

EAST BETHEL CITY COUNCIL MEETING

OCTOBER 15, 2014

The East Bethel City Council met on October 15, 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 October 15, 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, "I'd like to make a motion to adopt tonight's agenda with a couple
Adopt** **additions: Letter D, Supplement Bill List, 6.0, and then I'd like to add City Attorney's
Agenda** **Report add to 8.0c.1." Moegerle, "I second." DeRoche, "Any other? All in favor?" All
 in favor. DeRoche, "Opposed? Hearing none, motion passes." Motion carries
 unanimately.**

4.0 Commander Shelly Orlando presented the September 2014, Sheriff's Report:

Presentation

4.0A **DWI's:** There were six DUI arrests. Four of the stops were the result of traffic or
Sheriff's equipment violations witnessed by deputies. One arrest was the result of being called in by
Report another motorist. The final arrest was the result of the driver not being able to navigate a
 turn in the roadway, where she went through the ditch and crashed into a parked car. The
 highest bac was a .19.

Thefts: Eighteen theft reports were made in September. Two involved financial transaction card fraud. The victims were in possession of their credit/debit cards but fraudulent charges had been made on the accounts. One report involved a male who was a victim of a check scam. And, we hear this happening all the time so talk to your friends, talk to your neighbors. Let them know. The victim had been emailing with a person, who wanted him to cash a check, send funds to another person in Texas and then keep the rest as a 'fee.' The victim deposited the check into his account and sent funds. A week later, the victim learned that the check was fraudulent and is now out the \$1,495.00.

So, just, a lot of time this will happen if people are selling things on Craig's List where they'll get an e-mail or some sort of a message saying, 'I want to buy that and I know you only want \$500 but I'm going to send you \$2,500 but you need to send, you know, \$1,000 here and then you can keep the rest of it.' Unfortunately, there's many people who fall for this.

4.0A There was one report of an employee theft where an employee had written up a sale for a vehicle but had not turned in the money for it. There was one no pay gas theft with no suspect vehicle information. Two reports were license plates stolen. The owners learned of the theft after their license plates were used in gas drive-offs. With the falling gas prices,

we expect to see a drop in those license plate thefts.

There were three reports of copper wire being taken from work vans that were parked in driveways, overnight. These thefts occurred over a three-week time frame. In the first report, the male victim arrived home at approximately 1:00 a.m. to find a male and female near his work van. The suspects got into a small silver car and fled. The victim was unable to obtain a license plate or make on the vehicle. There was one report of a window being broken on a vehicle in a boat landing parking lot. Stolen from inside the vehicle was a debit card. One theft report involved tools being taken from a residence. A family member is suspected, although he denies taking them.

Burglaries: There was one burglary report. The report involved rings being taken from a residence. This occurred within a few days of allowing an acquaintance's mother to stay at the property. There were no signs of forced entry. The acquaintance is a possible suspect who denies any knowledge of the rings. The case is currently under investigation.

Damage to Property: There were five reports of damage to property made. The first report involved a house being egged twice within the last month. Suspects were juvenile males who the homeowner had found with alcohol earlier in the summer. There was one report of tires being slashed on two vehicles parked in the driveway. The victim could not think of any suspects and had no idea why this had happened. One male reported someone had thrown a rock at his parked vehicle, which struck the windshield causing it to break. The last report involved a male reporting damage to his vehicle, involving the tires. His wife was the suspect. The wife admitted to the damage, as she was mad at her husband.

5th Degree Controlled Substance: There was one arrest for 5th degree possession of a controlled substance. A Deputy was watching a known drug house for activity and saw a motorcycle and truck arrive at the residence, stay for a short time, then leave. The deputy conducted a traffic stop on the truck after watching it cross the centerline several times. The female driver had a license status that was canceled inimical to public safety. She also had an open container of alcohol in the truck. Also found in the truck was a container with a small amount of marijuana, two pipes, and a zip-lock bag with mushrooms. The female was taken into custody.

Arrest Breakdowns: We had one felony for 5th degree controlled substance, one gross misdemeanor arrest for a violation of a harassment restraining order, and six misdemeanor arrests: one for a possession of a small amount of marijuana, one for possession of drug paraphernalia, three for a 5th degree assault that were all from the same incident, and one disorderly conduct.

Orlando, "And, that's all that I have." Moegerle, "Thanks." DeRoche, "Well, thank you." Orlando, "No questions?" DeRoche, "No questions."

**5.0
Public
Forum**

Christine Howell, 22314 Seventh Street NE, "I'm going to follow my sheet because I've got a lot of things going through my head and I'm crunched for time. For those who don't know me, I'm a 'put up or shut up' kind of person, meaning I like to have or see documentation to support important issues. I really get frustrated when people or candidates in this case because it's an election year, get asked tough questions and their response is, 'Hmm, I just don't know.' Or, 'In my defense I believed what I was telling you.' My first thought is, 'Are you kidding me?'" It's not a good answer for someone who's supposed to have our best interest at heart. Got to better than that.

That brings me to my question. At this point, the written minutes on line go back to January of 2010. I know they change because they rotate out as new ones get put in the old ones get kicked out. Are the residents able to go to the City Hall and view the written minutes?" DeRoche, "Yes."

Howell, "Okay, how far back do they go?" DeRoche, "I think they're archived, aren't they Jack?" Davis, "We go back to when the City was incorporated, the early 1970s and I think even beyond that when it was still a Village status. They're not available on line. They are available in the record books, some of the old ones are."

Howell, "Okay, so residents can come up and look at them and do some digging. All right, how about the DVDs of the minutes, the meetings? I know that play back and stuff, you can play back the most current one, but are those kept?" Davis, "Those are kept too."

Howell, "And, how far back do they go?" Davis, "I'd have to look and see. I think probably they go back to whenever the recording equipment was put in, which is probably seven, eight, or nine years ago."

Howell, "Okay, so ten, that would be good enough. And, the residents can view those too? They can just come in and ask who...the front desk people?" Davis, "We sell them for \$10 but if somebody doesn't want to we can set up a place where you can view it back here where the video recording stuff is on a small TV if you want to." Howell, "Oh, that would be nice considering it's an election year and my whole spiel is going to be, 'People, people, people, do your homework.' But, that's way down the line."

Howell, "Next question, are all the planning, I mean all the meetings that you have...how about this, which ones are on DVD? I mean, an example, you just had your Work Meeting. Are those? Planning and Zoning?" Davis, "They're all on DVD."

Howell, "Okay, and the public can watch those any time they want to? Basically open? Everything's open? All right, good. People, are you listening? Election season is upon us once again. When someone asks me what I think, I tell them because they asked. I also tell them when I'm done, that's just my opinion and they need to do some research and dig a little deeper so they make an informed decision on their own. Residents can't just go by the Meet the Candidates meetings or the Meet the Candidates playback. That night is just a 'snapshot' of the candidates and there's a lot of pressure on everyone that night to say the right thing. And, it's unfair. Residents need to supplement that and look back. Dig in the minutes, on-line or stop at City hall and look at the DVDs."

This election, interesting I just figured this out the other day, provides us with a unique opportunity to utilize all those DVDs. Every candidate, an somebody can correct me if I'm wrong because I've had a pretty long week, every candidate this year has had, that's running, has some form of connection to the City. Maybe they've been on Committees, they're currently on Committees, you can look back. For example, you can get more than a year's look at you two, Bob and Heidi. You can go back on any of the meetings and look, which pretty much determines your views and your outlooks. Don't just go by a 'snapshot.' Just look. Tim, that's not going to help you a lot because you don't have so much history. But, the stuff you do, you can tell. Your contributions are enough. If you watch on-line that you can get a good value of what your values and belief is. Oddly enough, that's why I thought this was interesting, if you want to see Brian Mundle and Randy Plaisance you can

look at the last Planning and Zoning. You don't even have to leave the house. Just turn on your TV and hope the sound is working. You can watch the last Planning and Zoning. You can get a good grip on them.

As for Steve Voss, he probably has the biggest advantage because he spent a couple years on the current Council and was lucky enough to be on the City sewer and water project from the ground floor so residents will be able to view when he was on this Council and when he was on the prior Council. They can do those DVDs, view the minutes, and get a better understanding of his views. He may even be able to tell you, or enlighten you, how he got such, so deep in hock and maybe even who was making those promises, 'If you don't hook up, you don't pay.'

I'm encouraging East Bethel voters to be a little more cautious with their trust this time around. Look at the past. Do some research on your candidates. Don't just take what anyone tells you as fact. As I said, many of us were told by the prior Council and its members, 'If you don't hook up, you won't pay,' multiple times, over and over. Usually I was following Tom Ronning. And I, or we, now, the taxpayers, will be paying on this thing that we weren't supposed to have to pay on, for the next 29 years.

Am I upset? You bet. That's why I'm here. Get out. Do your homework and make your vote count.

I have one question on that. With the City sewer and water, do we know, have we heard the percentage as far as increase? What it's going to increase? Unless these businesses magically show up." DeRoche, "Well, I think it's between one and one-half and two percent a year for 29 years. Am I pretty close on that Jack?"

Ronning, "The cost increase, do you mean the REUs?" Howell, "I mean what it's going to cost the taxpayers if these businesses don't show up because now we're going to have to pay for this." Davis, "In the worst case scenario if there are no connections to the system, the cost for retiring the bond debt will increase one and one-half to two percent each year until 2040."

Howell, "Oh. Okay people. Well, thanks for listening. Do your homework." DeRoche, "Thank you Christine." Harrington, "Thanks." Ronning, "Thank you for doing your homework." DeRoche, "She usually does. Thanks Christine."

**6.0
Consent
Agenda**

Item A Bills/Claims

Item B Meeting Minutes, October 1, 2014, City Council Meeting
Meeting minutes from the October 1, 2014, City Council Meeting are attached for your review and approval.

Item C Resolution 2014-40, Authorization for TBRA Grant Submission
Resolution 2014-40 is required as an attachment for the City's submission of a grant application to the MET Council for Tax Based Revitalization Account Funding (TBRA). These funds, if approved, would be used for the de-commission of the Castle Towers Waste Water Treatment Plant and sewage lagoon.

6.0 Item D Supplemental Bill List

DeRoche, “Well, if no one’s going to say anything, I move to accept the Consent Agenda.” Koller, “I’ll second. DeRoche, “Any discussion? All in favor?” **4 in favor.** DeRoche, “Opposed? **Moegerle, “Aye.”** DeRoche, “Motion passes. Can we have a roll call on that for the record?” Ronning, “Sure.” Vierling, “Mayor, of course you can request the Administrator conduct a roll call.” DeRoche, “Would you do that Jack?” Davis,”Excuse me Bob.” Vierling, “On the last one, a roll call has been requested.”

Davis, “I will request a roll call.” **Roll call: Koller, Harrington, Ronning, DeRoche-Aye; Moegerle-Nay, motion carries 4-1.**

7.0 Commission, Association and Task Force Reports
New Business

7.0A None.
Planning
Commission

7.0B None.
Economic
Development
Authority

7.0C None.
Park
Commission

7.0D None.
Road
Commission

8.0 Davis presented the staff report, indicating the Council is requested to consider amending the City Code, Chapter 74, Section II. City staff is recommending the Septic Ordinance, Chapter 74, Section II, of the East Bethel City Code. The proposed changes are necessary to reflect the recent changes in the State Code, 145A.05 and 115.55 and in the MPCA Administrative Rules Chapters 7080 through 7083.
Department Reports
8.0A Community Development

8.0A.1 Septic Ordinance
Adoption of the proposals would update our current Ordinance with the recent revisions to the State Statutes and MPCA Administrative Rules and clarify areas of ambiguity present in our Code. Adoption of the new state regulations would provide less restrictive standards in the following areas:

- The State allows each City to permit a 15% reduction in vertical separation between the bottom of the drainfield to the restricting layer or redoximorphic features on existing septic system.
- Setback from detached accessory buildings with no basements, on the same property may be reduced by 50% if approved by the Building Official
- Modification of tank size requirements to a smaller size is now permitted based on the number of bedrooms.

Changes for Statute and Administrative Rule compliance and others recommended by staff are included in Attachment 2 and are indicated by an underline.

8.0A.1

Staff recommends consideration of discussion to amend Chapter 74, Section II to comply with the changes as noted in Attachment 2 in your packet.

DeRoche, “I move to amend Septic Ordinance Chapter 74, Section II, of the East Bethel City Code. The proposed changes are necessary to reflect the recent changes in the State Code, 145A.05 and 115.55 and in the MPCA Administrative Rules Chapters 7080 through 7083.” Koller, “I’ll second.” DeRoche, “Any discussion?”

Moegerle, “Yes, I have several. We got a forward of an updated ordinance, Chapter 74, which I show on my computer blue lined. One, I noticed that Individual Sewage Treatment System (ISTS) has been changed to Subsurface Sewage Treatment Systems and that is not the consistent throughout. ISTS, or Individual Sewage Treatment Systems, is still written out in full within this. And, of course, right now I can’t put my point on it. Under Section 74.30, Soil Treatment Area, I notice that basically there are two requirements that are, seem to be somewhat similar. I didn’t know if there was really a distinction, difference between lots plotted after April 1, 1996 and lots created after January 1, 1998, because they both require space for two soil treatment areas.”

DeRoche, “Which one were you looking at? 74 what?” Moegerle, “74.30, Soil Treatment Area. I just have a question as to why we had two standards that seem to be so much similar. I just had a conversation with Jack whether drainfield was one word or two words, which is obviously minor. Then, the final question is, on 74.41, indicates that violation of this ordinance is guilty of misdemeanor punishable as provided in Section 1-114. We, all violations of City Code are misdemeanors and so we’re repeating this again. I just wondered if we wanted to keep repeating that. Since that seems to be consistent throughout our Codes, maybe we should get rid of 1-114 since we seem to repeat it in every Code section where there could be a violation. So, those were the four questions that came to my mind when I read this. Oh, and individual sewage treatment system is still used in 74-47. Another question is 74-50. Escrow is 125% of the cost of a new septic system if it’s started between December 1st and May 1st. I thought that was pretty steep. Oh, Section 74-57 sets out the misdemeanor information, which is set out in 1-114. That is really all my comments and concerns. Thank you.”

DeRoche, “Which one was that? 74-57?” Moegerle, “Yes, misdemeanor. And, that is covered in City Code 1-114.” DeRoche, “My 74-57 is ‘prohibit surface discharge.’” Moegerle, “This is the e-mail that we got later. It’s in blue and it says Article II, Sewage Treatment, with the blue in added text. It looks like that. But this was an e-mail that we got Monday.” DeRoche, “Oh, there it is.” Moegerle, “It was easier for me to read it there as opposed to what was in the packet.”

Ronning, “What did you say, 74-57 for you?” Moegerle, “Yes.” Ronning, “Prohibit surface discharge?” Moegerle, “No, it’s 74-59. It’s on Page 49 in that document. So, you know, we’ve gotten...” DeRoche, “74-59 is misdemeanor.” Moegerle, “Yeah.” DeRoche, “57 was the other one.” Moegerle, “I understood what was in the e-mail was an update on this so that’s, when I prepared for this I looked at the e-mail. So, cross referencing the changes is difficult, I understand.”

Ronning, “Well Jack, is there a difference and which should we consider?” Davis, “The latest edition is the one that’s up for consideration.” Moegerle, “The one that was in the packet? Or, the...” Davis, “The blue one.” Moegerle, “Yeah, this one that was the attachment to the e-mail.” Ronning, “I can’t get into mine so it won’t do me any good.”

Septic
Ordinance

DeRoche, "So, other than the repetitive, which I think we do in a lot of our ordinances anyway." Moegerle, "We're still using the ISTS designation which has been replaced by SSTS, Subsurface..."

Vierling, "Aren't they interchangeable?" Davis, "They were but now the PCA is going to designating all those as SSTS now and have dropped the ISTS classification. They both mean essentially the same thing but in order to standardize it. It was commonly used, both terms were commonly used. Now they've gone to just SSTS."

Ronning, "I move to table until the next meeting so we can all look at the same document." Moegerle, "I'll second." DeRoche, "Done." Moegerle, "We have to vote on it." DeRoche, "All those in favor of tabling?" All in favor. DeRoche, "Opposed? Hearing none, motion passes." Motion carries unanimously.

8.0B
Engineer

None.

8.0C
City Attorney
8.0C.1
Fire
Department
JPA

Vierling, "Just following up on a matter that you heard from the Fire Chief at your last meeting. I think Chief DuCharme can certainly report relative to meetings he has been participating in relative to the Fire Chiefs. I participated in a meeting with the various City Attorneys all with regard to a Joint Powers Agreement (JPA) that is being advocated with regard to the Fire Council, or what will be the replacement for the Fire Council.

At your last meeting, Chief DuCharme, I believe, indicated that there is a records management system (RMS) that all the Fire Departments would like to obtain. It's something that Anoka County has certainly, I believe, funded and acquired from a vendor but they want to basically pass it off to an entity that will then manage control of it for various Fire Departments. Originally there was a concept of a Joint Powers Agreement (JPA) being formulated between the various cities that had Fire Departments to use this management system.

Recently, within the last several weeks, when the first draft of the Joint Powers Agreement came out, it became very clear that the draft of the Joint Powers Agreement wasn't dedicated to this one piece of equipment. This one system. It has the ability to have the Joint Powers Organization buy additional equipment, or other capital expenditures, and builds in various funding mechanisms including bonding and other types of things. So, it's gone, in fairness to what the Chief has expressed, from a single-purpose thought that they would have one purpose for this to an entity that would be broadly based and have the opportunity not only to buy this piece or system of record management, but in the future to buy other equipment and other systems as well. Chief DuCharme wasn't in favor of that and I think expressed that to his colleagues.

In reviewing things with a conference call that was had with at least ten if not fifteen City Attorneys last week, which was an hour long and we got to two items before we ran out of time. It became eminently clear to me that the larger communities are clearly in favor of having a Joint Powers Agreement that builds in the additional possibilities of being able to acquire their equipment or to be used on a broader base. I don't know that they have the intent, or, I'm not saying there's any game plan to go out and buy all kinds of equipment. I'm just saying it has that potential, that opportunity.

8.0C.1

From my perspective, in the course of those conversations, it became clear from the smaller communities that they wanted at least a safeguard that before large capital equipment or large expenditures would be going forward, there would be a super majority required for the vote on that. Not simply a 51% but they wanted upwards of a 75% affirmative vote before this entity would be enabled and empowered to go out and buy other equipment. That comes into play because the various members pay for the equipment that it buys.

For example, under the initial calculations of the formula that I've seen, the City of East Bethel is, if you subscribe to this entity, you're in for 3.4% of whatever the fees are that they generate on an annual basis for that. Again, I talked to the Chief but I know he's still very much not in favor of that. Especially since the initial draft of the JPA has a provision that says once you're in, you can't get out for a full year. So, even if they go ahead and buy something that you didn't subscribe to, you're going to be financially 'on the hook' for one year anyway.

Further discussions were had, at least in the conference call that I participated in, about that issue and I think several people are coming back. But in any event, it's clear to me that the larger communities favor the more broadly powered Joint Powers Agreement. The ultimate question comes back to this community in terms of what your viewpoint is in belonging to that organization. I know it is not the organization in terms of its scope and authority that you wanted because it would have this additional power. But, two questions come into play. One is, if the concept of the authority to purchase or engage in those contracts required a super majority, number one, would that mitigate your feelings somewhat to be more in favor of it?

And, number two, if that Joint Powers Agreement were further refined so as to allow, let's say, any community not to have to wait a year to get out if they did something you didn't agree with. Maybe, I'm thinking something where you have a sixty day window after a major purchase is initiated. Where if a smaller community doesn't subscribe to that they would have the opportunity to withdraw, would that mitigate your feelings on the matter further? I certainly don't want to be in the position, I know the community doesn't either, where we are at odds with our other communities relative to the records management system because everybody wants that. And, I think people want to get that in place. Practically, realistically, given the volume and numbers of entities involved in this matter, I'm not sure how practical it's going to be for that entity to engage in big purchases just because of the bodies and numbers they are dealing with anyway.

But, the question comes back to this community. Are either of those two options: a super majority vote; or, limited window to get out, something that would enable you to consider to remain or look forward to participating in the JPA? Or, under any circumstances if it's a broad based entity? Or, if it's a broad-based entity do you simply not want to participate?"

Moegerle, "I have a question. Is there no option to do the record management system alone and then have a separate JPA for all the other people who want the purchasing abilities? Or, that's just not where this is headed?" Vierling, "Well, certainly not where it's headed and I think Chief DuCharme can indicate the history of how the record management system got discussed, how Anoka County funded it, and what the commitment is to Anoka County to get something done by 12-31 of this year. That will address that issue, I think."

Moegerle, "But, at this point, there's no way to do two. It's all or nothing?" Vierling, "There's well, I'd say clearly the larger communities have an appetite to have an entity that

is not single purpose. That has other opportunities in front of it.”

DeRoche, “Well, the question I would have, and maybe Mark you want to stand up, when did this blossom out of the records management? Because I remember going to meetings over at the Anoka County Sheriff’s office and, when all the Fire Chiefs and Police and everybody were together and were all talking about the communication and the records management. I guess I would have to agree with Heidi. You know, right now are we trying to put this together and why don’t they look at them as two separate items?”

DuCharme, “Certainly that’s been a major discussion point. Your original question, Mr. Mayor, is when did this kind of evolve into a multi-purpose Joint Powers Agreement. I would say that was probably, it became clear about 120 days ago. Right in that area. Originally, we were looking for an organization that had some legality to it that could run the fire side of the record management system, which includes the CAD, dispatch systems, mobile units, record management system, emergency management system and that type of thing.

As our attorney referenced, Anoka County has dedicated over \$8 million for this project, for the purchase of the system. Their desire is specifically fire record management system to be turned over to a fire side entity to run and maintain that. And, the same thing with the law enforcement where they will turn over the law enforcement side to the Joint Law Enforcement Council. Now, the Joint Law Enforcement Council, I think as I said a couple weeks ago, they’re already a formal organization. I think they operate under a Joint Powers Agreement. The fire side, the Anoka County Fire Protection Association, has never been Joint Powers Agreement. It’s been kind of a loosely organized group of the Fire Departments.

So, as our City Attorney mentioned, last Thursday they had their meeting of the City Attorneys and then the Fire Chiefs got together last Thursday evening and we had our meeting. I brought the message, as I said I would from a couple weeks ago, that our position is we’ve go to narrow this Joint Powers Agreement down to only concentrate on the records management system. I do sense that the larger cities in the County are more interested in evolving and growing and having a multi-purpose.

Now, with that said, I don’t necessarily think what they’re proposing is all bad. But, I think it’s something that we could grow into step by step. Right now, I think our focus has to be the records management system so we can go forward with that.”

Ronning, “Who or how many want to be the ‘800 pound gorilla’ in the program?”
DuCharme, “We have larger cities, mainly a little bit south of us. I do have a feel that what I consider the smaller cities comparable to East Bethel have the same concerns. I think some of those concerns are cities that border us also.”

Moegerle, “Could we get an explanation of the e-mail that we got with the Excel documents? And, maybe this is something that we can get later on in the week because there’s a CSO by City and then the five-year LECFS and that’s an Excel document. Everything in ‘green’ seems to be large, which I think you are indicating to us that those are the ones that may want the...but I’d like an explanation of that if we could get that.”

DuCharme, “I can go through that at a different time. I’ve been very intimate with this program for the past three years as we’ve watched it grow and come together. We do

anticipate that CAD is going to be, the new CAD, the new dispatch. It's going to be on line before the end of the year and we're almost there. Incidentally, you'll see a figure that, it looks like, and this is a pretty good estimate, for the East Bethel share of the fire record management system is going to be about \$3,200. That's something that will start in 2016. That's why it is not in the 2015 proposed budget. I just want to bring that up. I believe that \$3,200 is a really good number because I've gone over them pretty intensely.

As far as the law enforcement side, that comes out of the Anoka County Sheriff office. There's a section in that spreadsheet that shows about \$9,200 or \$9,900. I think it is right in there."

DeRoche, "It's showing Circle Pines and Lexington separate. They're not together any more?" DuCharme, "Centennial Fire District, which includes currently Lino Lakes, Centerville, and Circle Pines is going to be dissolving. Lino Lakes has issued their withdrawal and I believe that was a two-year notice that they had to give. So, that's why those are listed separate, because we know of the impending break-up of that."

Moegerle, "So back to the question of super majority versus the other option." Vierling, "The issue, I think, my feeling from the call, there was consensus that a super majority relative to capital acquisitions and financing should be required. I don't think that's going to be a contested issue. The issue of the opportunity to withdraw from the organization is another item. But, bottom line is with those two, if they were tailored correctly, mitigate some of your concerns about belonging to an organization that has the power to buy equipment or engage in capital events beyond simply the record management system?"

Ronning, "The super majority, how are the votes counted? Is it per capita? Or, does everybody get one?" Vierling, "No, there's a formula in the Joint Powers Agreement and the Chief is far more familiar with it. It's based on population, assessed valuation, fire runs, and a number of different qualifications. Fundamentally, I can tell you, if you take the five largest communities, you're already over 70% of the vote." Ronning, "Yeah, I was going to ask if there was any one or two that could get close to it and then they get a sympathy vote with them what happens?" DuCharme, "That's what our City Attorney has mentioned, that then the out would be if they shortened up that withdrawal from a year to maybe 60 days. Now, I do want to say this. That the Fire Protection Council does own property right now and they do own programs. One of the things that they do have is equipment for the Fire Investigation Team, the County-wide team. They also operate the Anoka County Fire Academy. So there are programs that are going on that would be incorporated into a new organization."

Ronning, "If our ante is \$3,200, what's the total pot look like? How much is in it?" DuCharme, "\$83,000, I think it is." Ronning, "How much?" DuCharme, "About \$83,000 for the..." Ronning, "And, how many communities?" Vierling, "Well, it depends on how you break it up. Because right now, there's a couple Joint Powers entities in there that have to be re-broken down to communities because it seems that the City Attorney's want to have all the members simply be the cities, not a Fire Joint Powers entities that exist today. So, if you have an existing Fire JPA out there that's got three communities in it, they're going to be represented by three votes and three separate communities. Every community would have a weighted vote based upon the formula that's set forth within the JPA."

DuCharme, "So, if there are 100 votes, we would have 3.4" Vierling, "Yup."

Ronning, "How many of us little guys would have to get together to make a super majority?" DuCharme, "Quite a few." Ronning, "Can it be done?" Vierling, "No. The five largest communities are already over 72-73%."

Moegerle, "I think that rules out the super majority view." Ronning, "Right, that's why I asked what the votes mean. You can't make the rules if you don't know the game." Moegerle, "Sure." DeRoche, "Kind of reminds me of something else."

Moegerle, "The early exit seems to be..." Vierling, "I think the early exit gives you the opportunity, or gives any smaller community an opportunity to basically get out if they feel the organization is going in a direction that they don't subscribe to."

DuCharme, "Also, the City Attorney and I have had the conversation that doesn't mean that we can't participate because we could withdraw. You know if there's, maybe there's going to be a fire training facility built and we decide, the Council decides, we don't want to be any part of that. So, we withdraw from the organization. That doesn't mean we can't use it because I'm sure we could always go and rent the facility and the instructors and use it that way." Moegerle, "At a premium though because we've withdrawn, probably." Ronning, "Very probably, yeah."

Moegerle, "I don't like the idea of, you know, 'Well, things aren't going our way, we're stalking off.' I would much rather see these two things being separated and it's an option be a part of the purchasing but that 'horse has left the barn,' is what I'm understanding. And, that's not a likely option." Vierling, "That doesn't appear likely at this point."

Ronning, "Another part of the larger question is, how many smaller communities would get into the 'shark pond' with the rest of them? If you're the only one, it's hopeless. You're not going to vote against anything. If you're one, three, or four, or something, you're maybe going to have 30,000, 40,000 people compared to Blaine is 58,000 or something. So, it's end of story."

Moegerle, "What if we don't join the organization but want the RMS? Not a possibility?" Vierling, "Well, that hasn't been discussed at this point, unfortunately. You know, human nature being what it is, sometimes when people work towards a common goal and they get to a certain point in time and then somebody 'bugs out' there's some parochial feelings about that individual or entity. Those go away with time but usually that takes some time. On the other hand, what I've heard, and I certainly don't have first hand knowledge, the Chief certainly does, is that relative to the Fire Protection Council and its history, it has been a relatively collegial group of people that have always agreed." DuCharme, "That's correct. This has been a major, major decision making process."

Ronning, "What kind of expenses could we end up sharing?" DuCharme, "Well, right now the expenses that we share, actually the maintenance part of the record management system. So that's the updates and making sure the system is working correctly. Because the County paid for the system already. So, if we enter into the Joint Powers Agreement as is the proposed draft, now we haven't seen the final draft yet. But at the proposed draft, those things could be a multitude of items. Because, they would be allowed to purchase from real property to facilities to real people to issuing bonds. Another part, on the other hand, they may not do any of that because they still need that super majority, the 75%."

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“What does the \$3,200 turn into if there’s minimum amount of small cities move in. Does that increase to pay the whole...there’s an overall burden cost?” DuCharme, “You’re right and that cost about \$83,000-\$84,000 per annum.” Ronning, “And, if we’re the only small city that goes in, does our \$3,200 change or stay the same?” DuCharme, “I would guess that if the number of participants get smaller, then that money has to be reassessed.” Vierling, “It will all go up.” Ronning, “Yeah, I’m sure it would. I just like people to hear what the details are.”

Vierling, “Once again I want to stress that the County has paid, or is paying for the system, the \$8 million of the combined system.”

DeRoche, “I don’t think the records system...I don’t think we have a problem with that up here. I could be wrong but it’s the other.” DuCharme, “And, Mr. Mayor, that’s the message I brought to the group is, ‘I don’t think East Bethel has an issue with the cost of the record management system.’ We’ve been talking about this for a while. Obviously, I’d like to see it a lot less but our share is going to be about \$3,200 in 2016. And, it’s going to stay that way for five years and then year six the proposal is that estimate will go up about 2% a year. That’s pretty much in line with sophisticated software items. I don’t think we have an issue with that. I think that’s justifiable and some good numbers.”

DeRoche, “What do you think about it?” Koller, “I don’t like signing in to something that could cost us a ton of money.” Harrington, “Yeah. When Mark was talking about bonding, I don’t like that bonding idea. You know, what’s it going to cost us in the long run?” Ronning, “There’s too many ‘shadows’ in this thing. It’s not enough visible to me it seems like. And, there are too many variables. There’s an awful lot of variables.”

DuCharme, “I understand what you’re saying. My plan is tomorrow to bring the ‘feel’ and ‘feeling’ of the Council back to the leaders of the group and just give them a short update of what the ‘feel’ is out here.” Ronning, “If you want to buy a car, you can at least ask for the sticker to look at the price. This is almost ‘stickerless.’” DuCharme, “Yeah, and I understand that. I also understand the 75% and the larger cities and certainly taking that withdrawal period of time and making that shorter.”

Moegerle, “What is preventing the larger cities from just starting their own JPA? I mean, there’s nothing that requires that they have common boundaries or anything like that. Why don’t they just take this and start their own little organization? Is there something ‘magic’ about being a part of this RMS system?” DuCharme, “The records management system is an important piece to the City of East Bethel.” Moegerle, “It is. Sure.” DuCharme, “And the Fire Service along with law enforcement. That’s an important part.”

Moegerle, “Right but why can’t the big cities go away and start their own JPA and leave us out of it? Why isn’t that a simple thing?” Vierling, “Theoretically, that’s possible in philosophy. I think the difficulty with the records management system is Anoka County has already bought it using the funds from all the taxpayers and they expect that all these Fire Departments are going to organize and use it.”

DeRoche, “But again, it’s not the records management system that I have issues with.” Moegerle, “Right.” Ronning, “No.” DeRoche, “It’s the add ons.” Ronning, “Yup. The rest of it the bigger cities could do any how if nobody else signs up.” DuCharme “Yes, they can. And some of the ‘feel’ I get from the Chief’s meeting of last week, is that the cities that want to go along with the JPA, the proposed Joint Powers Agreement, are just going to

have to do that and see what the agreement looks like. Those cities that don't want to will elect not to. Then from there, those cities would have to..."

Ronning, "What are your thoughts about the revolving door, door opens once and then it shuts for good? Or how many opportunities are there?" DeRoche, "Is this a 'one and done' thing? Or is there another opportunity to look at things and, I guess, see how it's working out and then..." DuCharme, "Well that's certainly a possibility to get in and start this. Once again, I do wish they would have narrowed this down. And, like I say, what's in the draft Joint Powers Agreement, I thought maybe that would be a good 'road map' over the years to come. I don't know if every city is ready to jump into some of the goals and some of the ideas for the organization. Our mission really is to come up with a way to pay for the record management system, the maintenance part of it. Come up with a system of who we pay the \$3,200 a year to. To me, that's the mission." Ronning, "That's winning."

Ronning, "Do you know what the organization looks like? Is it a so many member..." DuCharme, "Well, the proposed organization would have one member from each city so East Bethel will have an elected official sitting on the Board. And, actually, it's kind of a two-tiered, is the way it is designed. So, you have your elected officials from every city that sit on the Board. Then you have your Fire Chiefs from each Department/District that sit on an operational, kind of a day-to-day operational board. And, once again, the elected officials will be making decisions on the capital expense budgets, I would presume, and things like that. But, that has to be a 75% super majority. Incidentally, the same falls... was proposed and accepted by a majority of the Chiefs on the day-to-day operation with the Fire Chiefs. That also has to be a 75% super majority on a weighted cost-type thing as far as the day-to-day operations."

Ronning, "Would there be any advantage to proposing a larger super-majority? That would create some protection." Vierling, "What number you want?" Ronning, "98." DeRoche, "But even at that, if you've got the five larger cities..." Ronning, "Well, something where the 'little guy' gets more 'say.'" DuCharme, "Certainly we can bring that forward, 80%, 85%." DeRoche, "But, what's the difference? You get the five major 'players,' they're going to have the 85%." Ronning, "The number would be at least enough to get the 'little guys' in the 'game.' I don't know if anybody would consider something like that or not." DeRoche, "What's that?" Ronning, "Raise the super majority high enough that one small group of 'big guys' can't over rule everything else. So the 'small guys' have a chance. I don't know if that makes sense to anybody else." Moegerle, "So, make it require them to get 87% so at least one of the 'small guys' has to go in with them?" DuCharme, "A couple of small guys." Ronning, "Yeah, so it doesn't get 'jammed down everybody's throat.'"

Vierling, "You know what you could do, I suppose, is require voting to have at least 50% of the members and 85% of the accumulative vote." Moegerle, "So, how many members are there? Member cities total?" Vierling, "The sheet I have is 16 but there's a Joint Powers Agreement and a dual organization in there. I'm not sure how many cities are in that JPA." Davis, "There's 21 cities in Anoka County." DuCharme, "So, actually it would be 22 with..." Davis, "Linwood, one township." DuCharme, "But one city outside the County, Champlin, belongs." Davis, "Plus the Township of Linwood." DuCharme, "That's true. So, what you're saying is 50% of the members, which would be at least, so if there's 24, for example, that would be 12." Vierling, "At least 12 and they must accumulate at least 80% of the vote." Ronning, "Hmm, interesting." Moegerle, "Yeah, that's interesting."

way. Don't get a 'hung jury' every time." Moegerle, "And maybe if this is a 'hung jury' every time, maybe that works for our advantage." Vierling, "You don't want an organization, I don't care what the organization is, especially when it comes to significant capital expenditures, you want everybody on board." DeRoche, "Oh, yeah." Moegerle, "Oh yeah." Vierling, "You really want everybody on board. So, from that standpoint and given the history of the existing entity, which, again I'm told, all the Fire Chiefs have been very good about it and have always gotten along. You know, requiring that level of majority really shouldn't be a problem."

Ronning, "Does Anoka County reserve any 'voice,' vote, 'say?'" DuCharme, "No. You're talking about the County as a political?" Ronning, "They have all the money in it and do they retain any jurisdiction?" DuCharme, "No. Well, the only jurisdiction they have is dispatch is theirs. That's a division of the County, Central Communications. So whatever equipment they have, that's theirs."

DuCharme, "Well, the plan is, from what I understand, the plan is to have all comments back to the Fire Protection Council by October 31st so we're 'ahead of the curve' here. I plan on talking to the leaders tomorrow morning via phone conference and certainly I'll bring that up about...and I'm not sure the City Attorneys are having another talk." Vierling, "I'll promise I communicate with the draftsman so she knows what's going on and you and I will coordinate in the morning so we send the same message." DuCharme, "Right."

Vierling, "With regard to Councilperson Ronning's thought process on that is the 80+% plus half of the voting members something that is of interest to this body?" Ronning, "If the numbers are all workable at least then it allows you a lot more 'voice' it would seem. But, it's not just my say. What's required of the different Councils and communities to proceed?" DuCharme, "Well, each jurisdiction, each city, is going to have to approve the Joint Powers Agreement, the final draft. And, so each city is supposed to be having this discussion."

DeRoche, "What do you hear from some of the smaller cities?" DuCharme, "Kind of waiting to hear what we're doing"

Moegerle, "As goes East Bethel, so does the...wow." Ronning, "We have to look at ourselves as 'some of the hair on the tail of the dog.' And, that's about as much as it's going to be." Moegerle, "Well, throw it out there and see if it 'catches any wind.'"

Ronning, "I appreciate all the information. I'm sure we all do. Do you have some guidance or thoughts with all that you've heard?" DuCharme, "Well, all along, from the Council my feel has always been that the Council would be supportive of belonging to an organization that's going to own and operate the record management system. So, that's the message that I've brought back via e-mail and meetings and things like that. That this is where I think we're going to have to be if East Bethel's going to be a signor. Certainly the proposal that 80% plus 50%, you know that's interesting. I haven't run the numbers on that either. I probably will tonight. It's interesting. And, there again, the people who have worked on this Joint Powers Agreement, this proposal, I think it's a very good document. I really do. I think it's a good document and I've recommend that we take that as a 'road map' and then if we all get along on the record management system, maybe we want to take a look at a portion of that and see if our City wants to be part of the next step."

Fire
Department
JPA

Ronning, "Is the draft document in any draft form stage? Or, is it a finished document?" DuCharme, "It's in draft." Ronning, "When would it be finalized as a complete document?" DuCharme, "Well, you know, they are asking for all the comments to be in by October 31st. Once again, the problem is the 'clock is ticking.' December 31st is the, you know, I don't know if you want to call it a 'drop dead' date, but when they need that organization up and running. What happens if it is not up and running? It could mean that the fire record management system, where it is at on December 31st, will stop and not be built and not worked on until some type of entity steps in."

Ronning, "Is that hostage taking?" DuCharme, "I'm not sure if it is but..." Ronning, "Close? My term, not yours. Yeah, interesting." DuCharme, "So I'll talk with also our City Attorney in the morning and we'll take the steps and keep coming back and updating you."

DeRoche, "So, they just weren't for the, 'Let's just do the record part now and see how that goes and then we'll ease into it?' All of a sudden the idea comes up, 'Hey, let's do a JPA?'" DuCharme, "The majority of the group of the Fire Chiefs were not in agreement of that. I was also a little bit surprised. I thought maybe that might be part of the attorney's discussion."

DeRoche, "Well, why wouldn't they want...I don't know, it makes me a little bit suspicious that why wouldn't they want to try it, work for it, and all of a sudden, I mean are they doing..." DuCharme, "I think, Mayor, some of the thought is that the Fire Protection Council has gotten along so well in the past 50 years that, you know, it wasn't something that they needed. Apparently, we didn't get that point across that we needed to look at a smaller scope. I think the membership heard me. In fact I know they did because I got some phone calls the next day."

Ronning, "Did they block their ID?" DuCharme, "No, they didn't do that." Moegerle, "Thank you." Ronning, "Let us know what we've got to do. We have to know." DuCharme, "Okay, thank you."

8.0D
Finance

None.

8.0E
Public Works

None.

8.0F
Fire
Department
8.0F.1
Sept. Fire
Department
Report

Fire Chief DuCharme, "Well, thank you Council. I'd like to present the September report for the Fire Department. First of all, I want to tell you that we did have our open house this past Saturday and that's opportunity for the community to come in and talk about fire prevention, talk about safety, and see displays and exhibits. The long and short is, we went through 192 hot dogs so that's about average. We were busy throughout the whole day and I would consider it a huge success. We did have a chili contest and I have to tell you this, Dan Berry, who's the District Chief out at Station #2 won. The second time he's won in four years so he came up with a great recipe. I did verify with his wife that he did do the cooking so he actually did do that.

8.0F.1

We also just finished up today being in the schools. So, we were able to teach and show kids fire safety. About 600 kids is what we went through. That part of it is always a big part of their school curriculum, especially in the early year. We deal with the preschoolers,

kindergartners, all the way up through third grade. We did get our message out and that's important because if we get our message out, that does have an impact and does reduce the number of fire calls we go on. We did have a lot of our individuals, fire fighters, out there and man hours alone, we had well over 700 man hours that were devoted to the fire prevention part of it. So it was huge.

Now we're getting to our September calls. There are a couple calls I do want to note. We did have a building fire on September 28th and that was on Greenbrook Drive. That was the chicken coop fire that we talked about a couple weeks ago. The owner there said he did loose about 200 chickens in that coop. He said he doesn't sell the eggs or the chickens that he does that for his extended family. So, I've gone by there and I don't know if he's rebuilt the structure or not.

A couple other things. We did have another building fire and that was on the 20th over in Coon Lake Beach. What that actually was, was a remote control battery and I think I talked about this before where the remote control battery for one of these larger expensive remote control cars was being recharged and was over charged, got hot, and blew up. Incidentally, that's the same type of scenario that we had on Johnson Street about a year and a half ago with that remote control battery. What's even more interesting, is I fly remote control airplane and I have the same type of battery."

DeRoche, "So, what does that tell you?" DuCharme, "That tells you. I brought in a forensic investigators, private, stop by the Fire Station and we talked about this a little bit. And, if our residents are using these types of batteries, what they need to do is when the charge them, there's a special bag that you put the battery in. The Hobby Shop sells this. This bag is fireproof and explosion proof."

Ronning, "Are they Lithium Ion or Nicole Cadmium?" DuCharme, "No, their little..."
Ronning, "Ion? The Good ones."

DuCharme, "Yeah. We did follow up on an investigation and you'll see on your report the address is listed there a couple times. Then we had a small chimney fire at the beginning of the month. Minor damage. That was in September. Actually, that turned out all right but I want to use that as another learning opportunity for residents. We're getting into this heating season and there's a couple things that you'll see are consistent with our report. Number one, when we're using solid fuel, you've got make sure these appliances (fireplaces or wood stoves) are in proper working order and the chimneys are clear. That's going to save our residents a lot of heart break. The other thing you'll see is we had a number of gas leaks. As people start turning on their furnaces and things like that, some of these issues might have been there when they turned them off in the Spring, everybody kind of forgot about them. So, it's always good to have your heating appliances checked.

Throughout the month we ran 47 calls and of those 47 calls, 35 were for medicals. We ran a lot of medicals. Definitely medicals and EMS is in the news nowadays with viruses and things like that. We want to be sure that our responders are safe so we are encouraging and reminding them and enforcing that we've got to use our personal protective equipment. That includes gloves, if we need to wear splash protection we've got that. If we need to wear gowns, we've got that. We'll continue to enforce that and reinforce it with our firefighters."

“We actually train every other month. One of the Monday nights are what we call ‘medical training.’ That keeps our certification. Half of our crew is emergency medical technicians. The other have are called emergency medical responders. Now, they used to be called first responders but EMRs. So, this is our continuing education. We have to have 48 hours every two years of continuing education. At the same time we work with Allina. In fact, they are our medical director. They come in with the latest and greatest.”

Ronning, “On the medical calls, did we lose anybody?” DuCharme, “There was one, I believe, that didn’t make it. In fact, there was one, yeah.”

DeRoche, “Where are we at with the SCBA grant?” DuCharme, “The SCBA grant is still at FEMA headquarters. We haven’t been disqualified but we haven’t been awarded. That’s been a number of months. There again, our SCBA, self-contained breathing apparatus, is starting to get to a point where it’s starting to age. So, in the next couple years if we don’t find some type of funding, we’re going to have to come up with a plan to replace that. The hard part is these self-contained breathing apparatus units are about \$3,000 apiece right now. With all the new regulations and standards, that’s pushed the cost up.”

Ronning, “Didn’t we have a conversation about that some time ago? Some months ago?” DuCharme, “That was when we submitted the grant and our share of that would have been, if it was fully awarded, would have been 10%, I think it was.”

Ronning, “People’ve got to breathe.” DuCharme, “Well, yeah, and that’s what we use to get into not only fires, we use these on but other situations too.” Ronning, “Confined space, there’s a lot of stuff.” DuCharme, “That’s right. Anything else?”

DeRoche, “The open house was pretty good. A lot of people.” DuCharme, “Yeah, there was. We had a good time. A lot of really good conversation this time.”

DeRoche, “North few in their chopper.” DuCharme, “Yeah, landed that right in front of our Station there. Actually in the back I suppose it was.” DeRoche, “Yeah, the kids I bet kind of enjoyed that.” DuCharme, “Helicopter lands and all of a sudden the rotors stop and the kids, well everybody walks out towards it and some kid, one of the kids said, ‘Hey, can we get in?’ And the pilot says, ‘Sure.’ It was like that, there had to be what, 15, 18 kids in that helicopter like right now.”

DeRoche, “And the medics were really good. They were talking to the kids. Hopefully that’s the only time they’ll see the inside.” DuCharme, “So, we had participation with the National Weather Service, sent information for us. And then we had Cedar Creek, they were there. Allina had an ambulance there. North, and the Sheriff’s Department were there. Thank you.” DeRoche, “Great. Wasn’t St. Francis, a couple fire fighters there?” DuCharme, “Yeah. St. Francis came by and a couple other people, fire fighters making the rounds. The Lions did a great job for us. They fed everybody for us.” DeRoche, “Chili and dogs.”

Harrington, “I liked when they cut the car in half. That was very educational. All the hydrologic equipment.” DuCharme, “That’s a good example for people to see, what we spend our funds on. Thank you.” DeRoche, “All right, thanks Mark.” Moegerle, “Thank you.” Ronning, “Yes, thank you.”

8.0G
City
Administrator
8.0G.1
City
Administrator
Contract

Davis presented the staff report, indicating the employment agreement for the City Administrator is set to expire on December 31, 2014. Attached in your packet is a revised agreement with minor changes to clean up language within the contract. There is no proposed change in the compensation for this position.

The proposed Agreement would commence on January 1, 2015, and continuing thereafter until December 31, 2016, or until otherwise terminated pursuant to the provisions of the contract. The proposed contract would automatically renew for an additional two-year period unless either party provides written notice to the other on or before July 1, 2016, of intent not to renew this contract, in which case this contract shall terminate as of December 31, 2016. It is listed as 2018 in your write up. That should be corrected to 2016.

The new contract is identical to the existing agreement with the exception of the noted changes. The City Administrator position receives only those benefits as provided to any other City employee.

Council is requested to consider the extension of the attached agreement for the term as indicated.

DeRoche, "I move to go ahead with the City Administrator Contract." And, the correction has been made? Davis, "Correct. It is correct in the Agreement. I just wanted to correct it here on the write up page." **Harrington, "I'll seconded it."** DeRoche, "Any discussion?"

Moegerle, "Yeah, I do. We have a great City Administrator and I appreciate him and I think that he should continue on. My concern is that I remember very distinctly, December 15 of 2010. And, there were a lot of things done by that 2010 Council to rush things through at the end of the year and try to force things on the Council that came in, in 2011. One of the things is that we can't bind another Council but what my thought is with regard to this, is that this contract is coming up two and one-half months before it expires even though, technically, the election has not occurred and this is not a lame-duck session pushing this forward. I do think it has a strong taint of that. What my thought is, is this, that if we approve this at this point, we are invading the providence of the Council that will be here in 2015. So my thought is, either: 1. Extend this contract for another six months beyond its termination of December 31st of this year; or, 2. Extend it for two and one-half years so that going forward, a new Council coming in would have the City Administrator for six months and then have the opportunity to renew and ratify that contract. Again, this comes solely from my concerns in what we experienced in December of 2010. I think that Jack has done us a good job, he'll continue to do a good job, but I also know the things that happened December 15, 2010, took my breath away. As we learned more about what happened there, I just think that this is an opportunity to stand up with things that we said at that time and things that we did and say, 'We're not going to do lame-duck type of matters.' This contract doesn't expire until December 31st. I think it has that taint and the touch of it and so whatever works with the Council but my thought is either extend it by six months so that the new Council can ratify his employment or extend it for two and one-half years so while the 2015 Council wouldn't ratify it, but the 2017 Council could. Just my thoughts."

DeRoche, "Well, this has taint, or something, whatever you want to call it. This isn't anything like the contract that was coming up with the old City Administrator. Now you can call it whatever you want. You can say, 'Well, this is just because there's an election coming up. You know, you can 'spin' it any way you wish but the fact of the matter is, this

isn't anything like the contract that was negotiated while they were sitting up here over the course of about four separate meetings. And, I have no problems going ahead with this contract. I don't think anyone coming in, if they've been around the last four years and have seen where Jack has taken the City from to where we're at now. And to want to bring someone else in, you know, we're in the middle of some real key things going on. Moegerle, "I agree."

DeRoche, "And, I don't...you know, somebody wants to call it 'sour grapes' or, I guess I really don't care what they use. But, the fact of the matter is between Met Council and working with the bond companies and trying to figure out the sewer water thing, I think right now we need to stay with what we have. Because, it's like when Wendy left. You know, there's a lot of history. There's a lot of experience and Jack...I suspect I know where this is coming from and..." Moegerle, "I've told you where it's coming from." DeRoche, "Yeah, well."

Moegerle, "And, here's my concern. I think any type of contract that expires on December 31st is always going to have that question about it. We're here to raise the profile of the City. I have no doubt that Jack would be re...have his contract renewed in six months. But, I think we should allow that Council to make that decision. It's...how angry we were in 2010 of all the lame duck things that happened. I just remember that so clearly. I think his contract is going to be renewed. I can't imagine why this is the time to change it. But my point is, remember where we were four years ago. How we felt. What happened and just give the 2015 Council that opportunity."

DeRoche, "At that time, it wasn't so much the City Administrator that was the frustration. It was the five phases that could have cost the City \$560 million over the bonds, the interest, the amortization over the 30 years. That's where the frustration. It has nothing...the City Administrator was a very small part of that. Now maybe that's where your anger is, or was. And, again, I have my own personal reasons where I think this is coming from but so be it. I have no problems moving ahead with it."

Ronning, "What was the December 15th? Was that the bonding and contract letting?" Moegerle, "No, December 15th was when the City Administrator got a new contract at the last minute. There was more information that came out after that was approved where there were additional..." Ronning, "I remember he was telling what he wanted, writing it from the chair, said, 'Well I just want another couple years.'" Moegerle, "Absolutely and, you know, what..." Ronning, "But that's kind of small compared to what some of the big deals are. Is that the same time the bonding and contracts were let?" Moegerle, "The bonding occurred, I think, after the election in November. But, it was all the pieces. I just want to bring it up so that we remember the history in which we're going forward and have the opportunity to discuss it."

Ronning, "Have you been consistent with that thinking?" DeRoche, "No." Moegerle, "I think that there are other things that are going to be coming up December 31st that..." Ronning, "I mean you, personally." Moegerle, "I try to be. I'm sure I'm a flawed human being and I may..."

Ronning, "Were you thinking about Ron and me when you guys, when you and Steve voted for that money change with the Met Council in December on 2012?" Moegerle, "I'm sorry, I don't understand what you're referring to. Refresh my..." DeRoche, "Well, it had to do with the Met Council and the five amendments to the contract that over a five-year period

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Contract

will cost the City \$280,000 and over a ten-year period will cost the City \$560,000. In which there were three people in the meeting, you, myself and Steve Voss and I said, ‘No, remember what happened in the lame duck session?’ And, everyone’s comments, ‘Oh, no, I know you can’t make a decision so we’re going to...no, you just need to do this.’ And, I remember doing it and coming out here and saying, ‘Look, we just had two more people voted and let’s let them take a look at this.’ ‘Oh, no, we need to pass this.’ And, it was passed on a 2 to 1 vote that night. So, that’s not much consistency.”

Moegerle, “Well, I’ll take a look at that again. I am a human being and I can make mistakes. I’m just pointing this out.” DeRoche, “That’s fine.” Moegerle, “So, there you go.” DeRoche, “Anybody else?”

Harrington, “No, I don’t have a problem with this.” DeRoche, “Ron?” Ronning, “I don’t have any problem with it either. I think Jack’s the right guy in the right place at the right time and we’re fortunate to have him. I have no problem asking him to stick around.”

Moegerle, “And I don’t disagree.” DeRoche, “That being said, I call the question. I want a roll call vote. Jack, you want to call the roll?”

Koller, Harrington, Ronning, Moegerle, DeRoche – Aye. Motion carries.

9.0 Other
9.0A
Staff Reports

Davis, “We received 85 applications for the Community Development Administrative Assistant position. That’s the one that’s going to replace Carrie’s job after she was promoted to fill Wendy’s slot. Those applications were closed yesterday. We’ll evaluate those and conduct interviews next Wednesday and have a recommendation to Council on November 5th for that position.

We were also notified by Anoka County that we received an additional \$8,190 on our Recycling Enhancement Grant. We applied for that to help cover the additional cost for removing the fuel tanks at the Recycle Center. There were some additional costs with soil remediation on that. So, that covers the bill on that. You’ll probably notice that on your bill list on Pinnacle Engineering of approximately \$20,000. All that was covered under the Recycle Grant.” DeRoche, “Excellent, that’s good.”

9.0B
Council
Report –
Member
Moegerle

Moegerle, “Sure. Coming up on October 29th is the Local Government Official’s meeting in Blaine. They’re going to be talking about transportation projects and issues. So, that’s going to be a really good follow-up to some of the things we’ve been dealing with here.

On October 24th there’s a webinar on zoning that’s coming up. I’ll be watching that from home but that one should be real interesting. I’ve already talked to some people at the League about that.

Then also today, East Bethel was noted for having the lowest gas prices in the region. Apparently that was over the radio. So, good for us. That’s all I have.”

Council
Member
Ronning

Ronning, “We had a Meet the Candidates meeting on October 2nd. It was organized and administered by the Seniors, I believe. Wasn’t it?” Davis, “And the Chamber of Commerce.”

Ronning, “And the Chamber. Excellent attendance. There were extra seats brought into the Council Chambers. There were seats out in the hallway. So, it was very well attended. At

the opening of the meeting, it was made clear that the audience would have the opportunity to ask questions by writing on paper distributed and returned to the moderator. I thought he said 3 by 5s but I guess you cut up paper or something for distribution. Moderator indicated response time from the candidates would be limited to two minutes. A good format; however, the questions would be screened and no questions regarding the sewer water utility would be accepted. Along with a couple other rules.

I have a problem with that. When a group of one or two people decide what a large group of people is entitled to hear on something like an election, that's censorship. A synonym for 'censorship,' other words, is: 'edit, cut, stifle, gag, repress, remove, amend, suppress, and control,' and, that's what I believe I saw. I think it might have been well attended but that's what came out of it.

And, the other thing about something like that is it clearly was meant to protect some of the candidates from having to answer certain questions, in my opinion. Nobody has to agree with me but that's, I don't know what else you could come up with out of it. And, tough questions are what elections are about, not soft questions. If we can't answer tough questions, we shouldn't be in the game. This is a very serious business. We're not in Sunday School. Everyone up here, all of us, and all the next ones and all the past ones should be accountable.

Another thing that was mentioned about *Robert's Rules* last time. And so there's no misunderstanding, these meetings are run exclusively by *Robert's Rules*. And they will continue to be as far as I can tell. Some things that are common during these times, campaign promises, commitments, and such. If any candidate would suggest a commitment or promise to do something or change something, they either don't know any better or they're really misrepresenting the truth. That's a soft way of saying something else.

No one Councilperson can schedule a meeting, can conduct business, can do anything. It takes two Councilpeople to request a meeting be scheduled; however, if only those people are there, the meeting can't be convened. It can't be begun, it can't be adjourned. There is no meeting. So, that's a simple way of saying campaign promises are a bunch of hooey. Nobody can do anything by themselves. It takes a majority.

Same rule for any other Council activity. It takes a minimum of three of the five members when they're all in attendance to present, to move, or vote on any measure. If four are there, it takes three of the four. If three are there, it takes two of the three. If anybody says they can work around that, that's either ignorance or untrue.

I have said and I believe at the present time our City faces some very serious economic challenges. If anybody suggests that our tough times are behind us, that's...nothing could be further from the truth. As things stand right now, we face bond payment obligations of approximately \$52 million. That counts what we...ERU obligation of \$24 million, or roughly \$75 million to \$77 million combined. The Met Council ERU portion will be reduced by reductions specifically related to future connections or eliminated should we get 5,495 connections. That's a little..." DeRoche, "Sarcasm?" Ronning, "That's science fiction. None of that's done or behind us. Absolutely nothing. We have experience and we know what five people can do to a City cost wise and rules wise, ordinances. Three of the five can do the same thing. If there's three, two people can make those decisions.

I've said this every place I get the chance. Please be careful and be aware of what is

Council
Member
Ronning

happening. If you're one of the five people, to me it's spooky what can happen with as little as two people, over 11,000 plus people. And, that's...I would also ask and advise everybody that everybody's vote counts. I haven't mentioned any names. I don't make any endorsements. That's...I don't know if that's legal even, but it certainly would be improper.

If you have questions, speak with somebody you trust or somebody you think knows the answers. Don't accept any double talk. If the answer is double talk and you don't understand it, there's something wrong. Most of these things are 'yes' or 'no' questions. Maybe it's 'guilty' with an explanation kind of a thing. Everybody please vote November 4th."

Council
Member
Harrington

Harrington, "Tom just took my line. Same thing. Do your homework about the candidates and please vote November 4th. Ronning, "Can't say that too many times."

Council
Member
Koller

Koller, "I don't have much to say. I've been sick for the last week so I've been out of it."

Mayor
DeRoche

DeRoche, "Well, yeah, vote. Votes coming up November 4th. I guess I would recommend residents do like Christine Howell suggested. Look things up. Do a little research. Look back on the record. Know your candidate. I don't know. Maybe it's my own being naïve but I expect people to be honest when they're up here and honest when they campaign and put it out there and whatever people decide, they decide." Ronning, "Amen."

DeRoche, "And to those people that are stealing my political signs, I'd like you to be aware of the fact that it is a Federal offense. I do have one trail camera where a picture was shot. I'm hoping it comes out because if I find out who's doing it, I'm going to prosecute. There's been about five of them that have disappeared and I don't appreciate it.

Other than that, boy, beautiful day. It's supposed to get nice weather. Boats and docks are starting to come off the Lake. Had a good time at the Fire Department Open House. The Lions, those people really work their butt off. Good cooks too."

9.0C
Other

None.

10.0
Adjourn

DeRoche, "And with that, I'll accept a motion to adjourn." **Ronning, "I'll make a motion to adjourn." Harrington, "I'll second."** DeRoche, "Any discussion? All in favor?" **All in favor.** DeRoche, "Opposed? Hearing none, motion passes." **Motion carries unanimously.**

Meeting adjourned at 9:05 p.m.

Submitted by:
Carla Wirth

TimeSaver Off Site Secretarial, Inc.