

# EAST BETHEL CITY COUNCIL MEETING

SEPTEMBER 16, 2015

The East Bethel City Council met on September 16, 2015, at 7:00 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Steve Voss Ron Koller Tim Harrington  
Brian Mundle Tom Ronning

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

**1.0 Call to Order** The September 16, 2015, City Council meeting was called to order by Mayor Voss at 7:00 p.m.

**2.0 Pledge of Allegiance** The Pledge of Allegiance was recited.

**3.0 Adopt Agenda** **Harrington stated I'd like to make a motion to adopt tonight's agenda, under Other, I'd like to add a Closed Session, Item 9.0D. Mundle stated I'll second. Voss stated any discussion? Hearing none, all in favor say aye?" All in favor. Voss stated any opposed? That motion passes. Motion passes unanimously.**

**4.0 Public Hearing** Davis presented the staff report, indicating as a result of action by City Council on December 17, 2014, Resolution 2014-52, the owners of 553 Lakeshore Drive were directed to remove a retaining wall at the intersection of 553 Lakeshore Drive and 179 Forest Road as part of the owners abandoned septic system located on City right-of-way. The owners did not remove the wall and the City, through contract with Dryden Excavating, completed the work. The City notified the owner of the cost prior to the commencement of the work and that the cost would be considered as an assessment on the property. The City also gave the owners the opportunity to retain a contractor of their choice to perform the work but the owners did not respond to the offer.

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Resolution 2015-48, which sets the date of September 16, 2015, at 7:00 p.m. at the East Bethel City Hall for an assessment hearing for the retaining wall project at 553 Lakeshore Drive was approved by City Council on August 19, 2015.

City Council is requested to conduct the hearing to consider objections to a proposed assessment for the retaining wall reduction at the intersection of 553 Lakeshore Drive and 179 Forest Road. The proposed assessment roll is on file with the City Clerk and open to public inspection.

The area proposed to be assessed consists of every lot, piece, or parcel of land benefitted by said improvement, which has been ordered, made and is as follows: Lots 356, 357, 358, 359 and 360, all in Block 6, Coon Lake Beach, Anoka County, Minnesota, as located in the City of East Bethel, Minnesota.

The total amount proposed to be assessed is \$4,441.20.

4.0A Written or oral objections will be considered at the hearing.

Lakeshore Dr. Assessment An owner of property to be assessed may appeal the assessment to the District Court of Anoka County pursuant to Minnesota Statutes, Section 429.081, by serving notice of the appeal upon the Mayor or Clerk of the City within 30 days after the adoption of the assessment and filing such notice with the District Court within ten days after service upon the Mayor or Clerk.

No appeal may be taken as to the amount of any assessment adopted by City Council unless a written objection signed by the affected property owner(s) is filed with the City Clerk prior to the assessment hearing or presented to the presiding officer at the hearing. All objections to the assessments not received at the assessment hearing in the manner prescribed by Minnesota Statutes, Section 429.061, are waived, unless the failure to object to the assessment hearing is due to a reasonable cause.

Under provisions of the Minnesota Statutes, Sections 435.193 to 435.195, the City, may at its discretion, defer the payment of assessments for any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make the payments.

The date, time, and place of the hearing was advertised in the *Anoka Union* in the August 28 and September 4, 2015, editions and copies of the notice with other attachments were mailed to all the owners and hand delivered by Anoka County Community Service Officers to the two owners who reside at 179 Forest Road.

Unless City Council deems the objections to the assessment as valid, Council is requested to conduct this hearing and consider approval of Resolution 2014-54, which directs staff to file Special Assessments Certification with the Anoka County Property Records and Taxation Divisions on these parcels.

Voss stated with that, we'll open the special assessment hearing for this property. Is there anyone here wishing to speak before Council?

Heidi Moegerle stated my name is Heidi Moegerle. I live at 179 Forest Road NE, Wyoming, Minnesota 55092-9719. Are you the presiding officer of this hearing Mr. Voss?

Voss stated I'm the Mayor. Moegerle stated well I want to provide this to the presiding manner so I do not waive any of my many objections to this assessment. Voss stated if you have any documents, you can give it to Mr. Vierling. Moegerle (off mic) stated I believe the Mayor is the preceding officer and that is what, the documents (*inaudible*).

Moegerle stated we have a number of objections. What I've given to you states the objections and the facts supporting that. I will be glad to read the entire document because I do want this to be in the minutes of this meeting. However, for speed, since only 40 minutes has been allotted to this, you may choose not to hear the facts.

Voss asked is this one copy here? Or, is it multiple copies? Moegerle stated that's one copy because it didn't require us to make a copy for everyone.

Ronning asked is it complete to what you're addressing? Moegerle stated I have several additional points to make that are not included in the writing so that's another reason why this needs to be in the minutes.

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Ronning stated I'll move to include that in the minutes. You won't have to necessarily go through every one. Moegerle stated no, I... Voss stated it's a written statement that's provided during the hearing so it becomes part of the hearing. Ronning asked anybody second moving to adopt? (*Motion failed for lack of a second.*)

Moegerle stated I would like to, you asked me if I wanted to address the Council and I'm here to address the Council on these objections that we make. Ronning stated as you do, I have, when you're going through this, state the specific statute or ordinance that you disagree with and why and the reasons. And, in the past with these you've had fair and unfair references. If you should have something like that, make specific.

Voss stated I guess what I would ask, Heidi, is if there's anything in addition to what you provided in writing, rather than read all 20-some pages. Moegerle stated actually our Tort Claims Notice of June 5, 2015, is added. In addition, it's only 10 pages with regard to the objections. So, the objections are somewhat, something under 20, or under 25 and I can state them pretty quickly. Voss stated please.

Moegerle stated on behalf of Darlene Moegerle, Gary Otremba, and Heidi Moegerle, the current owners of 553 Lakeshore Drive, we submit the following objections to the assessment proposed by the City:

#### Objection #1

The current owners object to each and every finding of fact in the Resolution 2014-52 on the basis that the City Council acted unreasonably in denying the reasonable request of the current owners for a continuance of the hearing based on exigent circumstances involving the health of one participant and two. So, I was ill with a flare up of fibromyalgia, had very meritorious defenses that we wanted to prepare. Due to the circumstances it would have been impossible to give a fair defense. We're entitled to a fair defense. The City Council would not have been prejudice by a postponement of two weeks, is what we requested. We documented our request. I've provided the biopsy report showing cancer so there were real strong reasons why the continuance should have been granted and was not done so.

#### Objection #2

The current owners object to each and every finding of fact in Resolution 2014-15 on the basis that the City Council acted unreasonably in making findings that are not supported by the minutes of the December 3, 2014, City Council Meeting.

1. The minutes of the December 3, 2014, City Council meeting are the record of the meeting and findings of fact that are not included in the minutes are not valid and therefore, to the extent that Resolution 2014-15 is not supported by information in the minutes, they're invalid.

#### Objections #3 and #4

The current owners object to each and every finding of fact in Resolution 2015-24 on the basis that the City Council acted unreasonably by failing to follow State law requirements for the adoption of findings of fact and therefore are null and void.

The current owners further object to any efforts to remediate the findings of fact or have a re-hearing on any issues covered by that issue.

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1. Minnesota law requires that each and every individual finding of fact be adopted

individually or by reading the finding into the minutes of the meeting. The City Council failed to properly adopt the findings of facts by not reading each finding into the minutes of the meeting.

Objection #5

Current owners object to the improper statement of Minnesota law, particularly with regard to the issue of rights to rehabilitate, repair, and remodel existing homes on non-conforming lots, property of record. And, I'm citing to the resolution that was adopted so the citation to relevant law is before you.

Objection #6

Current owners object to the weight and value given interpretations made by the City of circumstances and facts exclusively in the control of the current owners, and there are many of them.

Objection #7

Current owners object to being assessed for a project that is being initiated, pursued, and completed for the political purposes of the Council.

1. At the Fall 2014 Town Hall meeting, a resident spoke directly to the Council and asked that matters concerning the 553 Lakeshore property be postponed until a new Council was seated in January. The offensive and contentious manner in which the Council Members bullied, harassed, and otherwise attempted to embarrass, burden, or injure Moegerle and Moegerle's reputation and investment were obvious to viewers of the meetings and readers of the minutes.

Objection #8

Current owners object to paying for a project that is unnecessary on safety ground because no accidents at the intersections were due to poor visibility of northbound traffic on Forest Road.

1. On the north side of the retaining wall parallel to Lakeshore Drive, in front of 553 Lakeshore, the City placed a stop sign 18 to 20 feet away from the intersection. Had the stop sign been placed at the intersection, motorists had clear view of the intersection and that view was always clear.
2. No collisions had occurred at that intersection as a result of poor visibility of traffic northbound on Forest Road. The intersection was not unsafe.
3. No collisions had occurred at the intersection, even though the stop sign was 18 feet from the intersection and vehicles that parked on the right-of-way against the retaining wall obstructed the view of the northbound traffic on Forest Road.

Objection #9

Current owners object to the City unreasonably choosing an wildly expensive method to make the Lakeshore/Forest intersection safe by re-grading the right-of-way vs. installing no parking signs and moving the existing stop sign forward to the intersection for no appreciable benefit to the City or to the owners of 553 and as a way to burden and harass them.

1. Specifically, the City purposely did not do a traffic or safety study of the intersection to evaluate the safety of it.
2. If a traffic study had been completed, the likelihood was great that the only

recommendations would have been to move the existing stop sign forward, to the intersection and no parking signs would have been placed on or along the retaining wall on the City right-of-way.

3. The cost of the sign installation would have been less than \$400 and completely resolved the issue.
4. It is unreasonable for this City Council to adopt a solution that is ten times the cost that would reasonably have resolved the issue.

#### Objection #10

Current owners object to the assessment on the grounds that 553 Lakeshore property was not benefitted by the grading and restructuring of the retaining wall.

1. The grading of the right-of-way removed valuable lateral support for the 553 Lakeshore property that Minnesota law demands an abutting property owner provide.

#### Objection #11

Current owners object to the grading and retaining wall modification project on the grounds that it was legally unnecessary because the retaining wall was built in 1986, prior to the City's adoption of Retaining Wall Ordinance.

1. Accordingly, the retaining wall was grandfathered into acceptability because it predated the City's Retaining Wall Ordinance.
2. The retaining wall had been there since 1986, 35 years. It had not failed.
3. There's only one known collision with that and that was done by a City employee in the course of his employment. So, and the City repaired that. So, that figures into this because it indicates that the City's taking responsibility for the retaining wall on the City's right-of-way.

#### Objection #12

Current owners object to the grading and retaining wall modification project on the grounds that it was legally unnecessary because the retaining wall was built in 1986, prior to the City's adoption of a Traffic Visibility Ordinance for intersections.

1. In the documents that are associated with the resolution, there's a Traffic Visibility Triangle. That ordinance, I believe it's cited in the documents, post dated the building of the retaining wall. Therefore, the retaining wall did not have to meet the standards of that subsequently adopted ordinance.

#### Objection #13

Current owners object to the assessment on the grounds that the City is violating the current owner's right to equal protection by selecting the right-of-way adjacent to the current owners' property for modification the purpose of harassment and unreasonably forcing them to pay for a benefit to the City only at unreasonable prices.

1. There are several intersections with Lakeshore Drive where a retaining wall is on or abuts the City's right-of-way. The City has taken no action and has no present intention to remove the retaining wall on those properties or to grade the City's right-of-way. Examples are the Lakeshore intersections with Grove, Laurel, and Maple Road.

Current owners object to the assessment on the grounds that the City is violating the current owner's right to equal protection by selecting the right-of-way adjacent to the current owners' property for the purposes of harassment.

1. The City routinely improves its right-of-way without assessing abutting property owners for the costs of improvement that inure solely to the City. So the benefits inure solely to the City.

Case in point, the paving of Coon Lake Beach roads. Those were not assessed individually against the owners, which those roads pass. That is a general expense. Most importantly and most clearly is the current extensive reconfiguration of the Laurel/Lincoln entrance to Coon Lake Beach where the City right-of-way is being massively re-graded and those people are not being charged the cost of re-grading that land and soil and it benefits solely the City.

So, to charge us for something that benefited the City, on their own property, is, violates equal protection. You have to treat all of us equally and you are not doing that.

Current owners object to all findings of fact that rely on the agreement for location of private sewage disposal system within the City right-of-way.

I'm sure Mr. Ronning is very familiar with this document. This is a document that you all may have seen at one time or another and this was executed on the first day of October 1986 between the City of East Bethel and Roger Schoer. This was a document drafted by the City Attorney. With regard to this agreement, we hold that it terminated on or about November, 2011. That it was null and void after that time and furthermore, that the City squandered its rights and opportunity by only sending a letter of action and request to the owner at that time. Because the City sat on its hands, and on its rights, it has lost those rights and cannot enforce them against the current owners who are not in privity with that owner or with this document.

Notice also that this document was drafted by the City Attorney and so for any missing requirements that may cause a problem with this, that causes this contract or agreement to be construed against the City. Most importantly, for our purposes, paragraph #7: 'This agreement shall terminate upon termination of the useful life of owner's sewage disposal system and upon such termination, each party shall execute all documents the other may request in connection therewith.'

Notice, there is no requirement for the sewage disposal system that is supposedly on the City right-of-way to be removed. There's not requirement for the retaining wall to be removed and there's no requirement for the soil to be removed. If that had been the intention of the parties at the time that this contract, this agreement, was entered into, it was the duty of the City Attorney to put it in there. Whether it was negligence, oversight, or whatever, no court in this State will imply that that is a requirement

You can look at the paragraphs that talk about this. This is mainly where the City granted permission for disposal systems to be located within the right-of-way and to maintain the retaining wall. Again, there's nothing in this agreement on which the City relies that says it is entitled to order a subsequent owner of abutting property to do anything with that sewage system even though it had been determined to be beyond its useful life.

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Most importantly, in the fall of 2014, at the demand of the City of East Bethel, the owners of 553 Lakeshore Drive excavated and entirely removed the sewage disposal system outside the perimeter the system. Outside the perimeter of the house. So, under the house there's still components of that sewage disposal system. And we filled it back in and we filed a report as required by the City to show that we had completely removed the sewage disposal system. In fact, what we discovered that no portion of the sewage disposal system for 553 Lakeshore was on the City right-of-way.

What happened is Mr. Schoer was granted the right to do so but he did not avail himself of that right. So, if the hearing would have gone on to have been continued until December 16<sup>th</sup>, that fact would have been before this Council and you would have understood that this re-grading for the purposes of removing a sewage disposal system, you would have been confirmed once again that that had been accomplished. Furthermore, the City could have looked to see the report from the excavator that accomplished that.

The City's remedy would have been to say that the report was ineffective and asked us to re-grade it or provide further proof. Again, the City sat on its hands. It did not ask us for any other documentation. The proof is in our file on that property. The entire sewage disposal system was removed from the property that is known as 553 Lakeshore Drive and nothing, nothing was removed from the right-of-way abutting the property.

The soil may have been graded to smooth it out because we took out a big septic tank. But as far, a tile, a drainage tile, a finger system, nothing was removed from the City right-of-way.

Oh, one further point. When there's a failure of consideration where Roger Schoer did not benefit on this contract, then the contract is null and void. So was there a benefit to him to have a retaining wall on that soil? Since there was no finger system on City right-of-way, I would argue that there was no benefit to him and, the agreement was null and void.

#### Objection #15

There is no right granted by the City to require any owner of 553 Lakeshore Drive to remove sewage disposal system.

So, that wasn't even in here. So it's to say that now the City's going to force us to do that. Well, there's got to be some reason for that. Well, first of all, there's nothing there. Number 2, not only is nothing there but the agreement doesn't provide for it. All it provides for, in Paragraph 7, is that 'Upon such termination, each party shall execute all documents that the other may request in connection therewith.' That's the only remedies available to the cities and it was only available to the owner at the time that the septic system failed.

This agreement has no language that would allow the agreement to survive the termination of the useful life of the sewage disposal system. This means so if they wanted to fight taking out the sewage disposal system, there was no remedy for anybody who'd want to do that. So, the agreement does not survive the termination of the use by the four corners of this document.

Furthermore, the City ratified the report of termination of the end of the City's useful life by writing a letter to Michael McClain. And, this came up when a purchaser in good faith had the septic system assessed in the fall of 2011. Sometime between September and November, and that's when it was determined that there was not sufficient separation of

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soils so that the system was no longer, or the useful life had expired.

So, the City acted upon that report and sent a letter, by its own admission, to Mr. McClain to say something, let's do something about the sewage septic system. For reasons unknown to me, nothing went further on that. I can assure you that as a resident and as a City Council person, I urged both the Building Official and the City Administrator to review this matter and if they wanted to take action, that they needed to do it while the property was in the name of Mr. McClain. For reasons unknown to me, the City chose not to do that. They had the right to do it at that time. Now that right, under the terms of this agreement, has expired. They're trying to regain what they lost by sitting on their hands.

The Agreement is completely silent on the issue of removal of the sewage disposal system from the City right-of-way or the retaining wall. The City is not given the right and 553 Lakeshore owners are not given the duty to remove either. Again, there's no duty.

#### Objection #16

Reiterating that the City has no rights under the agreement against the current owners because the agreement prepared by its attorney did not preserve those rights. Specifically, the attorney did not add a paragraph that created a survival of remedies against future owners.

Again, the City knew that the property was for sale and that by the terms of the agreement, future purchasers would have no legal responsibility under the terms of the agreement.

#### Objection #17

The City lost all its rights to all remedies under the terms of the agreement with Roger Schoer when it failed to obtain them from Mike McClain/McClane. There's nothing in this that says that the City could not contact Mike McClain/McClane and get whatever remedies it would seek including the \$4,414 and some change that the City is now seeking from the subsequent owners.

Minnesota courts will not create rights against innocent third parties like the current owners of 553 Lakeshore Drive when the party seeking the remedy, the City, slept on its rights against a party responsible. In short, 'You snooze. You lose.'

Current owners object to the City confusing the issues of this matter by presenting significant irrelevant findings of fact that are inaccurate, inflammatory, and written for the purpose of harassment and embarrassment.

Current owners object to the City assessing Darlene Moegerle any monies, as Minnesota Statute 435.193 to 435.195 provide.

1. Darlene Moegerle qualifies for an exemption under these Statutes. She is 79 years old.
2. That assessment would create a hardship.

Furthermore, since, prior to the City's decision to re-grade the right-of-way at Lakeshore and Forest, that location was an ideal location for a rain garden. Currently, a rain garden has just been installed at the Community Center so with the effectiveness of that, that makes the City right-of-way more obvious as a place for a rain garden on the other side of the road because the water goes down on each side.

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Voss stated I don't think that discussion is germane to this hearing. Moegerle stated well,

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no, but I'm saying that I object to it because that potential, that, those fees could have been put on the Anoka Conservation District when they put in a rain garden. So, it was not necessary that this be done today.

Moegerle stated, oh, the City wants us to take responsibility for the retaining wall despite the fact it repaired it. It assumed ownership of this. This is the damage that occurred, I believe, in early 2014.

Voss stated Heidi, just so we're all clear, you presented written documents with 17 objections. You're through that now so this is additional? Moegerle stated yes. Voss stated okay.

Moegerle stated so our objection is that this clearly shows that the City of East Bethel has taken ownership of the retaining wall on its right-of-way. So the point is, is that if this was our responsibility, then they would have made us pay for it. Because if they were looking at the terms of the agreement, if this were in effect, they could have enforced that. They didn't enforce it because they knew the agreement didn't apply. So, that is evidence that the City knows they can't get away with it and that should be the end of the discussion.

Moegerle stated oh, there's an ordinance in the City of East Bethel that requires for it to communicate with its residents by first class mail, postage prepaid, so the refusal to accept hand delivered documents should not even enter into this issue. The City has the right, they know the ordinance, and they should have mailed things to us. However, it's very clear that we received documents in an envelope addressed to us with no postage on it, which was found in our mailbox. So, we object to the continuing issues of, associated with this City's attempt to communicate with us.

Moegerle stated so in addition to show that the City's taken possession of this, they did. We object to the fact that they're trying to make us responsible for properties in which they did acts like clearing trees from the property because they endangered the power lines. This is consistent with a showing that the City knows that it's responsible for the City right-of-way and is maintaining it. We were very glad to see that they started mowing it.

Moegerle stated one moment and then I think I'll conclude. Our objections to this is we are being singled out to pay for what the City calls an improvement to the right-of-way where other citizens in the City of East Bethel are not being called upon to pay for improvements to the City right-of-way. And, that is unfair. It is important to understand. An additional issue that will be made clear as we continue to go through this set of serious downpours, but we're entitled to the right of lateral support of our property. And, by removing the soil, the City has taken that away from us.

Moegerle stated we also object to the fact that what we received in written documentation, as a requirements to complete this project, were not the standards to which the City held itself. And furthermore, as a practical matter, I don't believe that the grading actually complies with the traffic visibility corner that is cited in the resolution. So, the City didn't even meet its own standards by hiring its own expert.

Moegerle stated so on that, we say we object to every bit of this and we ask that you take this under advisement and come back with a determination that the current owners of 553 Lakeshore Drive are not responsible for the way the City has chosen to resolve a safety issue by spending ten times the actual amount that would have been necessary and simple to

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cure. Thank you.

Voss stated thank you. Is there anyone else here tonight wishing to speak at this hearing? Seeing none, we will close the special assessment hearing.

Voss stated what was presented tonight to Council in written form was basically more detail of the 17 objections, the first 17 objections presented by Ms. Moegerle, and then there's a second document, which I believe is documents that we've received from Ms. Moegerle, the City's received from Ms. Moegerle in the past. I guess my suggestion, seeing we have this information, I think it appears that most of it is stuff we've seen in the past, is, because it's being given here tonight is obvious voluminous, is that we don't act on this tonight. Give a chance for all of us to review these written documents.

Vierling stated I think that's fair. We have more than adequate time. Assessments don't need to be certified to the County until November 1<sup>st</sup> so I think City staff would like to take a look at the documents and prepare a resolution addressing them individually and present that at your next Council meeting.

Voss asked any objections from Council? Ronning stated no. Voss stated okay. Mundle asked so we need a motion to table this item? **Voss stated I'll make a motion to postpone action on this hearing until the next regularly scheduled Council meeting. Ronning stated second.** Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

4.0B

Dangerous

Dog Hearing

Joshua

Jeppesen

456 196<sup>th</sup> Ln.

Davis presented the staff report, indicating the Council is asked to determine by hearing if a dangerous dog determination issued by the City Administrator to Joshua Jeppesen should be maintained, modified or removed.

The hearing relates to a dog bite incident that occurred on August 10, 2015. The Anoka County Sherriff's office reported that a brown pit bull owned by Joshua Jeppesen bit, in the public right-of-way in front of 445 196<sup>th</sup> Lane, a dog owned by Scott Koivisto.

Since the incident was unprovoked as reported by the investigating Deputy, off the owner's property, and Mr. Jeppesen's dog was the aggressor, it is now sufficient to issue a dangerous dog notice pursuant to Chapter 10 of the City Code based on the incident report in your packet. A review of City records indicates that Mr. Jeppesen's dog was not licensed at the time of the incident and that the owner has not obtained a license as of September 11, 2015. The dog was not current with its rabies vaccinations. The dog was, however, vaccinated on August 11, 2015.

Based on the veterinarian report submitted by Mr. Jeppesen, which is Attachment 2 in your packet, the dog was not seized. However, the owner was instructed to quarantine the dog at the 456 196<sup>th</sup> Lane address, and after it was reported running loose, the owner was advised to keep the dog out of the City until this matter was resolved.

The owner has submitted written request to appeal the decision of the dangerous dog declaration. Pursuant to City Code Chapter 10, Article II, Dogs, Subd. 3, an animal owner is allowed to contest the dangerous dog determination. In this case, Mr. Jeppesen, the animal owner, has requested a hearing before Council.

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Dangerous  
Dog Hearing  
Joshua

Jeppesen

456 196<sup>th</sup> Ln.

Per City Code Chapter 10, Section 10-72, the owner is to be granted a hearing before the City Council. Mr. Jeppesen is present tonight to appeal the determination that the dog in question is a dangerous dog.

City Council, pursuant to Section 10-72, has several options in this matter.

1. Conduct the hearing allowing the owner to present reasons, if present, why the dangerous dog determination should be lifted or sustained.
2. If the dangerous dog determination is sustained, identify the action to be taken:
3. If the dangerous dog determination is not sustained, make a determination that the animal is to be released without further action from or by the City Council.

The following are requirements for maintaining the animal should the dangerous dog determination be sustained. Per City Code these include those listed in 10-76 in your packet.

Staff recommends City Council conduct the hearing relating to the dangerous dog determination and issue a decision to sustain the dangerous dog determination in this incident pursuant to City Code, Chapter 10, Animals, Article II. Dogs, Division 3, with directions as to the issuance of requirements for keeping the dog or lift the determination and release any conditions in this matter.

Voss stated with that, we'll open the hearing on the dangerous dog determination. Are there any parties here tonight wishing to speak before Council? If you'd state your name and address for the record please.

Cheryl Koivisto, 445 196<sup>th</sup> Lane, stated it was my daughters that were out walking that night and they walked around the neighborhood. They were within half a yard's length away from our house, the dog came out into the street, he did not listen to verbal commands, he circled them, our dog had nowhere to go, took a bite out of his leg, was unable to walk for five days. Mr. Jeppesen was told that the dog, the next day, had to be maintained on the property, on a leash. He was not allowed to have him freely run. On two separate instances after that, specifically Mondays, the dog was witnessed to be off a leash, running freely through the yard.

Cheryl Koivisto stated we are not going to sit by and let this happen again. It was an unprovoked attack. You have a 14- and a 16-year-old going for a walk down a City street and a dog comes out and literally attacks their dog and pins it to the ground in front of them. The owner comes, takes the dog, and my understanding is, I was not a witness, carried the dog up the driveway by his tail. It is a pit bull, yes, but it partially is off of how the dog is being treated.

Cheryl Koivisto stated the stepfather came over approximately four weeks later and spoke with my husband and has told us that he has decided that the dog will not be allowed to reside on his residence. That is where we left it at that point. So he comes and goes. He tries to say that this residence is not where he lives; however, this is where his mail is being delivered and this is where everything is taking place. I just, for our own safety, our dog has an electronic fence. He's maintained on the property. He does not leave.

Cheryl Koivisto stated we have other neighbors that have come tonight. I sent out an e-mail requesting everybody to be careful that walks down our street with a neighborhood dog so this does not happen to anybody else or their children. So, most of this is here for the kids.

4.0B

Dangerous  
Dog Hearing  
Joshua  
Jeppesen  
456 196<sup>th</sup> Ln.

Voss stated just a couple questions for clarification. You mentioned that you witnessed this dog getting loose in the yard? Cheryl Koivisto stated two separate incidents. Voss asked and do you know if at all between the time of the incident and the time you saw the dog again, an electronic fence was installed on that property? Cheryl Koivisto stated we have an electronic fence. Voss stated no, with that property. Cheryl Koivisto stated no, they don't. Voss stated I just want to make sure of that, so you don't know that. Cheryl Koivisto stated yeah, they for sure do not. And, the Anoka County Sheriff's Department has record of each finding.

Voss stated the other question I have is, I don't think it was in the record but it was the costs that you had to incur. Cheryl Koivisto stated I have vet papers here if you'd like them. Voss stated if you'd like to present it as part of the hearing, you may. Cheryl Koivisto stated you're more than welcome to them. Total bill, the first night, was just over \$300 and the second bill was just under \$100. Voss asked so roughly \$400 in vet bills? Cheryl Koivisto stated yeah, probably just over \$400. You're welcome to a copy if you'd like them. Voss stated okay, if you'd like to give Jack a copy. *(At this point, Cheryl Koivisto provided a copy to Jack.)*

Cheryl Koivisto stated I don't know if you have any more questions for me. Voss asked any more questions? Mundle stated so you stated that on the two separate occasions that the Sheriff's Department does have documentation of that? Cheryl Koivisto stated yes, both times. The second time Jack was in a meeting and so they didn't seize the dog. They came up and wanted to talk to him and later that day when I had talked to the City Administrator, they had said that there was no possibility that the dog was on that property that day because he was in North Dakota. But shortly after, the Deputy sat out in front of his house for several minutes, he loaded himself and his things and left. So at the time he spoke to him, he probably was in North Dakota. Yes, he was there at the time but he's trying to say that he isn't.

Cheryl Koivisto stated I mean, you know what, this is, we've lived at our house for 17 years. His parents have been our neighbors. We have had no problems. He's home, he's home for four weeks, the whole neighborhood is in an uproar over a dog. I mean, the dog doesn't need to be there. It doesn't. He can come and go as he wants, which at 33 years old, he's back living with his parents. Voss asked any other questions?

Ronning stated you said something about the dog was running loose again two different days after. How soon was this after the incident? Cheryl Koivisto stated I believe the following Monday. So if it happened on August 10<sup>th</sup> it would have probably been on the police report on the 17<sup>th</sup>. It would also be on the police report on the 24<sup>th</sup>.

Ronning asked have you had experience with this dog threatening in any way since? Cheryl Koivisto asked myself? Ronning stated anyone in your family that was affected. Cheryl Koivisto stated not since the incident, no.

Voss stated thank you. Is anyone else here tonight for this public hearing? Please come forward and state your name and address for the record.

Joshua Jeppesen stated I live at that address. Voss asked can you just state it? Jeppesen stated 456 196<sup>th</sup>. All right, so first of all, I'm not even, I get my mail at my parent's house but I have a farmhouse out in Keene, North Dakota. I come home for two weeks at a time,

Dangerous two weeks on, two weeks off. Second of all, my dog was not on the leash but he did come  
Dog Hearing out into the street. I was actually selling a vehicle that day and my dog went to go sniff  
Joshua Scott's dog and his dog attacked mine. And mine attacked back. It was a split, like ten  
Jeppesen seconds, done and over with. I grabbed my dog by the tail because their dog was trying to  
456 196<sup>th</sup> Ln. get at me too and I still have a scar on my leg from their dog.

Jeppesen stated now he wants to bark threats at my parents about if my daughter's even had a scratch that we'd own your house and stuff like that. Well, we don't play games like that. You know? It was a dog situation. It was two dominant males. It was a little scrap. It was nothing big. My dog has marks on him. He has punctures. The Officer took pictures of my leg and asked if I wanted to press charges. I said no, it's just a dog bite, or not even a bite, it was a scratch from the paws.

Jeppesen stated so, I mean, this has just gone way too far. I've had my dog for seven years. He's got his Good Citizens Canine Certificate. I bring him to nursing homes. He grew up with my grandma. I mean, he's been around kids. He plays with cats. I've even got the record, they did a behavior assessment at the vet here. And, I got the document here showing that he didn't have no aggression and they have cats at the vet and other dogs. It was just a dumb scrap out in the front yard, or out in the street that lasted two seconds. Nobody got hurt. I got a scratch, big deal.

Jeppesen stated now they want to say they paid \$400 for a vet. Well, we wrote them a check for \$1,023 and included his pay for his days off claiming he had to carry his dog out to the front yard so it could go take a leak. So, and I was there for those days and that dog walked back perfectly fine. I seen that dog out in the front yard running around just fine the next day. But they say they had to claim the dog needed to be carried out to go to the bathroom. I visually witnessed this. So, we paid them their money plus some just to get this out of the way.

Jeppesen stated my dog has never ever been aggressive. My dog's not aggressive. My parents have dogs that my dog doesn't even really know because I'm never really at my parents. And, he gets along with those dogs just fine too. So, he got, you know what happened was is he went to go sniff their dog and he came around and grabbed my dog and my dog grabbed his dog and I ripped them apart. It lasted, it was like a second, I mean not a second but I mean it was that quick.

Voss stated I understand what happens when dogs get together. Jeppesen stated yeah. Voss stated just so we're clear. It sounds like you've already reimbursed them for their vet bills? Jeppesen stated plus his days off of work. Voss stated but that's a settlement between the two parties. Okay. So to me it doesn't really need to be part of the hearing. But the question I have is, well first question is, and I apologize, I'm bad on names, but the previous testimony was that the dog was loose two other times, at least. Jeppesen stated that's what I heard and I got a call from Jack saying we just got a call stating that your dog was loose and I was almost.

Voss stated I was going to ask you. Was it loose or. Jeppesen stated no, I was in Dickinson, North Dakota. So then my stepdad went and talked to Scott and from the story I heard is, oh, there's another pit bull in the neighborhood, maybe it might have been that dog. Voss stated well, let's not get off track. I'm just, you don't know if the dog was loose or not. That's what I'm asking. Jeppesen stated well I know the dog wasn't loose. I was there. Voss stated you were in North Dakota. Jeppesen stated yes, the dog was sitting next

Dangerous to me in my car. Voss stated oh, so it wasn't here in the City. Jeppesen stated no, no, and  
Dog Hearing it's not here right now. I got a farmhouse on 14375 34<sup>th</sup> Street in Keene, North Dakota.  
Joshua  
Jeppesen

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Voss stated and you were advised the night of the incident by the Deputy that your dog had to be under control. It's a City ordinance that your dog has to be under control at all times. Jeppesen stated yeah, the Officer had told me that and Jack told me that until it was resolved, just keep the dog out of the neighborhood. So I have and it's still sitting out in North Dakota.

Jeppesen stated I come home to visit my parents now for two weeks on, two weeks off because I don't see them much and I haven't seen them in a lot, much, in like 13 years so I've been coming back to visit my parents. Then I go back out to North Dakota because I work on the oil fields. My dog is my 'right hand man.' He goes with me everywhere. He trucks with me and everything. So, he's, you know, when someone tells me they're going to put my little dog down, that's my kid. You might as well say, 'Well, hey, I'm going to take your daughter down too then.' You know? I tried to resolve it with him. A few times he came up and, you know, kept barking at me and kept barking and I said, 'Hey, you know, I'll show you the papers.' I even offered to pay the vet bill. I said, 'Go bring your dog in. I'll pay for it.' I offered everything and it's just been a fricking mess around the neighborhood now. I paid them the \$1,023.54. It says he makes \$318.24 a day.

Voss stated that's beside the point. I mean that's the settlement that you made with, between two parties. Jeppesen stated I'm just saying I want this resolved and to be over with. Voss stated we're focused on the dog aspect of this. Jeppesen stated my dog has never attacked anybody, has never bit nobody, has never went after another dog. I guess the way I look at it is if any one of us got punched, I mean, what are you going to do? You retaliate. And that's what they did. He got bit and he bit back. It was like that. It was probably a ten second deal, maybe 15, and there ain't anyone here in this room that actually seen what happened except the two in the back corner there. They're witnesses. Scott wasn't there. His daughters were there because they were walking the dogs.

Voss stated I don't think we're in dispute of what happened. Jeppesen stated well I, this is all new to me. Voss stated it doesn't seem like we're in dispute that your dog was not in control. You were not in control of your dog. If it was in a public street, you're in violation of City ordinance. Jeppesen stated yeah, because he wasn't on a leash, yes. Voss stated and under control. Jeppesen stated well he was fine if he didn't get attacked. He wasn't the aggressor. That's what I'm trying to say. Voss stated what I'm stating is the reason why we have the ordinance is to keep the dogs under control. And, you failed to do that. Just so we know that.

Jeppesen stated okay, that's duly noted. But what the police report is saying, and even though I offered to ask the Officer, an Officer that was not even there to see nothing, he wants to come up into my driveway and tell me that my dog is aggressive when he wasn't even there to see nothing. He didn't witness anything. Nothing. He just came into the situation. I offered for him to see me and my dog and everything and he's like, 'Oh, no, no, that's fine.' And, he asked me if I wanted to take pictures of the scar on my leg, or the scratch that I had. I was like, 'No, you know, it's no big deal.'

Jeppesen stated we didn't realize that he was going to take it as far as he did. So, we're not trying to play games. We just want it to be over with. We paid him the vet bill plus his days off, and we're just hoping this is over. My dog is not an aggressive dog. He's been

Dangerous raised by my grandma, my children, everything. He's not a bad dog and for everybody  
Dog Hearing around here to try to decipher if my dog is a dangerous dog or not when they don't even  
Joshua know him doesn't seem fair. He wasn't the aggressor so, like you said, he went out to sniff  
Jeppesen the dog. I mean, he was already on the roadside. The dog was three feet over in the middle  
456 196<sup>th</sup> Ln. of the road.

Voss stated but I think you've also got to listen to what she just said. Your dog left the property to go see the other dog. I can see it being interpreted as being aggressive. If it was on a leash, it wouldn't have happened, right? Jeppesen stated well, if he was on a leash, no. But, he didn't go out to attack the dog either. I just want this to be over and we paid him his money and we just want to move on with this. But, you know, I don't even live here and my dog isn't even here. Yeah, so I get my mail at my parent's house because I live in a very rural area and I'm not home a lot of the times because I work on the oil fields. So, I can guarantee I can get my mail. That's about it.

Jeppesen stated so when she wants to sit there and talk about 33 years old living back at my parent's house, I mean. Voss stated let's focus on the issue at hand. Jeppesen stated well, there's been some cheap shots here though. Voss stated well, it's not coming from us so you communicate with us. Jeppesen stated no, I understand that.

Voss stated I guess I have one question and we'll see if other Council Members have questions. But, you say your dog is in North Dakota now. Jeppesen stated yup. Voss asked do you have any intentions of bringing the dog back here at all? Or, is the dog going to stay in North Dakota? Jeppesen stated he usually comes with me but when I talked to Jack, he specifically said, and I actually have it in an e-mail, that hey, if we really thought your dog was a dangerous dog, that we...

Voss stated you're not answering my question. You would like to bring the dog back here? Jeppesen stated well, yes I would. Voss stated okay, that's all I wanted to know. Jeppesen stated yes because I'm actually trying to purchase a house back here in Minnesota because the oil fields are slowing down. So, I've been back home more often looking to purchase houses in the area to be closer to the family. So, yes, I would like to bring him back but I'm just going by what Jack said and just to keep him out of the neighborhood for now until the problem's resolved. Voss asked are there any questions?

Ronning stated if all that works out, you get a home back here, you bring Rebel back with you, what are your plans for maintaining the animal? Jeppesen stated well, he's very well behaved so just being at my parents' house with all the dogs around I think he's curious and just wants to smell around. Right now I've got hundreds of acres out in Keene, North Dakota, and just buffalo and livestock. He just gets to roam around so I think that's what he's used to and that's how he's always been raised. I would probably put a shock collar on him and at least give him a little, maybe, reminder, you know of where his perimeters are. Or, when I do come back out here, we're looking at places out in the country where we have no neighbors so we don't have to deal with other people's issues or people having issues with us. That's what I'm looking for. I'm not looking for a neighborhood. I'm looking for somewhere out in the country where there's property. We've also been looking in Wisconsin too. Out here is not a guarantee. We've just been looking around right now.

Ronning stated you made a comment but could you be more specific what your thoughts are as far as maintaining the daughter, I'm sorry, Rebel, it's not even late. Maintaining Rebel and not having something like this happen again, irregardless of where you live. Jeppesen

Dangerous Dog Hearing Joshua Jeppesen 456 196<sup>th</sup> Ln. stated well, I guess the thing is I've had him for seven years and I've never had this issue. This is all new to me so I've never had a problem with him, especially around other dogs. He's never been attacked either though. So, this is all new. But, if I do end up in the City, and I know already he's 'red flagged' so obviously I'm going to have to do something. Put maybe an underground fence wherever I end up, or keep him on a wire line or something. But, he's my baby and he's always kind of had free range and been able to roam and he's never ever caused any problems and he never goes too far either. So I think this particular incident is just the dogs in the neighborhood and he's curious and wants to smell around.

Ronning asked do you agree with the Sheriff's report that you stated you were outside working on a van? Jeppesen stated I was actually selling a van. Ronning stated and that your dog Rebel was outside in the yard, he saw Rebel walk over to the other dogs, and just thought they were going to sniff each other. You've implied that earlier. Jeppesen stated yeah.

Ronning stated and that Rebel and Cooper latched onto each other's back legs. Asked about the injuries, didn't have any. The thing that's missing that I think is usually included in the Sheriff's report is they made an offer, and I'm not challenging one way or another, they made an offer to take the picture or something, to document your injury, some such thing, and that the person declined. Jeppesen stated yeah, he goes, 'Did anything happen to you.' And, I was like, 'Well, I just got a scratch.' And he goes, 'Well, do you want me to take pictures and all of this?' I'm like, 'No.' I just showed him, it's like, it's just a little scratch. You know, it's dogs. I didn't think it was going to go this far. It wasn't a big deal. And, he's like, 'Are you sure?' I said, 'Yeah.' And he said, 'Okay.' And I said, 'Do you want to see my dog? He's inside.' The Officer's like, 'Oh no, that's fine.' He goes, 'Look, just make sure you keep your dog on a leash and, you know, everything will be fine.' And then all of a sudden, I get a call from the City here and then it just resolved into where I'm sitting right now. I didn't ever expect it to get this far.

Koller asked who is Dawn Hesselgrave? Jeppesen stated that is my ex. She's got all the vet records for Rebel and I didn't realize that he was. Koller stated oh, it lists her as owner. Jeppesen stated yeah, she's under the vet records for our dogs so I wasn't getting the mail that, I didn't realize he was a year off from his rabies shots. And, he's had two priors before that but he had been a year expired. So, when I brought him to the vet, it was under her name so I never got no notification saying Rebel needs this or that. So I got everything taken care of. But before the incident, he already had two prior rabies shots. So I updated his last one and gave him his distemper, which is just kind of a disease that dogs get.

Voss asked is the dog licensed with the City now? Jeppesen stated no because I'm not part of the City. The dog's not in the City. I come here to visit. Jack told me if I'm going to be here and I'm actually going to be a resident to this City, to make sure my dog gets licensed before I come back. But then he told me until the situation's resolved, he goes maybe you might want to leave your dog somewhere else. So, if he can't even be here, I didn't see the reason why or how I should license him. Voss stated okay. Any other questions for Mr. Jeppesen?

Harrington stated I just want to say that I'm a dog owner and I follow City ordinances. My dog's leashed and I have a shock collar on it. I don't want to see anybody lose their dog but, you know, you've got to be responsible for that dog. Jeppesen stated oh yeah. Harrington stated that's my biggest thing. Jeppesen stated yeah. Like I said, I've had him for seven years and I've never had an issue. He's a big baby. That's why I offered the

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Officer to meet him that day. Because right now, the Officer's telling me it's a brown pit bull. I mean, that's all he knows about my dog. He doesn't know nothing else. He didn't see the incident. He doesn't see how my dog was. I brought my dog into the vet and they did a behavior assessment on him and they gave him his shots and they even made a little report here about how well behaved, no aggression, does tricks, is on commands, listens well to strangers.

Voss stated again, you say you know dogs. You've had dogs. I've had dogs my whole life too. And the reason why we have these leash laws and ordinances in the City like this is when two dogs get together, things like that can happen. Just in a second. I've broken up more dog fights, my own dog hunting, than I ever want to remember. And in a City environment, when people can't have control of the situation, that's why a dog's got to be controlled. It's the owner's responsibility. You can say, you know, you've had the dog for 15 years and it's never done a thing. All it takes is one incident and that's why we have these rules.

Jeppesen stated the City of East Bethel has these rules but you can go into our neighborhood any given day and see 20 dogs off their leash running around. Voss stated but we're talking about the situation that you have control over. You have control over your dog. Jeppesen stated like the Officer said though, you know, he goes, 'Well, your dog is suppose to be on a leash at all times, City of East Bethel ordinance, whatever.' You look around the neighborhood and everyone's dogs running around the area.

Voss stated but that's a different situation. We're talking about your situation right now. You need to have control over it. Jeppesen stated dogs come into our yard too but we don't care. We don't care when their dog comes into our yard and craps. Voss stated what I'm trying to convey is the reason why this happened is because your dog was not under control. Do you disagree with that statement? Jeppesen stated in a way, yes I do, because my dog might not have been on a leash but he was not the aggressor. So if either of these dogs weren't the aggressor... Voss stated if your dog was on a leash or within an electronic dog fence, would this have happened? Jeppesen stated if he was on a leash, then probably not, no. But, they're trying to claim my dog is the aggressive dog here.

Mundle stated I believe the definition for that was because your dog was on public property, not on a leash. The other dog was on a leash so by that definition, just by that definition, that's why they're saying that. Jeppesen stated yes, and I understand that.

Ronning stated your dog left the property to go to the other animal. Jeppesen stated yeah, it was probably about three feet and went over there and just sniffed the dog and then got nipped and then my dog nipped back, and it was over with.

Voss stated that's my point. Things happen with dogs and that's why you have to control dogs at all times. Jeppesen stated no, I get what you're saying.

Ronning stated there isn't always a first time but there was this time. Jeppesen stated yes, exactly. Ronning stated so you have to be prepared. You mentioned a behavioral report. Is that something you want to enter into the record with Jack? Davis stated it is included in your packet. Jeppesen stated okay, so you got that because I know the police took all the paperwork because I had to get copies again.

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Voss stated okay, is there anything else you'd like to add? Jeppesen stated um, no that

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should be it. You know, I just don't want my dog to be deemed a dangerous dog in the City of East Bethel. As I said, this is all new to me. I've never had to deal with this before so I just, you know, I just want this resolved and I'm hoping both parties are happy and he's been paid and he's been paid more than what the vet was. So, I just want this to be over with. And, yeah, you know, my parents have lived next to them guys for many years and we all live close to each other. No one wants to have hate towards their neighbors or any, you know, static. We just want this over with. So, that's pretty much it.

Voss stated okay, thank you. Is there anyone else here tonight wishing to comment? Yes, please state your names and address.

Scott Koivisto, 445 196<sup>th</sup> Lane, stated I was to my dog approximately a minute to a minute and a half after the occurrence. He was laying in the blacktop, straight out. Mr. Jeppesen and some other gentlemen were over him and my daughter was standing there so I didn't actually see the dog bite him. At that point, I picked the dog up, brought him back to my house, went inside where my wife took him to the front to check to see how bad things were. At that point, I left, went back over to him standing in the street, told him that he had about a half hour to prove rabies vaccination and if he couldn't prove it, I was going to call the Sheriff's Department. I could tell by the look on his face and his comments that he made that his dog wasn't current on rabies vaccination and I was right.

Koivisto stated as far as any verbal confrontations or communication between him, he has not been over to my house once. I haven't spoken a single word to him. He has never offered to pay for anything. His stepdad came over to try to make amends because we've lived across the street from each other for 17 years. He's never made even an inclination to come over and say that he's sorry that his dog attacked my dog.

Koivisto stated as far as I'm concerned, I hate to see anybody lose their dog too but you know what, if that dog comes back into the neighborhood, and he's not controlled, and he's already broke that rule two times. And actually as far as that goes, I can show you on a camera picture of his dog coming across the field directly across from my driveway. So, if there's any, you can make the dog out, you can make two of the dogs out. One is a black lab, one was his pit bull.

Koivisto stated when I came back over to ask him about the rabies vaccination, I told you I knew that he was lying to me. Voss stated Scott, can I interrupt you. Can you move the microphone back towards you? Koivisto stated when I came back and I knew he was lying. At that point I told him, 'You know what. I hope things work out.' And, at that point I left, went back over, called the Sheriff's Department because I knew that at that point it was going to be a moot.

Koivisto stated his dog, my vet measured the bite marks on the inside of the leg were four to five centimeters deep. That almost went all the way through my dog's leg. As far as my dog biting him, he should have documented that because what he's telling you guys is nothing. And, without no pictures and proof or anything else, whatever. His record isn't the top as far as it goes anyway. Just so you know. My daughter was there and I would like her to tell you exactly what she seen happen.

Ashley Koivisto, 445 196<sup>th</sup> Lane, I was holding the leash and I was walking my dog on the complete opposite side of the street, practically in my neighbor's yard. And, his dog came out from like the middle of his yard into the street. It was not like three feet. It was more

Dangerous like 40 feet. And, he came right out into the street, practically circled my dog. My dog did  
Dog Hearing growl but he did not bite his dog. He did not. He was like complete opposite. My dogs  
Joshua head was here (*indicating with her left hand*) and his dog's head was here (*indicating with  
Jeppesen her right hand*). When my dog growled, he latched onto his leg and he (*indicating towards  
456 196<sup>th</sup> Ln. Jeppesen*) then came over and pulled his dog off after I'd gotten in-between the two of  
them. And, he just pulled him off and my dog was yelping so loud that he (*motioning  
towards her father*) could hear my dog in the back yard, across the street.

Ronning stated you stated that the dog came out to meet you when you were walking. How did the dog come out? Was it just all casual walk? Or, quickly? Ashley Koivisto stated it, he wasn't like running but he wasn't like walking slowly. It was more of like a jog. So he wasn't running out. I didn't think he was going to attack my dog. I continued walking because I didn't think it was going to be a big deal. But, when he (*indicating towards Jeppesen*) called his dog, his dog did not listen to him. The dog continued on and that's when.

Ronning asked there was a call to the dog before the incident? Ashley Koivisto stated yes. Ronning stated when the dog came out, did you notice how the ears were? Or, hair on the back? Ashley Koivisto stated he kind of got into a stance, Rebel did. Like he kind of stopped and he kind of, he didn't really move, he just kind of stopped and my dog stopped. That's when Cooper growled and he latched onto the back of his leg. Ronning stated thank you.

Voss asked any other questions for Ashley? Anything else you'd like to add? Okay, thank you. Yes, please come forward. Name and address please.

Leann Nelson, 19721 Fifth Street NE, stated so I'm just around the corner from this road. I walk every day and, first of all, I want to say I did not witness this. What I am responding to is what I have heard tonight from Joshua. There's a big point that I want to make as a dog walker in the neighborhood, there's a lot of things I agree with Joshua on. Number 1, your pet, it's your baby. It's like a child, and it's very important to you. But the other thing that I want to, and there are dogs that are loose. They are not on leash. There are some that are more controlled than others. The ones that are not on leash are problematic.

Nelson stated so the big point I want to say, as a walker through a neighborhood, the ones that are not on leash or not in a dog fence that come out of their property onto a public area, doesn't matter whether they are aggressive or not. The point is, you don't have control over that dog the minute it walks away from your property. And, your dog doesn't have to be aggressive. Who's ever walking down that road, their dog could be aggressive. One of the number one rules in dog training is you train your dog that it is not suppose to walk up to other dogs and go sniff it in the face or do any of that stuff because you can have an aggressive dog that it's coming up to sniff. Therefore, that dog is going to protect its owner or it's going to protect itself and it will attack.

Nelson stated again, I didn't see this. I don't know. But as a person walking through a neighborhood, when I hear Joshua say, you know, I'm just here visiting, so number one you're bringing a visiting dog. Number two, it doesn't sound like you really believe in controlling your dog and understanding it needs to stay in your yard. Whether it's with a leash or with a dog fence. I'm not hearing that.

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dog on a leash first to even get to a shock collar and that takes time. That's not an overnight solution. So, I get a little concerned when I'm hearing that, maybe I'll put a shock collar on, maybe I won't. I don't want somebody to lose their dog but as a walker in a neighborhood, I personally need people to have control of their dogs. And, it can be a little, bitty, tiny thing that runs out in the road and if it's going to run into an aggressive dog, there's going to be a dog fight. Whether it's a curious dog and if it's an aggressive dog on an aggressive dog, you've got a real dangerous situation.

Nelson stated the point of the matter is, the person walking has an aggressive dog or the one coming out of the yard is aggressive. You've got people then who are trying to decide do I break this up. Now you've got people in danger. And, the younger, the worse it is. I've had toddlers running down a road trying to get their dog. And, there's cars coming on a busy road. That's a dangerous situation. Now, a toddler's in danger. So, bottom line, it gets down to control and it gets down to do you have control over your dog. If it's a service dog, certified, they're not suppose to be approaching other dogs. They aren't suppose to be aggressing because that's how you get certified in the first place to be a service dog. I know this because I'm investigating this for myself to be able to have a therapy dog. That's a bottom line requirement. So, that's my feedback and input. Thank you.

Voss stated thank you. And, just one thing for clarification too, just for everyone's sake, the shock collar that you control is not a simple means of, under our ordinance, control a dog. So, it's not. Nelson stated oh, it's totally understandable. Especially when you've got a powerful dog. Personally, I have been rushed by the other pit bull in the neighborhood. And, the other pit bull can be leashed up but his leash is not strong enough to even hold him. And that's why. I understand he breaks free and he has stood me down on a road and I've had to turn around and walk the other direction and get the heck out of there. And, so, I have seen that one as well. But, once again, I did not witness this.

Voss stated okay, great, thank you. Anyone else tonight here wish to speak to this matter? If not, we'll close the hearing. Thoughts? Harrington stated well I've just got a comment Steve. Voss yes, will you please come forward? I'll reopen the hearing.

Jeppesen stated I agree with a lot of what she said and the Anoka Sheriff Department told us to not approach Scott at all and that was the reason why we didn't go over there and talk to him. So I just want to clarify that because we were told not to go over there at all until the matter was, you know, taken care of. Because, I wanted to go over there and so did my stepdad. I was out of town when my stepdad ended up bumping into Scott. But, we were told to stay clear from him. So, I just wanted to clarify that. So, we were just trying to abide by what we were told by the Sheriff's Department.

Voss stated okay, I'll reclose the hearing.

Harrington stated I just wanted to make a comment Steve, and inform everyone. We do have animal control and people can call and she will come out. Voss stated but you should call 911. Harrington stated call 911 but I mean we do have animal control. They're talking all these loose dogs that are out and running around in their neighborhood. They have a right to call.

Ronning stated this is a tough consideration. There's a situation that is documented as having happened. Whichever one is the cause of the situation is not here so it's at the present resolved. The issue would be what the future holds.

Dangerous  
Dog Hearing  
Joshua  
Jeppesen  
456 196<sup>th</sup> Ln.

Voss stated well, yeah, I agree. I think the primary purpose of having this hearing is to make sure it doesn't happen again. Ronning stated yes. Voss stated it seemed to me the root cause of this is the dog wasn't under proper control. We've had these incidents where both dogs have been loose, you know, things like that. Or, dogs attacking people. I've seen, I don't know how many times in my neighborhood, my own dogs hunting, you know, things happen. But what we don't want to happen is, we want people going through neighborhoods not to feel uncomfortable.

Voss stated so, to me, my suggestion on this, I'll just throw this out and we can go from there, is to find the dog dangerous with restrictions. That's going to be dog under control, if the dog is going to be here more than 30 days out of the whole year that dog needs to be licensed, it's a free license. So that way, we'll have record of it. And that the dog should be micro-chipped. It's pretty common to identify the dog. It seems to me that there's been restitution on cost, which is part of it. Then it becomes a permanent record, the dog's on record as having one incident. I think it would be different if this had happened in the past, documented in the past. Ronning stated it sounds like very good resolve.

Mundle asked can you repeat that? Voss stated the dog's either got to be leashed or a dog fence. Mundle stated but it would be a dangerous dog. Would they have to fulfill all the requirements 1 through 10, I believe it is? Voss stated correct me if I'm wrong, but we have levity on terms of how many of the restrictions we have. Ronning stated correct. Voss stated my suggestion is just these. Mundle stated okay, that seems reasonable. An incident happened and I don't think it's enough to warrant putting an animal down.

Ronning asked is there any need to define the control, the mechanical control? Voss stated well, it's leash or electronic fence. Ronning stated okay, or tethered. Voss asked Jack, do we have any monitoring programs that we do for previous incidents with dogs? Do we check on them from time to time?

Davis stated we can. We don't have too many of these incidents that go to this degree. I think your recommendations are sound and we should identify, number one, that the dog must be maintained within a proper enclosure and that's defined in City Code under Section 10-70. And if the dog is off the property, it must be under control either by a leash that's no more than six feet long and must be muzzled. That's one of the other requirements that can be imposed upon the dog also. And, it must be under the control of somebody that's 18 years of age or older. The microchip is a common thing and it's probably good as this will be documented so if there's ever another incident, then we will have this on record. Voss stated that's why I we microchip.

Voss stated my view is the one requirement and I agree, off property the dog needs to be on a leash. I don't agree with your recommendation of muzzling the dog. If the owner's truly controlling the dog you shouldn't need a muzzle. From what everyone has said is this behavior hasn't happened in the past. If the dog has been constantly aggressive I'd consider that.

**Voss stated I'll make a motion that the dangerous dog designation be sustained; the dog be registered with the City; be licensed with the City if it's going to be in the City for more than 30 days in a calendar year. Voss stated no, strike that, license the dog because it's a free license; if it's off property it's on a leash and under control by the owner or someone older than 18.** Davis stated and it must be, if it's on property, it must be enclosed

Dangerous  
Dog Hearing  
Joshua  
Jeppesen  
456 196<sup>th</sup> Ln.

by proper enclosure. **Voss stated proper enclosure, leash, or electronic fence.** Mundle asked and micro-chip? **Voss stated and micro-chip.** Sorry, I can't say things twice, just once. **Mundle stated I'll second that.** Voss stated a motion's been made and seconded. Is there any discussion? Hearing none, all in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

Voss stated I'd encourage you, Joshua, to talk to Jack and he'll get you lined up. And, I think to the neighborhood, obviously everyone knows of the incident and if you have other incidents in the neighborhood with loose dogs, feel free to contact the City, contact the Sheriff. Because I walk too and I know that dogs run loose in my neighborhood and it can happen to anyone, particularly if you have a dog. We just don't want things to happen like this. Thank you everyone.

4.0C  
Sheriff's  
Report

Commander Shelly Orlando presented the August 2015 Sheriff's Report of custodial arrests and significant events.

**DWI's:** There were three DWI arrests in August. One arrest occurred as a result of a vehicle hitting a squad, which was stopped at a stoplight, waiting to turn eastbound from Highway 65. The vehicle sideswiped the squad and kept traveling south. The Deputy was able to catch up to the vehicle and stop it. The male smelled of an alcoholic beverage and was unable to perform field sobriety tests. The male refused to take a breath test; however, the Deputy who was struck was having some back pain as a result, so a search warrant was obtained for a blood draw. The male is charged with felony criminal vehicular operation as well as felony DUI. The test results have not come back yet. The second DWI arrest was a result of a Deputy witnessing a driver run a red light. The driver was very nervous, upon being pulled over and said he had been chased by a motorcycle club and was worried that the Deputy was not a real Deputy. The male failed field sobriety and admitted to using methamphetamine. The male did submit to a urine test. The final arrest was the result of a male who had driven off the roadway and crashed into a cable box. The male advised he had three drinks after work and was on his way home. The male did submit to a breath test and showed a blood alcohol content of .19.

**2<sup>nd</sup> Degree Assault / Terroristic Threats / Domestic Assault:** On August 10, 2015, a delayed assault report was made with a Deputy regarding an assault that had occurred five days prior. The female victim reported her live-in boyfriend had been acting strangely and she thought he may have been on methamphetamine. She advised he was very angry with her and took away her cell phone. She advised he held a knife to her throat and threatened to kill her and then himself. The male then calmed down and left the room. The male wouldn't allow her to leave the residence that day. The next day he left and she found a ride to leave as well. She had instructed the suspect's mother to call the police and tell them about the suspect taking her cell phone and her car. The suspect's mother did so, but did not mention any threats or threatened assault (as the mother was unaware of it). The victim decided to get an order for protection and contacted the Deputy to find out why no one had contacted her about what had happened. The suspect was unable to be located and an arrest warrant has been issued for the incident.

**Burglary:** On August 11, 2015, Deputy Bolles was contacted regarding a burglary that had occurred on August 10, 2015. The homeowner reported she had found her son's window pried open with the screen off. She then noticed that a safe containing \$11,000 was missing. The homeowner reported she believed the suspect to be her son's friend, whom she had seen driving in the neighborhood on the 10<sup>th</sup>. Deputy Bolles recognized the suspect

4.0C

name as someone whom a welfare check had been requested after a melee in the St Francis McDonald's parking lot in the very early hours of August 11, 2015, due to a large fight involving several people taking place. There was no one in the lot upon the Officer's arrival to the call. Deputy Bolles met with the homeowner/victim who reported she had been at the McDonald's with her son around 2:00 a.m. to meet with the suspect. A few of her son's friends also happened to be there and agreed to "back up" her son if necessary. The suspect denied taking the safe; however, it was located in his backseat. Several males then began breaking windows on the suspect vehicle. The victim was able to recover the safe and about \$9,500. The suspect told her he had spent the other \$1,500. The suspect was known to the victim to be homeless and a drug user. The victim and her son took the items and left. The suspect ended up going to the St Francis Police Department a few hours later, not making any sense. Deputy Bolles did have St. Francis detain the male until he could arrive there and make an arrest. The victim reported she had not involved law enforcement initially, as she just wanted to get help for the suspect for his drug addiction.

**Possession of Stolen Property:** On August 26<sup>th</sup> Deputy Nelson conducted a traffic stop on a slow moving vehicle traveling on the shoulder of Highway 65. The driver was revoked and neither of the two passengers had a valid drivers license. The vehicle was also missing its rear tire and was down to the rim. The driver also advised he did not know if the vehicle was insured or what company it would be insured through. The Deputy cited the driver for driving after revocation, driving without valid insurance, and advised that he would be towing the vehicle. The driver and two passengers advised they were going to walk to a nearby establishment and left. Deputy Nelson was conducting an inventory search of the vehicle, and located two shotguns lying on the floor behind the front seats. Deputy Nelson also located a large amount of power equipment. Deputy Nelson contacted dispatch to run the firearms and the dispatcher advised that these firearms sounded similar to firearms that had been taken in a Spring Lake Park burglary a few days ago. The firearms were then confirmed stolen. Deputies then began to search for the three that had walked away. They located the two passengers and advised the driver had fled into the woods. The male passenger who had been sitting in the back seat was taken into custody. The female passenger who was in the front seat was turned over to a Spring Lake Park officer for questioning. The driver was located a short time later at the establishment and taken into custody.

**Arrest Breakdown:** Felony 6: 1 Fifth Degree Controlled Substance, 1 First Degree Burglary, 1 Terroristic Threats and Second Degree Assault, which were the same incident, 1 Possession of Stolen Firearms, 1 for Aid and Abet Possession of Stolen Firearm; Misdemeanor 6 arrests: 1 Violate Harassment Restraining Order, 1 Harassing Communications, 1 Violation of Order for Protection, 1 Underage Consumption, 1 Unattended Rec Fire.

Voss asked questions? Koller asked how was the open house? Orlando stated as you are very aware, it was a very busy night for us. Voss stated it was incredibly busy, holy smokes. Orlando stated we had about 1,500 people, we believe, come through in that three hour period. So, it was very well attended. It went really well and, thankfully, we had good weather and that kind of thing.

Koller stated I got there about 4:30 and you couldn't park with half a mile of the place so we gave up. Orlando asked so you gave up? Koller stated yeah. Orlando stated that's what I would have done. But, I couldn't believe the people just coming and coming and coming. I thought where are they all coming from?

Voss stated I think you mentioned when I came in at 5 that you already had 500 people by 5 o'clock. Orlando stated yeah, it was huge. Voss stated that's incredible. It's a good thing. Orlando stated it was amazing to me but I just thought, 'Why are you all coming here? It's a beautiful night out.' Voss stated and you have this annually. Orlando stated we do have this annually. Voss stated and I assume you'll have it next year. Orlando stated so we will be having it next year. The Sheriff's Office does have a Facebook page so I think that information is put out on there a month or so beforehand that this will be coming up.

Voss stated for residents who did not make it to yesterday's open house, it was very interesting to see just what our Sheriff's Department does I guess the strength of the Sheriff's Department was kind of displayed there. Orlando stated since I work in that building, it's just the building that I work in. But to the citizens coming in and all the different divisions we have, I guess it's interesting because they keep coming back. Voss stated it is very interesting.

Orlando stated usually around this time of year we have it and it's typically three hours in length. I think yesterday was the most well attended one we've had so far. Voss stated you may need to make that more than three hours next year. It's a good thing. Orlando stated it's taxing on the employees though.

Ronning stated if you know the answer, the second one, Terroristic Threats, the guy is missing. Did she get her car back? Orlando stated that I do not know. I don't know if the car was recovered or not. Typically what we do with any kind of domestic assault where the suspect is gone on arrival, they get a complaint warrant signed so it's not just the complaint charging them with a domestic assault. Obviously this one is more, is a higher level, because it's felony level crimes there. But, even on a misdemeanor domestic assault, they'll get a complaint warrant signed. So they get the complaint and attached to it is the warrant so that can be, if he is found or stopped by the police anywhere in Minnesota, that's going to pop up that he has a warrant out for his arrest based on that domestic assault.

Ronning asked you used to call that a bench warrant? Or something? That's what I'm familiar with. If somebody is stopped for anything, there's a warrant. Orlando stated but it's actually the actual complaint charging him with the domestic assault besides just the warrant. Ronning stated thank you.

Voss asked anything else from Council? Any questions from the public for our Sheriff's Department tonight? Orlando stated and I do have dogs. Voss stated you know, it's East Bethel. We either have dogs or trucks or both. Orlando stated I do have one that's part pit bull and she's a really good dog but I've taken her to obedience class for the last year that I've had her. So, she's good. But, I know that if a dog goes running into the street it's probably not a good thing. So, keep your dogs locked up. Voss stated all right, thank you.

**5.0  
Public  
Forum**

Voss stated this is the time of the meeting where we allow members of the public to come forward to address Council. There's one person signed up. David stated she has since left so she will not be speaking. Voss stated okay, is there anyone else here tonight wishing to speak before Council? If not, we will move on to our Consent Agenda.

**6.0**

Item A      Approve Bills

**Consent  
Agenda**

Item B September 2, 2015 City Council Minutes  
Meeting minutes from the September 2, 2015 City Council Meeting are attached for your review and approval.

Item C Resolution 2015-53, Authorizing the Elimination of an Interfund loan  
The City created a revolving loan program to assist Commercial business’s costs associated with connecting to the City’s utility system. In order to provide initial funding for this program, the HRA loaned funds to the EDA in which were then borrowed by business’s utilizing the program. Staff is recommending that Council approve the EDA paying off this loan (\$46,652.12) with the HRA in full. This is strictly an accounting measure designed to have only one entry in our system. This is a bookkeeping procedure and will not involve any new City funding. The City’s Auditing Firm has been advised of this request and has no issues with this action.

Item D Pay Estimate #1 for the 185th Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project

This item includes Pay Estimate #1 to Peterson Companies for the 185<sup>th</sup> Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project. This pay estimate includes payment for erosion control, clearing and grubbing, bituminous pavement reclamation, earthwork and storm sewer construction. Staff recommends partial payment of \$213,762.91. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 225,013.59
Less 5% Retainage	<u>\$ 11,250.68</u>
Total payment	\$ 213,762.91

Payment for this project will be financed from the Municipal State Aid Construction Fund. Funds are available and appropriate for this project. A copy of Pay Estimate #1 is attached.

**Harrington stated I’ll make a motion to approve tonight’s Consent Agenda. Koller stated I’ll second. Voss stated any discussion? All in favor say aye?” All in favor. Voss stated opposed? Motion passes. Motion passes unanimously.**

**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 Davis presented the staff report indicating Lex Reinke from First State Tire in Isanti gave a presentation on tire derived aggregate and how it is used in road construction. Examples and locations of the use of this material for construction roads in areas of poor soils and high water tables were provided to the Commission.  
Road  
Commission  
7.0D.1

September  
Report

This is an alternate method of construction that has useful applications in areas where roads must cross wetlands. The cost of this construction is generally comparable to that of normal construction in areas with suitable soils.

This method of construction has been and can be a consideration for Phases 1-4 of the City's Service Road Plan for the Sewer District.

**8.0**  
**Department**  
**Reports**

8.0A  
Community  
Development

None.

8.0B  
Engineer  
8.0A.1  
Castle Towers  
WWTP  
Report

*(Note, this item was considered following 8.0E.1, Recycle Center Grant )*

Davis stated as you noted in your packet, there is no written report for the Castle Towers Waste Water Treatment Plant Decommissioning Project. The reason for this being is that meetings we've had with contractors were postponed and some of the information we received from the contractors hasn't been received or was only received last Monday.

Davis stated we have met with a local contractor to provide us an alternative method for sludge disposal and that would be for pumping the sludge out and then removing it. The advantage to this is that it only has to be handled one time. The disadvantage may be that it may require more truck loads of material to come out of there. We're waiting for this person to give us a price for that so we can compare it with the dry and haul method.

Davis stated we did talk with the low bidder of this project when we took bids back six weeks ago. And, we told him that we would be back in touch with him to negotiate this if the City got the permits. They gave us a price of \$188,000 for the removal of 5,900 cubic yards of sludge. It just doesn't include any costs for the liner removal or any other work.

Davis stated we feel that this cost is exorbitantly high and we wouldn't recommend that we pursue awarding this to the contractor. In discussions with the City Engineer, we feel that we can hopefully get the whole project done for about \$150,000. What we would like to do at this point is get authorization or direction from City Council to continue to work with some other area contractors to get some firm prices.

Davis stated one thing we're working against now, though, is the weather. If we're going to do the dry and haul method, we need to start actually moving some of the material so it can be de-watering itself. And, if we do the pump method, that can be done in the spring. But, we do have a shorter window in the spring. We do have a tentative agreement with a local land owner to do land application, which would be about a five mile round trip haul. So, we think that we've got a lot of things narrowed down. Now we just need the cost and which method we're going to use to pursue the removal of the biosolids from the Castle Towers Waster Water Treatment Plan lagoon. Craig, do you have anything else to add on that?

8.0B  
Engineer  
8.0A.1  
Castle Towers

Jochum stated no, just that we are still continuing on the permit with the MPCA for the land application.

Ronning stated what you said about direction, is that a motion? Davis stated I hate to ask

WWTP  
Report

for approval but what we would like to do is seek some type of direction or authorization to continue to work on this project and pursue the most cost effective approach to do this. One of the things that we would like to do is if the pumping method is cost prohibitive, and correct me if I'm wrong Craig, we think we can complete the dry and haul removal for less than \$100,000 by utilizing the City's general contractor and subcontracting the various phases of this out. But in order to do that, we need to get in there and start doing some work within approximately the next ten days or no later than two weeks to start windrowing this material so it will start drying so we can do the load and removal in the spring when road restrictions are lifted.

Voss asked for that work Jack, is that something we will do internally with our own equipment? Or is this something we have to subcontract? Davis stated we will subcontract most of it.

**Ronning stated I'll move to authorize City staff to investigate options to bring back to the Council for accommodating decommissioning the Castle Towers Waste Water Treatment.** Does that do it? Davis stated yeah, to some degree. However, our next City Council is not until October 7<sup>th</sup>. We have three weeks now between our next scheduled meetings. I'll let Craig comment just a little bit on the schedule and the timetable. If we pursue the dry and haul method, which means we're going to mechanically take the sludge up out of the lagoon, windrow or stockpile it so it can dry over the last part of the fall and in the winter. In the spring, when it thaws out and the road restrictions are lifted, then we can actually begin the actual removal and trucking of that material off site.

Jochum stated yeah, I think mostly what we're asking for is to try to get a firm quote yet on the pump and haul method, which we haven't been successful with yet in getting a firm number. But if that doesn't happen in the next week or so, authorization to at least get a subcontractor, maybe by the hour, to start pushing and windrowing some of this material in anticipation of drying and hauling it.

Voss asked do you want to continue with your motion? I think the answer is it is not what Jack wanted to hear. Ronning stated yeah. Davis stated some more detail, if you could to include Craig's comments. **Ronning stated authorize City staff to pursue methods to decommission the Castle Towers Waste Water Treatment by means of the dry and haul or pump and haul based on cost. Harrington stated I'll second.** Voss stated any discussion?

Harrington stated one question on the money. That's coming out of the bond money we have left over, right? Davis stated the funds to pay for this, we have approximately \$200,000 left in a bond fund account that was issued for this project and those will be the funds that will be used for the decommissioning of the plant. Harrington stated thank you.

Voss stated so, question. If I put it this way, that right now we think that the dry method we can get it for under \$100,000 to do it. Is that what you're saying? Davis answered that's correct. **Voss stated I'd move to amend the motion to say that unless City staff can find a more cost effective liquid method, that's going to be less in cost than the dry method, we just go ahead with the dry method.** Is that a clear enough direction? Ronning asked is that a friendly amendment? Voss stated that's an amendment. Is there a second to the amendment? **Ronning stated second.** Voss asked is that more clarity? Davis replied yes. Vierling advised to vote on the amendment first. Voss stated to the amendment, all in favor say aye. **All in favor.** Voss stated opposed? **Mundle stated abstain. Harrington, Koller,**

8.0B  
Engineer  
8.0A.1  
Castle Towers

WWTP  
Report

**Ronning, and Voss-Aye; Mundle-Abstain. Motion passes.**

Vierling stated and now vote on the motion as amended. Voss stated to the motion as amended, all in favor say aye. **All in favor.** Voss stated any opposed? **Mundle stated abstain. Harrington, Koller, Ronning, and Voss-Aye; Mundle-Abstain. Motion passes.**

8.0C  
City Attorney

None.

8.0D  
Finance

None.

8.0E  
Public Works  
8.0E.1  
Recycle  
Center Grant

Davis presented the staff report indicating on June 10, 2015, the City of East Bethel submitted a request to Anoka County Recycling and Resource Solutions for additional funds for repairs and improvements to the City Recycling Center located at 2761 Viking Boulevard NE. These repairs and improvements will upgrade not only the functionality but also the appearance of the Recycling Center.

The funds requested were for doors, equipment tires, gutters, gutters and downspouts, replace the existing wood double swing gate with chain link, and four self dumping hoppers for recyclable materials. The estimates received for these items totaled \$13,698.96. Sue Doll, with the Anoka County Recycling and Resource Solutions, notified the City on September 9, 2015, that the grant for the work had been approved and that additional funding of \$11,301.04, or up to a total of \$25,000 was available.

As a result, we hope to be able to add the chain link fence described below to this year's improvement project.

The next phase of improvements at the Recycle Center will be for the following items:

1. 460 feet of 8-foot high chain link fence, which we hope to be able to accomplish to be done with this year's money;
2. Potential addition of 1,400 square feet;
3. Approximately 20,000 square feet of paving; and,
4. Exterior improvements to improve the aesthetics of the building.

Bids for all this work will be obtained and then presented to Anoka County for approval of this additional grant request.

The repairs and improvements would be totally funded by a grant from Anoka County and no City funds would be required for the work.

City Council is requested to approve these grant funds for the improvements to the Recycle Center.

8.0E.1  
Recycle  
Center Grant

Voss stated questions? On the agenda, before that, we had the Engineer's Report on Castle Towers? Davis stated if you could, we'd change that up or we could go back to it now. Voss stated that's fine. Davis stated do you want to act on this request to approve the submission for this grant? Voss stated I apologize, I didn't see that action was required. It's on the next page, okay. Staff is requesting approving a grant to fund improvements to the Recycle Center.

**Mundle stated I'll make a motion to approve the grant funds for the improvements to**

**the Recycling Center. Koller stated I'll second.** Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated opposed? That motion passes. **Motion passes unanimously.**

8.0F  
Fire  
Department  
8.0F.1  
August  
Report

DuCharme stated good evening Council, Mayor. So, this is the August 2015 Report I have for you and it's in your packages. The month of August we responded to 33 emergency calls. Of those 33 emergency calls, 20 of those were medical related. Of those 20 medical related, 19 were actually transported to hospitals. Actually, August was our slowest month of the year so far. Maybe a little bit of help, we'll trend down a little bit. As I said, we responded to 20 medical calls and of those 20, 19 we assisted in loading patients to go to the hospital.

DuCharme stated on our inspection report, we've been out inspecting. We try to get to all the businesses once a year. We average about 110 inspections per year. Some of the ones I'd like to note is Builders by Design, they do have the new sprinkler system that's been put in that new building of theirs. It's state-of-the-art. That whole building came out really, really nice. The other notable inspection is Emergency Response Solutions. They're actually a vendor for the Fire Service. The City has used them before as one of our vendors and they're moving in the building right on the corner of Viking and... Voss stated oh, that's what the construction was. DuCharme stated right, that's what's going on there. DuCharme stated so we've been working with them on plan reviews and so forth.

DuCharme stated a couple items because I'm actually not scheduled to be before Council before this, but our Fire Prevention Open House is Saturday, October 10, and that goes from 10 o'clock in the morning until 2 p.m. The Lions Club and the Royalty will be there to assist us with hotdogs and chili and then we always have our annual Chili Cook Off Contest. So, it's usually a pretty good day. Firefighters right now are lining up, you know, who's going to be there so I don't have quite the itinerary put out.

DuCharme stated then also, Fire Prevention Week is actually that week of the Open House, basically from October 5<sup>th</sup> until the 10<sup>th</sup> so we will be in the schools. We haven't finished our public education schedule yet with the schools but we'll be getting that back. Most likely we'll be in the schools the Thursday, Friday, and Saturday, which is the 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup>. And we usually have an opportunity to meet up with 500-600 kids and give them the Fire Safety message.

Ronning asked what was the time on October 10<sup>th</sup>? DuCharme stated 10 o'clock in the morning until 2 p.m. And, if any Council would like to join us in the Chili Cook Off, we'd entertain that too. Voss asked are you looking for judges? DuCharme stated well, we never know who we're going to judge because we never know who's there. Voss stated I never get involved with that. Ronning asked do you have the Chili Contest at a Fire Department on purpose? DuCharme stated yes. Ronning asked to put out the fire? Voss asked any other questions for the Chief?

8.0F.1  
Fire Dept  
August  
Report

DuCharme stated I also want to let the Council know that our Fire Liaison, Brian Mundle, actually partook in training this past Monday and was floating in Cooper Lake in one of our water rescue suits. Voss stated sure, the three-foot deep lake. Mundle stated I tried to find a deep spot. I walked through a quarter of the lake and could not find one. DuCharme stated be careful when you come to our trainings. Anything else? Voss stated thank you very much.

8.0G

City  
Administrator

Davis presented the staff report, indicating staff is seeking direction to schedule or cancel the September 23, 2015, Work Meeting.

8.0G.1

Sept. 23, 2015  
Work Mtg.

Should Council provide direction to hold the September 23, 2015, Work Meeting an agenda will need to be set. The following items have been previously proposed for or have had discussion:

1. Social Media Policy. It was mentioned that we might want to discuss that.
2. No other items have been proposed for the meeting.

So, my question is do we want to schedule the meeting and if we do, what items do we want to place on the agenda.

Mundle asked is the Social Media Policy something that we want to get done right away? Davis stated it doesn't have to be done right away but I'd recommend if we're going to consider it, it be done within the next month or two.

Voss stated my suggestion would be to put it forward on the next Council meeting agenda and that way we can look, because staff's going to present some proposals, right? Davis answered that's correct. Voss stated then we can review it and from that point, decide whether or not we want a separate meeting to discuss it. Because, it may be an easy issue to deal with or it may be prolonged.

Mundle stated otherwise, I was just going to suggest if we at least have a second item for a Work Meeting. Voss stated unless there's other items that Council wants to discuss at a Work Meeting. I haven't heard anything.

Davis stated we can make this a scheduled item on our October 7<sup>th</sup> meeting, present you examples, and then you can decide how you want to approach this. Voss stated okay, works for me. Mundle asked do you need any direction for that? Davis stated I'm good, thank you. Voss stated so we'll be canceling our September 23<sup>rd</sup> Work Meeting.

**9.0 Other**

9.0A

Staff Reports

Viking  
Lighting  
Project

Davis stated the lighting project for Viking Boulevard, we've been informed by the Anoka County Highway Department is scheduled to start by the end of this month. That's the installation of the seven additional street lights. Voss stated as it is getting darker earlier, people will notice that. Davis stated yeah, so just an update on that. They did give us indication last week that's what their schedule start date is.

Voss asked Jack, can you go over for the public, do you offhand know what intersections are getting the lights? Davis answered Rochester and Viking Boulevard, Thielen and Sportsman, Rendova, Breezy Point, 195<sup>th</sup> and Tri Oak Circle. And, I may have missed one but those are the primary ones. Voss stated I think there were seven, right? Davis stated yeah, there were seven. I think it was Vickers and Rendova. Voss stated so residents will see streets lights along Viking soon.

Fall Recycle  
Day  
Fall Recycle  
Day

Davis stated the only other thing I have to report is our Spring Recycle Day is scheduled for Saturday, September 26<sup>th</sup>. Voss corrected the Fall Recycle Day. Davis stated yes Fall, I'm sorry, I wish it was spring. From 8 a.m. to noon, Saturday, September 26<sup>th</sup>. Voss stated at the Ice Arena. Davis repeated at the Ice Arena. Voss stated good, that's usually well attended too.

9.0B  
Council  
Report –  
Member  
Harrington  
Council  
Member  
Ronning

Harrington stated the only thing I have is, like Mark touched on, we have a couple new businesses, Emergency Response Solutions on Viking. And Auto Transportation, they moved into the old Plow World building. So, two new businesses. That's all I have.

Ronning stated the Road Commission meeting is in the packet. Just to comment, this Lex Reinke from First State Tire in Isanti gave a presentation on these shredded tires for fill and the whole process. He had a PowerPoint presentation. It was interesting. I'm still a 'Doubting Thomas.' There's no 'silver bullet' in it. There were some challenging grounds they put this thing through. He did offer that if anybody is interested, that he'd come back and review it with others as well. It was interesting to me.

Voss asked how did the Roads Committee receive it? Ronning stated I would say the same as me, with curiosity. They cannot guarantee how much fill it takes. Every situation is going to be different. So, that's why I say there's no 'silver bullet.' Everything goes on its own, sink or swim.

Ronning stated and, ahh, help me chief... Troy Lachinski, I'm sorry Troy, he was there doing the training thing again. He had a couple of videos this time and you maybe have seen the one. The one was at a tire place and showed the guy, there were some people in the tire place that knew what to do and the value of that whole program. He gave some information about how many more people were necessary but I don't recall what it was. This guy is tireless it seems like with that. You've got to give him all the credit in the world. He went through the whole Road Commission. They took the training and, I'm trying to think, it seems like there was something different. It was more thoroughly explained about.

Davis stated to add to what Tom has said, Troy was also at the Arena for their registration meeting for the hockey sign up, giving training to all parents and coaches too.

Voss stated that's great. Along those lines, Chief is there a session coming up at Station #1? DuCharme stated there is and I'd have to look at my schedule here. Voss stated I bet you didn't anticipate I was going to ask you that. It's usually been on Thursdays. DuCharme stated yes.

Ronning stated one comment while he's looking. I had asked Troy if there's a maintenance plan? Once we train people, is there some follow up and do it some more? And, there are things in the works but I don't recall what the details would be. But, it is good to know that sometimes you have to be retrained on these things. Or, if something changes. DuCharme stated it's just like any training on any skill. You always have to be retrained, remedial, or whatever.

DuCharme stated on my schedule it looks like there is one on Thursday. I know Troy is out of town for a couple weeks, he's out of the country. Voss asked so tomorrow Thursday? DuCharme stated it would be the 24<sup>th</sup>. Voss stated okay so for those who are watching, on the 24<sup>th</sup> at Station #1 we'll have HeartSafe training. And, there's a Facebook page. DuCharme stated Facebook and I think it is also posted on the website. I'll check that in the morning. Mundle stated I think it's on the City calendar, isn't it? On line? DuCharme stated yes, yes it is.

Council  
Member  
Ronning

DuCharme stated one thing on the training. One of the bigger trainings coming up will be

St. Francis High School. Earlier this late summer, Troy and I met with the administrator there as far as getting that set up. I don't think the dates have been 'etched in stone' yet but it will be right after MEA and we will train the whole school. Voss stated good.

Ronning stated there was one new thing he mentioned that I wouldn't have thought of. Some guys are very strong secondary male characteristics, they've got a lawn planted on their chest or something, and if somebody has a lot of hair and you put the pads on there, it might not work. DuCharme confirmed it might not. Ronning stated some of these kits. Voss asked come with a razor? Ronning stated they come with a razor. The one at the Senior Center comes with a razor. DuCharme stated we carry razors also on the trucks. Voss stated but it's the CPR that's the big...it's the CPR. Okay, good.

Ronning stated he's thorough to the point that he seems to cover everything. DuCharme stated Troy's a very good instructor. No doubt about it. The remedial, one comment here, the remedial training is something we'll work on schedules and sessions and things like that to keep everybody current.

Council  
Member  
Koller

Koller stated I have nothing.

Council  
Member  
Mundle

Mundle stated the Sheriff's Open House, I went to that, attended it, good times. Next year a lot of people should go because I only got through a small part of it and it was pretty cool.

Mundle stated the Fire Department training last Monday, of course the Chief touched on it. They split the Station #1 and Station #2 up. Station #1 did training with a boat on Coon Lake and I went with Station #2 up to Cooper Lake where they started training for cold weather rescue in cold weather suits. That was a pretty different experience going into a lake and being in the water and not being wet. It was pretty cool.

Mundle stated B&R, Business Retention and Expansion, they had one training session last week for interviewers during the day. I will be going to training tomorrow, 6:30 to 8, at Chambers here. Interviews should be starting up soon with businesses. I know that some businesses at least have gotten a preview letter that said B&R is interested in interviewing you. Here's about 3,500 questions to read and look over...it was a big stack of questions. Voss stated not that many questions. Mundle stated no, not that many questions. I exaggerated. But, there was a lot of questions.

Voss asked are they still looking for volunteers for the interviewing? Mundle stated last I talked, maybe. Or, the last I talked to Doug, maybe. But, I'd have to confirm that with Doug for sure. So that is going forth.

Mundle stated I noticed a resident on 241<sup>st</sup> Avenue, they put up a little neighborhood book exchange. They built a little box with a clear window and loaded it full of books and labels on it 'Borrow, Read, Return.' I've seen that portrayed on the news before and I thought that was...

Council  
Member  
Mundle

Voss stated it's a nice community thing to have. Mundle agreed stating yeah, it's a community thing and if anybody wants to possibly do a service project that possibly located at City Hall, or if we could identify another park where there's lots of children or lots of big population around there, if that community would have an interest in having one. That

would be kind of neat. Voss stated that's a great scout project. Mundle stated that's what I was thinking so I just wanted to recognize that resident of our City for doing that. That's all I've got.

Mayor Voss Voss stated I was at the Sheriff's Open House yesterday too and sort of related to your training, Deputy Darso again tried to get me to be the 'victim' to his canine. He tried to get me to do that once in a ride-along and it's just, I'd probably have nightmares for a while after that. But, I was so impressed with how many people were there. It was just incredible.

Voss stated along with the dogs, I know we've probably had enough discussion with dogs, but if residents have loose dogs in their neighborhood, if there's dogs you feel threatened by, we shouldn't feel threatened walking through our neighborhoods or riding our bikes through neighborhoods. No one wants dog incidents to happen at all so for those that have loose dogs, please control them, tie them up. But if you have a problem with your neighborhood, call City Hall. Do something about it before something happens. That is all I have.

9.0C None.

Other

9.0D

Closed  
Session

Vierling stated for the benefit of the public and for the record, we'd note that at the present time, the Council's about to go into Closed Session to deal with matters of possible acquisition of real property authorized under Minnesota Statute 13D.05, Subdivision 3(c). The Closed Session will be tape recorded as required by law. The Council will go into Closed Session then return to Open Session to announce any action taken. With that notice, Mr. Mayor, I'd recommend that a motion be made to go into Closed Session for the purposes I've indicated.

Move to  
Closed  
Session

**Mundle stated I'll make a motion to go into Closed Session at 9:08 p.m. for the purposes the City Attorney has indicated. Harrington stated I'll second.** Voss stated all in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

Reconvene  
Open Session

Vierling stated back on the record we'll note that the Council is back into Open Session after having concluded a Closed Session dealing with the acquisition of real property under Minnesota Statute 13D.05, Subdivision 3(c), which is identified as Property Identification Number 29-33-23-33-0002. Council was all in attendance. That is Mayor and all Council members. The Closed Session was also attended by City Administrator Jack Davis and myself as the City Attorney. Council reviewed issues of strategy and negotiation with the City Administrator and staff, gave their input with regard to those issues, but made no motions. The Closed Session was concluded at 9:48 p.m. Thank you Mr. Mayor.

**10.0  
Adjourn**

**Koller stated motion to adjourn. Mundle I'll second.** Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated any opposed? Meeting adjourned. **Motion passes unanimously.**

Meeting adjourned at 9:49 p.m.