both the League offices in terms of risk management assessment will be working with their member cities on those issues. We certainly will be working with your staff to try and look at those as well.

If you've looked at the data maintenance grids that are provided in your packet, you can see under the categorization of who is allowed access to certain documents. The notation there is simply, 'certain employees on an as-needed basis as part of work assignments.' If you're working in a State office, it's probably easier to both segregate material as it comes in the door, encode it, and put it out where it needs to be for those employees that need to get it.

I don't think, without any issue, and certainly with regard to out-State cities as well as Counties and many of the Metro communities, simply don't have the sophistication in software to be receiving, scanning, and coding documents as they come in. Much less identifying current employees who are going to be allowed access to them. You can imagine the difference between a small city who only has, maybe, a part-time City Clerk and that's about it and she gets access to everything as opposed to contractors, as opposed to other employees. For each city, it's going to be a struggle in many respects just on a

8.0C

City Attorney

8.0C.1

Data

Practices

practical day-to-day application standpoint of trying to set up systems so as to implement this in such a fashion that other employees who don't need access to it don't get access to it. There's both an IT issue, a system software issue, there's protocols that need to be reviewed from a very practical standpoint within each community in terms of what you have for staff, who is doing what task, who needs access to it, who doesn't.

So, those issues really need to be fleshed out and worked on within your individual communities. I know this community is going to have to take a look at staff and who has access, who should have access to the various classifications of documents. In all honesty, that's going to be an on-going work in progress for several months as you get through things.

The two policies that have been presented to you tonight, the Data Practices Policy for members of the public and the Data Practices Policy for data subjects were those that were recommended by the Department of Administration. We utilized their protocols but, obviously, we made edits and adjustments to them based upon the needs of this community. They are, in many respects, summary recitations of the Statutory application of data practices. We had to change some of the wording to make them more readable and, certainly, make direct application to this community and do away with some of the repetition and surplusage. So, those two policies that you have, I'm fine with.

The other issue in terms of the 'nuts and bolts' of how you're going to segregate information coming in the door and who's going to get it, that's going to be a work in progress."

DeRoche, "Now, does Jack pretty much have control of that right now as the City Administrator?" Vierling, "Certainly your chief administrative official, and I speak to all cities whether it be a City Clerk, City Manager, City Administrator, is a logical source to have access across the board. Somebody's got to be in the position to classify material and identify who gets it. The Statute goes on to say that every community should have a Data Practices Code Enforcement Officer. Many communities practically have one, although they've not formally designated one. It's just a number of different issues of whether or not that's going to be a delegated task, and even once it is assigned and delegated mechanically, how are you going to set that up in your system? Where are your firewalls going to be set? Who has access? Those types of issues."

DeRoche, "Now is the Fire Department under the same?" Vierling, "Every City employee is under this requirement in terms of accessing material."

Davis, "And, we will be working with the League and with Mark's office too, as he stated, develop the mechanics of this as far as who has access and what their access is."

DeRoche, "There is need to know, but there's some awful sensitive stuff that comes through and, I guess, I can see maybe the City Administrator because he's the one running the City. Even as Council people, we're not entitled to just any and everything that's out there. Short of security on other people, you know, would it be Carrie? Well...why would anyone else need to know other than the City Administrator? Why would the City Clerk need to know unless, and if it's information like that, I don't see why they couldn't approach Jack and say, 'Hey look, we need to discuss this. I need certain information and then Jack be the one to dole it out.'"

8.0C Davis, "With the small staff, the way that we would approach it, at least initially for consideration, is there'd probably be three people that would be in the chain. It would be myself, the Deputy City Clerk or Administrative Coordinator whatever that title will be, plus the IT Director who's our Finance Director Mike Jeziorski."

City Attorney
8.0C.1
Data
Practices

DeRoche, "Okay." Moegerle, "Thank you." Vierling, "You're welcome."

8.0D
Finance

None.

8.0E
Public Works

None.

8.0F
Fire
Department

This item was considered prior to Item 8.0C, City Attorney.

8.0F.2
EBFRA
By-Laws and
Benefit
Increase

This item was considered prior to Item 8.0, Department Reports.

8.0G
City
Administrator
8.0G.1
Hwy. 65
Bus
Service

Davis presented the staff report, indicating over the past twenty years traffic levels on Highway 65 through Blaine, Ham Lake, and East Bethel have increased by approximately 25 to 40 percent, resulting in significant congestion for travel through the corridor during the morning and afternoon peak travel periods.

Recognizing this concern, the Anoka County Highway Department applied for and succeeded in obtaining federal funding to begin a new express commuter transit route between downtown Minneapolis park and ride lots to be located along the corridor in East Bethel, Ham Lake, and Blaine. Metro Transit will operate the route during the three-year demonstration period, after which, the route may continue as part of their system provided there is sufficient demand.

Beginning Monday, August 25th, commuters who travel Highway 65 to downtown Minneapolis will have a new bus option available. Comfortable coach style buses will be used for providing express service during the morning and evening rush hours. The route will extend from northern Anoka County to downtown Minneapolis, with stops at three park and ride locations in East Bethel, Ham Lake, and Blaine.

Route 865 will operate on the shoulders to bypass the daily congestion, enabling the buses to have a travel time advantage over driving your own car. During morning and afternoon peak travel periods, there will be nine trips between downtown Minneapolis and the Park and Ride lot in Blaine with the lots in Ham Lake and East Bethel having three trips.

The ride fare will be \$3 each way, which will be less expensive than driving when considering the cost of fuel and downtown parking. Factor in the additional cost of wear and tear on a car, and the time spent in traffic and the option of a stress-free commute in a coach style bus makes this mode of transportation as an even more attractive option.

Davis, "You have attached in your packet a flyer which shows the routes and a schedule and, again, I conferred with the Highway Department and they say they are ready to commence service on Monday, August 25, with the first bus leaving the East Bethel Theater at 5:56 a.m. Again, there will be three morning busses that leave East Bethel. One at 5:56

8.0G.1
Hwy. 65
Bus
Service

a.m., one at 6:34 a.m., and one at 6:56 a.m. to the trip to downtown Minneapolis. The evening busses will depart downtown Minneapolis. Depending on where you are, there is a schedule there from 2nd Avenue and 11th Street, 2nd Avenue and 7th Street; and, 3rd Street and Hennepin. Those departures will range anywhere from 3:40 p.m. to 4:24 p.m. to 4:22 p.m. to 5:08 p.m. and then 5:10 p.m. to 5:56 p.m. The latest bus getting back to East Bethel at 6:17 p.m. So, hopefully that will be a viable option and alternative for commuters who wish to use this service.”

Moegerle, “Is the commitment solid for the three years to come out to here?” Davis, “That’s correct.” Moegerle, “Okay, because there was some discussion at the 3M Tournament in the Anoka County hospitality suite, ‘So, are you all excited about this?’ I said very little publicity about it. So, they were concerned and I guess I’m concerned. I certainly hope we merit the stop and have people use this.”

Davis, “There’s been quite a bit of discussion about it over the past year and even with people that...the original route was designed to go even as far as Cambridge and Isanti but this was not approved. So, there’s quite a bit of interest also from our Isanti County neighbors that they project there will be quite a few riders that will come from there to East Bethel to catch the bus downtown.”

DeRoche, “All right, sounds like a good deal.” Ronning, “At one of those, there’s a bus leaving in ten minutes be under it?”

Informational; no action required.

9.0 Other
9.0A
Staff Reports

Davis, “I don’t have anything to report at this time.”

9.0B
Council
Report –
Member
Ronning

Ronning, “I don’t really have a report. A comment about what I was asking earlier with that sale to a minor. Commander Orlando reminded me that some of that information, you can’t give out personal information and I know better than that so I shouldn’t have even asked, probably. But I have some earlier experience with arbitration situations. When I read that, a ‘flag’ popped up immediately that I hope we’re not supposed to do something without something to consider. But, that’s not what the case was. So, thank you Brian. I’m done.”

Council
Member
Moegerle

Moegerle, “A couple of things. One of them is next Wednesday, at 4-6 p.m., at Linwood Township Senior Center, there’s going to be the Anoka County Regional Trail Master Plan Amendment meeting. Anybody who’s interested in trails through East Bethel, through Linwood, should attend that because this is one of the few meetings we can have the opportunity to address those issues. They get done after those kinds of meetings and some things are hard to change after they’re done like that. So, please attend that if you have an interest in the trails.

Also, one of the things that I forgot to mention last time was, at the Anoka County hospitality suite at the 3M Championships, they were talking about how Anoka County is going to put together a marketing document for the entire County. So, they want East Bethel to prepare one to be ready to be published at the first of the year. So, our ‘plate’ is pretty full but that’s another one for staff. And, I understand they’ve been advised about that.

Council
Member
Moegerle

Just a reminder. The leash law does not mean you have a leash in your hand and your dog is running free even though he's the 'friendly one.' I saw a lot of that this weekend while I was working in the yard. So, the Coon Lake Community pig roast was a huge success and that's all I have."

Council
Member
Harrington

Harrington, "I've got to go back to Lincoln and Laurel. Is that going to be this year? Next year?" Davis, "I would assume, since probably one of the properties may have to go to condemnation, that the prospects for doing that this year are not looking good." Harrington, "Okay."

Harrington, "At our Parks meeting, they brought up a Fall Town Hall meeting. Is there going to be a date set?" Davis, "There will be. We'll propose some dates next month for after the election for a Fall Town Hall meeting."

DeRoche, "Yeah, I think we need to find out when Meet the Candidate nights are." Davis, "There are two dates that have been tentatively set. One is October 2nd." DeRoche, "Right, that's going to be here." Davis, "That's going to be at City Hall and that will be sponsored by the East Bethel Seniors and the Chamber of Commerce. CLIA has set their own for October 16. I haven't heard anything back yet from Kathy to see if the Community Center at Coon Lake Beach is going to conduct one so we're waiting to hear from her. All of our stuff going out for the newsletter, the deadline for that is September 5th. All that will be in the newsletter, which will go out and be in everybody's hands by hopefully the second, the third week in October, oh, I'm sorry, the first of October. So, we'll have these dates for the candidates meetings."

Council
Member
Koller

Koller, "I don't have much at all. A week and a half ago, I went with the Fire Department and we toured the new sewer plant. It was pretty impressive. What a lot of residents don't know is the City does not own that. It is owned and operated by the Met Council. So, they have complete control over it. That's about it."

Mayor
DeRoche

DeRoche, "As already stated, the pig roast was a success. I know I probably spent about six hours there, got to know a lot of the people. The day turned out really nice, the weather was really a big help to get more people in there.

Not much going on out on the Lake. I guess I would request if you're going to be out on Coon Lake, or any lake, and you're going to be fishing, to quit throwing your lures up on people's boats and tearing the interiors and throwing it up on the dock. I know I've had the issue and a couple of my neighbors have where young kids come over and go swimming and wind up with a lure in their foot. Or, they go to climb up the ladder on the dock. I don't know what the heck you can do other than just ask people to 'knock it off.'"

Ronning, "One second. This may not make a whole lot of sense. One thing that I learned from Shelly is that these licenses, there should be no mistakes with it. It says, 'Minor, not 21' or something such as that. So, it's more clear cut than what I was thinking."

DeRoche, "In touching on that, I think I called you a couple days ago, wasn't it? Or, the end of last week? The question came up, if a license that is clipped off, even though you're old enough to drink, is it valid without the paperwork? Because, that came up in a conversation last week and someone said, 'Well, I wouldn't card you.' Well, maybe not but if you have a driver's license and it's clipped and you are 21, legally you have to have that

Mayor
DeRoche

paperwork with you. Correct? Okay, that's just kind of going out to anybody that might be listening here."

9.0C

None.

Other

9.0D

Closed
Session

Vierling, "For the benefit of the public and for the record, we note that at the present time, the Council is about to go into Closed Session to discuss matters of union contract and negotiations. Pursuant to Minnesota Statute 13D.03, subd. 1(b), Council will be in Closed Session that will be recorded for purposes of complying with the Statute and that recording will be maintained for a period of two years. After coming back out from Closed Session, we will announce if any action was taken during the course of the Closed Session as well as who attended it. With that being said, Mr. Mayor, I recommend a motion be made to go into Closed Session for the purposes indicated."

Moegerle made a motion to go into Closed Session at 8:34 p.m. for the purposes indicated by Attorney Vierling. Koller seconded. All in favor, motion carries unanimously.

Reconvene
Open Session

Vierling, "If we're back on the record, then at this time I would note for the benefit of the public and for the record that the Council has just concluded a Closed Session. It was attended by all members of the Council, the City Administrator Mr. Jack Davis and myself as City Attorney. The Council reviewed issues relative to its union contract with the Minnesota Public Employees Association, specifically with regard to medical insurance coverage. The City Council received explanation and background from the City Administrator, provided their voice and commentary and suggestions with regard to the matter but took no formal votes or motions during the course of the Closed Session. The Closed Session itself ended at 8:45 p.m. That being said, Mr. Mayor, you can at this point proceed forward and take other business or adjourn if you wish."

**10.0
Adjourn**

Moegerle made a motion to adjourn at 8:48 p.m. Koller seconded. All in favor, motion carried unanimously.

Submitted by:

Carla Wirth

TimeSaver Off Site Secretarial, Inc.