

EAST BETHEL CITY COUNCIL MEETING

OCTOBER 21, 2015

The East Bethel City Council met on October 21, 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

1.0 Call to Order The October 21, 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'll make a motion to adopt tonight's agenda. Under the Consent Agenda, I'd like to add Item E., Supplement Payment Summary. Mundle stated I'll second. Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

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

4.0.A

Sheriff's Department Report

DWIs – There were six DWI arrests in September. Four of the traffic stops began with passersby calling in the suspected drunken driving activities. One male was stopped after he was seen at a local gas station and appeared to try and get into the wrong vehicle. The clerk called in a possible drunk driver. The male had left the scene and was located nearby, driving. The male suspect fit the clerk's description. The male was stopped and showed signs of intoxication. The male did test and showed a .34 blood alcohol content. This arrest occurred at 2:22 p.m.

So, once again, real high blood alcohol, middle of the day. So, if you do see that erratic driving, that kind of thing in the middle of the day and you think it can't be a DWI, it certainly can.

DWIs - One incident involved passerby's who noticed the vehicle weaving and almost running into the ditch. The passerby had called in the report but decided to try and keep the driver from leaving after almost going into the ditch. Deputies arrived and met with the female suspect who was the lone occupant of the vehicle. The female refused to do field sobriety tests and refused to take a breath test. While at the jail, she became uncooperative and struck a Detention Deputy in the face with her head. The female was further charged with a 4th degree assault.

3rd Degree Assault – On September 7, 2015, Deputy Fahey received a delayed assault report. The victim reported he had been at a house party the night before and a male that he knows, that he had an issue with about six months ago was there. The male came up to him and wanted to fight him, but the victim told the suspect he didn't want to fight. The victim reported the suspect then struck him in the jaw. The victim reported falling to the ground and the suspect left. The victim thought he just had a sore jaw but when he woke up the

4.0.A

next day, he was still in a lot of pain, so he went to the emergency room. The victim learned that his jaw had been fractured. CID was contacted and the investigation was turned over to a Detective. During the investigation, the Detective learned that the victim had actually run at the suspect, in an aggressive manner and was calling the suspect racially biased names. The suspect reported he felt he was going to be attacked by the victim and that is why he struck him first. Others at the party corroborated the suspect's rendition of the incident. The victim decided he did not want to pursue any charges after being told of the investigation results and the fact that he could be charged with a racially motivated crime.

5th Degree Controlled Substance – On September 14, 2015, deputies were called to a suspicious occupied vehicle at a business that was closed. Deputy Kvam and Deputy Aker made contact with the occupants of the vehicle. Both the driver and passenger were very nervous and jittery. The female passenger had open sores on her face, which is an indication of methamphetamine use. The male driver advised that he does use methamphetamine but advised he had not used recently. Deputy Aker asked the male to exit the vehicle, at which time an uncapped syringe fell from his lap. Deputy Aker does have a narcotics certified K9, who they had run around the vehicle. The K9, Sherman, did alert to narcotics in the vehicle. Deputy Kvam performed a search of the vehicle and located a small crystal like substance rock on the driver's side floor mat. Located inside a backpack belonging to the female was a baggie containing a white crystal like substance that tested positive for methamphetamine. There were several needles located inside the vehicle as well. Both the male and female were arrested and taken to jail.

Disorderly Conduct – On September 20, 2015, Deputies were called to a residence regarding a driving complaint on a neighbor. The victim reported she was walking on the road and a neighbor, whom she has had issues with in the past, drove by her extremely close. The Deputy went over and made contact with the neighbor, who appeared to be intoxicated. The Deputy was told by the suspect that he had been home all day and had not been driving. This was confirmed by the suspect's teenaged son. The Deputy felt the hood of the vehicle, and it was cold to the touch. The Deputy could not determine that the male had in fact been driving recently. The suspect then began yelling and swearing at the victim neighbor. The Deputy advised the suspect to quit making a scene and mind his own business. The Deputy left, but parked down the street. The Deputy could see the suspect standing in his yard, continuing to yell and swear at the neighbor. The Deputy came down, told him to stop the behavior, and if it continued, he would be charged. The suspect then went back into his garage. Ten minutes after clearing, Deputies were called back by the victim stating that the yelling and swearing was continuing. Upon arriving back in the area, the suspect was standing in the street. He claimed he wasn't doing anything. The suspect was arrested and taken to jail for disorderly conduct.

Burglary / Damage to Property – On September 25, 2015, Deputy Nelson was contacted on a report of an ATV and trailer found abandoned at a business. The business owner reported the ATV had been found rolled over in front of his business. Deputy Nelson was able to identify the owner of the trailer who advised he had his trailer at a local sporting goods business. Deputy Nelson went to that business and found that the surrounding fence had been cut and rolled back and the ATV and trailer had been taken. There was surveillance video, which showed two suspects accessing the area. The males were not wearing any type of gloves. ACSO Crime Scene did respond to the business and processed the scene. This case is under investigation.

Sheriff's
Department
Report

which were the same incident; and, 1 for a 2nd Degree Assault, which was a juvenile incident. Gross Misdemeanor – 1: Driving After Cancellation – Inimical to Public Safety. Misdemeanor – 7: 1 for Obstruct Legal Process; 1 for Trespass; 1 for Give False Name to Officer; 1 for Disorderly Conduct; 1 for Possess Small Amount of Marijuana; 1 for Theft; and, 1 for Juvenile Alcohol Offender

4.0B
Fire
Department
Report

Voss stated okay, any questions for Shelly? Anyone in the audience? Questions for our Sheriff's Department? Orlando stated thank you. Voss stated thanks Shelly. DuCharme stated thank you Mr. Mayor and Council. First of all, I'd like to report on our open house that we had October 10th. Actually, we had a pretty good crowd. Went through a lot of hot dogs and there's several groups I'd like to thank. First of all, the Lions Club. They actually did the cooking of the chili that we gave out and also the hot dogs and they've done that for a number of years. We thank them. They are great partners to have

DuCharme stated we also had the Royalty there and the Royalty was there to help serve and help clean up and kind of assist us. And, also, to do some face painting and they gave me some pretty good tattoos, but they washed off.

DuCharme stated and of course the fire fighters. You've got to remember these fire fighters gave up a Saturday to put on this open house and to show exactly what they do and talk to the residents. They love to do that.

DuCharme stated during the open house, we did have a Chili Cook Off Contest and the Lion's Club took 1st, 2nd, and 3rd. Congratulations to them. They worked hard on that. Also, we had two Council people who consented to be judges, Councilmember Harrington and Councilmember Mundle were part of the judging team. They didn't really volunteer though.

DuCharme stated in the month of September, we had 44 fire calls that we answered. Of those 44, 27 were EMS related. We did have one business fire and that was an electric sign that actually caught fire. We made sure that after putting the fire out, made sure that the electricians were called and the sign was not used until properly inspected.

DuCharme stated we did also have a couple storm calls and that was early morning on September 7th. We had a couple power lines that came down and that was up by Fawn Lake and Sunset Road, right up around there, from high winds.

DuCharme stated some of the calls that we are starting to see is some unauthorized burning. In other words, illegal burning. I just want to remind everybody that if you're going to burn, you've got to have a permit. If you're going to have a recreational fire, please talk to your neighbors and let them know you're going to do some burning as a recreational fire. A recreational fire, once again, is three feet wide, three feet high. It's meant for just what it says, recreation, not to burn up yard waste or anything like that. If you're going to burn anything else, you need a permit and during the permit process, we'll give you information on what you can burn and can't burn with that.

4.0B

Voss stated Mark, we've been pretty dry. Where's the fire danger set right now? DuCharme stated the DNR, which sets the burn, no burn, variances in permits has kind of changed a little bit. So, although we have open burning allowed right now, that could change. They change on a daily basis. I think it was last week that we were actually shut down on burning permits for about two days when we had the high winds come through.

High winds and dry conditions are not good for the burning. I do know that at some point in time, it will probably be the first part of November, the DNR will shut the burning permits down until the snow falls. They usually, when they put that in, they'll wait until there's two to three inches of snow on the ground. Then they'll allow burning again. We're getting close to that. We do anticipate maybe an inch of rain on Friday, three-quarters of an inch of rain, inch of rain, right in there, and that will definitely help some of the conditions. Once again, the grasses and the brush are what we call one- to three-hour fuels. In other words, they can be saturated and in an hour to three hours they'll be dry enough to burn, just like before the rain. That's where we are right now. It's been a beautiful fall, just haven't had a lot of precipitation.

DuCharme stated on my report that I furnished you, on the EMS calls, as you can see there was 27 medical calls that we ran. We assisted Allina in transporting 23 of those. In other words, actually what we call packaging the patients for them. Several of those were repeat calls to people who are chronically ill and wishing them the best.

DuCharme stated we've got one more activity going on I'd like to report to the Council and to our citizens. Starting today, this afternoon in fact, we were at the St. Francis Middle School doing our HeartSafe Program. We actually trained 58 of the staff members, which were all teachers, and put them through the HeartSafe Program and actually they got hands-on experience doing CPR. We also did a short classroom session with the staff letting them know why it's important to know CPR and talked about some of the life stories of some of the people.

DuCharme stated next week we'll actually be back at St. Francis Middle School and we're going to be training the entire 7th grade class. We're going to do it in two days. The fire fighters are going to be there from 7:30 until 2:30. You've got to remember, when these fire fighters go and do this, it's just like when we go into the schools, and many of them are taking time off work, their regular jobs, to go do this. It's an amazing commitment by the fire fighters. So, we're going to put 300 kids in those two days through the HeartSafe Program. Certainly, the fire fighters that are involved in the Program think it's really, really well worth it. We hope then within a month or so we'll be in the St. Francis High School and also bring the program to that school.

Voss stated I think on behalf of the Council, our thanks to those fire fighters for giving their personal time to do that. DuCharme stated yes, absolutely. Voss asked please pass that on. DuCharme stated I certainly will and we're all proud of them. Any questions at all?

Mundle asked how was the call volume been? DuCharme stated we're up about, depending on what part of the month it is, but it's been consistently 12%, sometimes 15% higher than a year ago. I have talked to a couple other fire departments, specifically Isanti, it's following the same trends we are. Isanti and East Bethel seem to kind of mirror each other on calls and type of calls and things like that. So, the trend for this year has not been localized to East Bethel. It seems like it's more of a general increase in calls. And, as with East Bethel, Isanti is reporting the main increase being on the medical side.

Voss asked anything else for Mark? All right, thank you. DuCharme stated thank you for all your support. Councilor Mundle was at the HeartSafe Program and he wasn't just watching, he was actually training people so thank you so much.

5.0 Davis stated no one has signed up. Voss asked is anyone here tonight that wishes to before

Public Forum

Council at Public Forum? If not, we will move on.

6.0 Consent Agenda

Item A Approve Bills

Item B October 7, 2015 City Council Minutes

Meeting minutes from the October 7, 2015 City Council Meeting are attached for your review and approval.

Item C Pay Estimate #2 for the 185th Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project

This item includes Pay Estimate #2 to Peterson Companies for the 185th Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project. This pay estimate includes payment for earthwork, storm sewer and curb and gutter construction and bituminous paving. Staff recommends partial payment of \$554,598.54. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 808,801.53
Less 5% Retainage	\$ 40,440.08
Less Previous Payments	<u>\$ 213,762.91</u>
Total Payment	\$ 554,598.54

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 #2 is attached.

Item D Pay Estimate #1 for the 2015 Street Overlay Projects

This item includes Pay Estimate #1 to Peterson Companies for the 2015 Street Overlay Projects. This pay estimate includes payment for concrete driveway construction and storm sewer casting adjustments. Staff recommends partial payment of \$8,822.93. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 9,287.30
Less 5% Retainage	<u>\$ 464.37</u>
Total payment	\$ 8,822.93

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

Item E Supplemental Payment Summary

Ronning stated move to adopt the Consent Agenda as presented. Harrington stated second. Voss stated any discussion? All in favor say aye?" All in favor. Voss stated any opposed? That motion passes. Motion passes unanimously.

7.0 New Business

Commission Association and Task Force Reports

7.0A Planning Commission

None.

7.0B

None.

Economic
Development
Authority

7.0C

Park

Commission

7.0C.1

October

Report

Davis presented the staff report indicating the Parks Commission began the review of the City's 2008 Parks, Trails and Open Space Plan at their October 14, 2015, meeting. Follow up meetings will be devoted to modifications and updates to this plan that reflect current needs. The revision of this document will provide a guide for future park projects and will be incorporated in the City's 2018 Comprehensive Plan.

Harrington stated I just have one comment on this Comprehensive Plan. We're going to go down to like, we're looking at maybe three, possibly four trails. This map they drew up on 2006-2007, so it can be completely redone. Voss asked Tim, you say they are going to focus on a future trail? Harrington stated they're looking at three different areas. They'd like to do something from Booster to Cedar Creek, some kind of trail when the money's available. Then Northland Manor to the Industrial Park, I think it is. Booster to Fish Lake and then they were looking at maybe John Anderson, some kind of trail around there. The 2006-2007, they got trails everywhere here in the City and they're going to get rid of. Voss stated so it's going to get narrowed down. Harrington agreed and stated yeah, narrowed down.

Davis stated the emphasis on that is to develop realistic goals that meet our financial capabilities to actually achieve those. There will be some long-range considerations but it will also probably focus on short-term, intermediate, and longer-range goals.

Voss stated one thing, if you want to pass it on, it's kind of been my emphasis over the years on the trails has been to look for smaller investments that have bigger impact. The one that's a great example is the one we did off Booster East over to 24th. That's a couple hundred feet, that trail, and that trail, every time I drive by it, there's someone on that little trail. It's just crazy and that kind of connector trail is enough to connect neighborhoods. We've got so many neighborhoods that the only way they're connected are by County roads. Most people, it's usually people going for walks, they don't go across the City but they stay in the area, in their own little neighborhood. It's a small area but if they can expand without having to go out on our shoulder-less County highways, or State highways, I think we can make some big impact with smaller investments too.

Davis agreed and stated one of those projects that Tim mentioned is a connector-type trail that does connect park to a neighborhood to a street, which accesses a City street with a widened shoulder to access another park. Voss stated there you go, that's just my suggestion to throw out.

7.0D

Road

Commission

7.0D.1

October Rd.

Report

Davis presented the staff report indicating the Roads Commission reviewed and approved, by a 4-1 vote, the proposal to advance fund the Phase I Service Road Project at their October 13, 2015, meeting. There was an in-depth discussion of the project and some concern that there would be no safety improvements at the intersection of 187th Avenue and Highway 65. It was pointed out that this project, while providing no improvements at this intersection at this time, would provide an alternative ingress and egress route to a controlled intersection.

It was also noted and discussed that improvements to the 187th Avenue intersection would more than likely occur as part of the remaining phases of the project or as part of

7.0D.1

intersection improvements at Highway 65 and Viking Boulevard.

October Rd.

Report

There were also concerns that advance funding this project would prevent the City from pursuing additional projects between 2017 and 2020. Staff explained that this funding proposal would still leave approximately \$1.5 million available for future advance funding requests should priorities or needs change.

8.0

None.

Department Reports

8.0A

Community Development

8.0B

Engineer

8.0A.1

Res. 2015-57

Advance

Funding for

Service Road

Project

Davis presented the staff report indicating as discussed at the October 7, 2015, City Council meeting, the funding gap to construct the Phase 1 service road from 187th Lane to Viking Boulevard is \$1.5 million. The total estimated cost of the project is \$2.4 million. This project has been identified as a priority in our Service Road Plan, would relieve congestion at the intersection of 187th Lane and Highway 65 and enhance economic development opportunities along the alignment of the proposed road.

Also as previously discussed, Mn/DOT has a program that allows cities to advance money from their Municipal State Aid (MSA) account to cover project costs. To advance MSA funds, the Council is recommended to approve Resolution 2015-57, Municipal State Aid Street Funds Advance and authorize the City Engineer to execute the Municipal Request to Reserve Advance Funding.

Attachments in your package show the MSA funding analysis that was previously approved by City Council and the revised funding analysis with the proposed advancement, respectively. In general, the advancement of MSA funds will move the Phase 2 service road project from the year 2018 to the year 2019.

Davis stated it will put us only one year behind on our Phase 3 plans for a service road. Again, these subsequent phases of the Service Road Plan can be changed to meet whatever needs arise at the time. Also, too, if you'll notice in those attachments that show the proposed projects, even if we got the Cooperative Agreement Grant, we would still have had to advance funded some of this and still advance funded some of the other projects. In 2020, while we'd be one project ahead, we would still be \$1.2 million in the 'hole' on our MSA account. Under the present proposal, we'll be approximately \$350,000 in the 'red' on this account on 2020 and still be able to advance fund with those dollars up to \$2.5 million for an additional phase in the next project of service roads.

Davis stated staff recommends Council consider approval of Resolution 2015-57, Municipal State Aid Street Funds Advance and authorize the City Engineer to execute the Municipal Request to Reserve Advance Funding and move forward with the appropriate documents to the State Aid office for consideration.

Ronning stated move to adopt Resolution 2015-57, Municipal State Aid Street Funds Advance and authorize the City Engineer to execute the Municipal Request to Reserve Advance Funding. Koller stated I'll second. Voss stated any discussion?

8.0A.1

Res. 2015-57

Advance

Funding for

Service Road

Project

Mundle asked so if this passes, essentially the only thing that changes from our current plan to the new plan is the delay of a couple projects by a year? Davis stated it would actually delay what we have done here as Phase 3 under the original proposal. Prior to being notified that we didn't receive the Cooperative Agreement Grant, we had that project to be scheduled in 2020. Now it would be scheduled in 2021.

Mundle asked so that's the only thing that's effected by doing this? Davis answered that's correct. We do have two other reconstruction projects on existing streets, Davenport Street and 181st Avenue. Those are still included in here too so those won't be affected. One of those streets, 181st Avenue, is going to be dependent also on Ham Lake's cooperation in cost sharing with that project cost. So, they don't look at that as the same priority that we do. In fact, they look at that as really East Bethel's street because probably the majority of the traffic on that street is generated from the City. So, we're still working with Ham Lake to see if there's going to be any interest with them in adding that to their project list.

Voss asked so this is essentially our 'Plan B' for Mn/DOT not coming through with the Cooperative Grant? Davis responded that's correct. Voss stated so we found a way. Good. Any other discussion? Hearing none, to the motion, all in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

8.0C

City Attorney

8.0C.1

Verizon

Contact

Davis presented the staff report indicating the City has yet to receive executed contracts from the law firm of Davis/Keultha, representing Verizon, in the matter of the cell tower lease, for the site at 2345 221st Avenue. Verizon's attorneys have been less than responsive through this process, which began in April 2014 and the implementation of this project has been delayed.

Davis stated the City Attorney will relate the attempts to connect with Verizon's attorneys and propose subsequent actions for Council to consider.

Vierling stated Mayor and Council, as we've indicated, the contract actually has been authorized and signed for quite some time. We've had difficulty getting good communication back with Verizon in terms of when they are going to proceed on this matter. I did get an e-mail today from the counsel indicating that his department probably has been disconnected somehow in this project from the construction crew that normally schedules these events for Verizon. So, he promised he'd check on that and get me a date or see what their construction date is or see what is going on.

Vierling stated actually the contract that was signed by the City in May and Verizon was also signed in May, but we've been for whatever reason and I don't want to point fingers, but fundamentally we haven't heard from Verizon for several months.

Vierling stated now we have had contact and I intend to follow up. If we don't have at least a commitment to a construction schedule to put that tower in place that we can relate to you, we may have to come back to you with a request, or at least a recommendation, that you take action to terminate the lease.

Voss stated so this is obviously, Verizon's the provider that is going to be using this tower primarily. Vierling answered correct. It's their tower. They'd construct it, they'd put it on the placement. Voss stated and they wanted a tower, they came to us with the tower proposal because their customers are probably complaining about coverage. Vierling stated presumably they had a technological and business need to locate it. So, on the other hand,

8.0C.1
Verizon
Contact

it's unfortunate you get some companies that get big and the right hand doesn't know what the left is doing. I could see where you get a situation where the real estate department doesn't notify the construction department that all the rights have been secured and the construction department doesn't know they're supposed to 'T' it up and get moving on it. I think Jack and his staff have had some contact with the regional broker that Verizon uses to negotiate these leases or at least get them out and get things moving and those people you can't blame either because they're independent contractors trying to work for Verizon and Sprint and the rest of them trying to locate authority for it. But at the home office, for whatever reason, between the real estate department and the construction department, I think, there's been a disconnect.

Vierling stated I think we have their attention at this point in time but if we don't have at least some commitment and statement as far as when they're going to build that out, then we're going to have to take a real serious look at terminating.

Voss stated it's probably safe to say to our residents who are Verizon customers, it's not the City holding this up. Vierling stated oh, absolutely not, absolutely not. Matter of fact, the last notification we had with Verizon was on August 26 because they sent out what they call a 'memorandum of the lease,' which is really a short form lease that they want to record. They had the County wrong in it. So, we sent it back to them saying, 'You have the County wrong. Please make the correction and get the County back to us and we'll even record it for you. We'll record it, send you a bill, and get it done.' That was on August 26th. I received those back from Verizon on October 15th. So, not exactly, it's seven, eight weeks, that type of thing.

Vierling stated I do have them here to re-sign tonight. We sent our own over there two weeks ago and we'll sign theirs and now that I have their corporate signatures on their pages, they have ours, I'm going to have Mayor and Jack re-sign tonight. We'll record that tomorrow and confirm back to their offices the recording data and follow up again to see where we are on that construction schedule for that monopole.

Mundle asked is there any timeline in the contract that states why we should be canceling it? Or, what's the motive behind it? Vierling explained the problem that you have is that the lease, in terms of the payment feature, doesn't begin until they've constructed the pole.

Mundle stated so if they hold the lease for five years, the land is tied up and the City doesn't make any money. Vierling stated they do have due diligence tasks to make sure that they get all of the permits in place and things of that nature. If they haven't engaged what I think we know we're at right now, I assume they haven't engaged any of that either. If it's been since May that they've had a signed contract and they've not put any of that in place, I think if we had to, we could go back in and do a cancelation for abandonment. But, again, monetarily it's a good lease for the City, it has a nice rent to it. We'd like to get it in. I'm just going to follow up to make sure they haven't lost it or whatever isn't happening, isn't happening as a result of their inadvertence or that kind of a thing.

Ronning asked the agreement that exists between us and Verizon, is there end date? Vierling answered you've got a five-year term and then there's options to renew. They have to be current, not in default, of the agreement in order to exercise an option. But, they've got three five-year options on top of a five-year term. So, theoretically, that could go out about 20 years. Now, there's escalators in there annually for the rent so those are nice too.

8.0C.1 Voss stated okay, any other questions? So, there's no action other than signing those?
 Verizon Vierling stated that's correct. Voss stated okay, thanks Mark.
 Contact

8.0D None.
 Finance

8.0E None.
 Public Works

8.0F None.
 Fire
 Department

8.0G Davis presented the staff report indicating on a daily basis there are numerous items in the
 City news that detail problems with personal social media comments and how postings can lead
 Administrator to consequences that may create serious problems for employers of the posters, even if the
 8.0G.1 posters are not representing the City and are on their own personal time.
 Social Media
 Policy It is important for City employees to remember that personal communications may reflect
 on the City. Electronic communications are public, essentially permanent, and may be
 disseminated to large audiences.

For these and other reasons linked to the unintended consequences of communications through social media, the City may want to consider the adoption guidelines that relate to use of this form of electronic interaction. The approval of this Policy would outline the expectations of social media conduct for employees and provide a standard that could be applied to address issues that may arise relating to inappropriate use of this form of communication.

At the October 7, 2015, City Council meeting, staff was directed to solicit employee comment on the proposed policy. The draft policy was provided to all City Hall, Public Works and Fire Department staff and no negative comments were received. If the Policy is approved, it would be incorporated in the City Personnel Policy.

Davis stated staff requests the Council to consider approval of the proposed Social Media Policy as provided in Attachment 1. In review of Attachment 1, and I want to say this from the beginning, that I'm sensitive to the issue of free speech and we don't want to get into a position of attempting to regulate that. What this Policy does, and it was prepared by the City Attorney and I think it was specifically crafted and directed toward our own needs and I think they did a very good job in addressing our concerns. But, essentially, what the Policy says, it just requires employees to act in a prudent manner. It also expects employees to comply with the City's Employment Conduct Policy, Sexual Harassment Policy, Workplace Violence Policy, Technology Use Policy, and all other relevant Policies found in the City Handbook.

Davis stated it also expects employees to be personally responsible for the content they publish. It expects employees not to disclose private information. It expects employees to respect their audience and expects employees to be mindful not to engage in any unlawful conduct. And, it also explicitly authorizes that the conduct of City business must be approved by the City Administrator. So, I don't think that we are infringing on any real free speech issues here. We're just setting some basic guidelines and policies that we expect all employees to meet. We expect them to meet them when they're on the job and as they represent the City. I don't think these are asking too much to do outside the workplace.

8.0G.1
Social Media
Policy

Mundle stated I'll make a motion to approve the Social Media Policy as proposed. Koller stated I'll second. Voss stated any discussion?

Ronning stated yes. I've voiced objection to this in the past and I will again. As it reads and has been discussed, this pertains primarily to somebody's conduct and activity away from the workplace. Is that correct? Davis answered that's correct.

Ronning stated and in the first sentence, for instance, '*Use Policy, as well as all other workplace rules for all conduct that may be directly or indirectly attributed to the City.*' I recall, if I recall correctly, a hypothetical discussion about some members of whatever portion of the City that one's offended by something that's said so would that be a City concern? And, to the hypothetical, it sure sounded like it would be. If you have a situation happening where there's no mention of the City, there's no City identification, there's no reference to the City whatsoever that falls under indirectly, according to this, which is wide open. Directly and anything else. Number 3... Voss stated Tom. Ronning stated I'm still talking. Voss stated I know but I wanted to make sure, attributed to the City though, right? Ronning stated I see that. Voss stated okay. Ronning stated this hypothetical I was discussing wasn't attributed to the City. Voss stated I guess I don't remember the hypothetical you had.

Ronning stated in Number 3, and with all due respect, I should say also, with all due respect to everybody that's put the work into this sort of thing and with the intents and desires to resolve anything and everything, there's one. Number 3, '*Respect: Employees should respect their audiences and void any offensive language or sentiments such as ethnic slurs, sexual comments, obscenity, or any conduct that would not be acceptable in the City's workplace.*' That's the 'eye of the beholder' pretty much. So, who will defend or penalize, punish, whoever's being...who's the judge, lawyer.

Davis explained this Policy is not intended for the City to go out and monitor people's responses and interactions on social media. It's also here for our protection in case an incident arises that can implicate the City or we could be part of a harassment, hostile work environment-type claim or suit. At least we've been proactive to try to address this. But, you know, if somebody uses this and wants to exercise this type of free speech, then they perfectly have the right to do that. However, just like everything else with free speech, there can be consequences to what you say. But, we're not going to go monitor their Facebook or Twitter or any accounts like that.

Ronning stated all right. We've done pretty well for 56 years as a City but times are changing. Social media's become a money maker. And, I've said before and I say it again, I don't believe we have the authority to direct employee conduct away from the workplace. I'm opposed to it. If there's a problem, address the problem. And if there isn't a problem, then there isn't a problem. I'll shut up now. I'm opposed but I'm going to ask for a roll vote on this too.

Davis stated Tom, I agree with your sentiments and one thing we want to do is kind of be proactive in this. The best recent example locally that we can give is a comment that a Columbia Heights school board member made on one of his social media accounts. As a result of that comment, he has now been more or less forced and he has resigned his position. These are just a number of incidents that come up. I think for the City's protection, and it also gives good guidelines for people to follow. If I were writing a policy,

I'd say, 'Be smart. Don't write anything that your mother would be ashamed of seeing. And, think twice before you send.' Essentially, I think that's what this addresses.

Ronning stated the Columbia Heights guy, I said I was going to be quiet, I'm not. The Columbia Heights guy, did he address city issues? Columbia Heights issues? Voss stated no. Davis stated no, he did not. Voss stated it was a racial comment he made. He did not represent himself as a Columbia Heights school member. In fact, I think it was someone on news media that found it and brought it to someone's attention. It was the fact that the position that he was in as a school board member, people, staff, a lot of folks, didn't care for hearing that opinion publically. I think it was clear his intent wasn't to cause a furor at all, he was just commenting on some post. Ronning stated that's also a legal matter, I think.

Voss stated I don't think what he said was illegal at all, and it wasn't, I didn't view it as attacking anyone, he was just making an opinion. Mundle stated he could have worded it better. Voss stated he could have worded it a lot better, yeah, or not said it. Particularly, his name was fully posted there. It wasn't like some anonymous post. It was his name. Again, with the position he was in. Now, I think it was an extreme example for the things we're talking about. I mean, if I was to blast Blaine for the way they develop, a lot of people would be happy about that but a few people would not be happy about it. To me, this gives at least staff and the City some mechanism to follow if something like this happens. It's policy.

Mundle stated it's not restricting and we're not saying you can't do it. But if you do and it affects the City, there could be some consequences.

Harrington stated I've had a hard time too with this one but I still don't think it effects your first right amendments. It's just something for the City to help them get through things if something comes up.

Voss asked Mark, with this Policy as a policy, is it a condition of employment they have to follow this? Vierling advised all policies do basically become part of the 'fabric' of the employee/employer contract. And, employees are expected to follow the employer's policies relative to their conduct.

Ronning stated this particular one states, '*discipline up to and including discharge.*' Vierling stated that's correct. Understand, if you have no policy on social media, no matter what your employees go out and say on the media, whether or not, it's about you or the City or the staff or anything else, from an employment sanction standpoint you're going to be hard pressed to take any disciplinary action. Because, without a policy to enforce, you don't have an enforcement mechanism.

Vierling stated I appreciate the first amendment comments. You're absolutely right. Take the gentleman from the school board, he was within his first amendment right to say what he wanted to say about that ethnic group. It was a poor comment none the less and reflected poorly upon his colleagues and his position and that's what got him into trouble from their perspective. So, just because you can say it under first amendment doesn't mean you should. And, I guess the Policy goes into the position of, to the extent that, it reflects back upon your colleagues, your employer, or your workplace, the City reserves the right to say, as part of the employment contract, 'You shouldn't have done that. And, sanctions may be imposed.'

Voss stated I think somebody brought this up in one of the discussions. Do we not have a Policy that City staff can't be in uniform or with 'East Bethel' clothing on, drinking alcohol? Davis responded that's correct. Voss asked is that current policy? Davis answered that's currently in our Personnel Policy. Voss asked so why do we have that policy? Drinking alcohol within reason is perfectly legal. Davis explained it's the image and the perception policy. We don't want City employees off duty in a bar. If they have City emblems on, they're essentially representing the City. And, you see that and you say, 'Well, what if he goes to a fire call? Or, what if he's called out on-call for Public Works?' We don't want City employees to be perceived as responding to those types of incidents under the influence of alcohol or having been drinking.

Voss stated to me, if we take that analogy, well, in a sort of way, we're restricting their free speech. Right? If wearing clothing? Davis stated City clothing. If they want to put their own shirt on in their car, we just say you can't go in there with City emblems. Anything that may give someone the impression that you're there representing the City or on the City's behalf. So, that is a restriction on what they can do wearing City clothing off duty.

Davis stated again, I think we all respect first amendment rights and we can say anything we want to but there's always consequences to what we say. If we make slanderous or liable statements, we can be held accountable or sued for that. If somebody jumps up in a crowded theater and screams, 'FIRE' and there's a stampede and three or four people are killed, somebody's going to be accountable for that. We can still say whatever we want to but no matter what we say, even with a first amendment right, there's still accountability for what you say.

Voss stated to Tom's point, if we don't have the Policy and we have an issue, there's nothing saying we can't follow up on it. Vierling advised you can follow up and perhaps have a talk with the employee. But, you're not in a position to invoke discipline.

Voss stated part of what I see in this is presentation of an expectation to the employees of what we expect as a City of the employees. It's not so much, just like most of our laws are, they're not there to punish, they are there to say what's acceptable and what's not. Davis stated I think that's one thing that this does. It does set a general expectation of what we expect your behavior to be on social media. Even if you're on your own time, you're still an employee of the City and if you're recognized as that, people make associations. Whether that's fair or not, that's the way it is.

Voss stated the important distinction is, you just said 'if they're recognized as an employee.' Now go back to the analogy of our employees being at the bar. We're not that big of a City, people know who works for the City and they see them in the bar, they're going to have the same mindset whether or not they're wearing a uniform or not. This person's been drinking and should they be going, you know, driving City vehicles or, you know, it's not any different. So, I think where I share some of the concerns are, is if it's clearly the policies towards comments and posts that are directly attributable to the City. I mean if the City's named somehow in the document and not just, 'Well, I know that person, I know Voss is the Mayor so I know what he's saying.' But, if I'm saying something but I'm not the Mayor, I'm not saying it as Mayor, I'm saying, to me that's a distinction.

Ronning stated for the heck of it, I guess, this Uniform and Alcohol Policy, nobody loses their identity if they take their shirt off. Nobody. If you drink with somebody more than three, four times, they know where you work. They know where we work. They know if

we're on and I was surprised to hear that myself. That's the first time I've ever heard of it in any environment. But the final thing, one regards the Constitution and the other regards alcohol use.

Davis stated I think the analogy or the issue with wearing a City logoized or emblemized uniform into a bar and drinking is that people perceive or may perceive that you're on duty. If you go in there in civilian clothes, I don't think you have that connotation usually. That's just my opinion.

Ronning stated if they're in there at 9 o'clock in the morning, there's something wrong. But if they're in there 5-6 o'clock in the evening on the way home. That's surprising to hear.

Voss stated gain, isn't this Policy about communications that explicitly state the City or ties them directly to the City? Ronning stated it releases from that when it says '*directly or indirectly.*' Indirectly is a purely subjective. Voss asked 'indirectly' identifies the City? Ronning stated well the hypothetical was attributable to the City or could be. It wasn't that it was. It could be and there was no reference in any way, shape, regard to the City of East Bethel.

Voss stated you keep referencing a hypothetical. I don't know what you're talking about. We haven't said, is it previous discussion we had? Ronning answered uh huh. Voss asked what the hypothetical was because I honestly don't remember what it was. Ronning stated hypothetical or some number of people are communicating in social media and one is offended by whatever means. If they come forward and say they're offended, that's part of what the background on this is. Voss asked did they implicate the City in that? Ronning answered no. My recollection of the conversation is there was no mention of the City, no reference, no logos, no anything.

Voss asked if that's the case, would this apply to them? This policy? Vierling stated no. Voss stated it wouldn't apply to them then, right? Vierling advised the conduct has to be attributed back to the City in some format. Mundle stated if it affects the workplace in some format.

Ronning asked could you give an example of what 'indirectly' would be? That one puzzles me. Mundle stated would it be, say somebody else commenting, say Person A made a bad comment and Person B says, 'I can't believe you made that comment. Because you work for the City of East Bethel, you should know better.' Would that be?

Vierling stated that's possible. I'd say the indirect. I think the wearing of the uniform, the logo, the display, I think everybody kind of gets that. You don't do that. The harder one is where you have the verbal exchange. You've got the communication and maybe it relates to a co-worker in some fashion. And, to the extent that it does and it invites that discussion back into a workplace discussion, there's an indirect attributing of that conduct back into the workplace. That's what we want to keep out.

Ronning asked was that a hearsay example? Vierling explained any type of commentary on a co-worker or something, 'I saw so and so do this.' And the implication was it was during a course of employment, and that type of thing. Even though the commentary was directed out to some third party that's not related to the City, still the subject matter of it relates back to the City. So, the bottom line is you don't want to expose either the City directly or the

City through its co-workers or employees to any type of conduct that we'd prefer not to have out there.

Ronning stated I've heard, this isn't to social media, but I've heard some people complain that there's a City vehicle goes south on 65 at 9 o'clock every morning. I don't believe it, but that's what gets said. I've heard people complain that there's always three City vehicles at the Ice Arena at some such time. I don't believe that either. But, it's the thing that gets said and people listen to.

Voss asked what's the issue with that? Ronning stated there shouldn't be but somebody complaining about somebody that works for the City is what was just described. Vierling stated no, my content was with regard to two employees or an employee comment on another co-worker in their social media. Those outside of the City reading that know that person works at the City and within the context of what is being said, it's very obvious they are talking about a workplace environment. That's the type of thing you don't want on the social media. It's very poor for morale, it's poor for co-workers to be able to get along, and that type of thing. It just doesn't do anybody any good. That's perhaps a difficult example of what is 'indirect' but that's indirect.

Mundle asked so would an appropriate example be somebody makes a posting that says, 'At my job I have this co-worker who does blank and blank and blank and that's so disgusting and blah, blah, blah, my opinion.' Would that be an indirect? They don't name the City, they don't name the co-worker but it's obvious. Vierling stated it's obvious from the content of the material what they're talking about and who they're talking about, yes, and it reflects back on the community.

Voss stated and related to that is, you know, at least the little bit of Facebook I've seen, people will, they have their comments but they also have their personal profiles and a lot of people say where they work. So if it says on the same page they work at the City of East Bethel and they're making comments.

Mundle stated all a person has to do is click on their name, look at their profile, and depending on their privacy settings, if they list that information to the public, yeah.

Voss asked so how would that fit into this policy? Vierling stated theoretically it could be part of that. You know, part of the insidious nature of the social media is, a person posts that and then all of a sudden out there in the digital world 1,000 people pick it up, know that the person works where they work because they've seen the material behind, and the discussion evolves back on an entire array of discussion about 'the employer' and 'the employment.'

Ronning stated but with Facebook, it can generate, you might have 1,000 views, you could end up with 10 comments and depending on what people think about the original thing and the comment, you can generate 10 or 20 comments of every comment, which generates more comments. Where along the way does it, where does it end for what the City person did or didn't do? You could have thousands of comments. Vierling stated you could and that's why the employer typically doesn't want the employee to initiate those types of discussions. There's plenty of other things they can be discussing about their personal life and something else. They don't have to be discussing their co-workers or something of those magnitudes.

Ronning stated if it has nothing to do with the City, it shouldn't be included with anything. I don't believe that's the way it reads but if that's an understanding, the people who are here aren't going to be here all the time. Vierling stated I understand. Ronning stated somebody else will read policies and they'll make their own judgment of why there's a Policy. They'll make their own judgment of what the Policy says, and go accordingly.

Mundle asked would there be a possibility to add a little bit more language to make it clearer? Vierling answered sure, absolutely. Mundle asked would that satisfy you Tom? Or, help at least? Ronning stated huh? Mundle asked would it help you at least? Ronning stated I'm not sure, honestly.

Voss stated I think, big picture on this, trying to lay out expectations for staff, everyone involved in the City, what the expectations are. A framework if something happens. You know, what do we do. That's why you have policy. I think like anything else, it's going to be a dynamic. You know, ten, even five years ago this wasn't this big of an issue. You know? And, every major employer is going through this right now. They really are. We have too, you know. And we are an employer so we do have a duty.

Voss stated I guess the other thing, just to throw it out for consideration too and we talked about this two weeks ago, the reason we didn't act on it two weeks ago is we wanted the staff, the people who this effects directly, to read this and see if they had any issues with it. I think we sincerely wanted to see what their reaction was because they're the ones who are affected the most. And, he said it went to everyone, right? All 50 employees that we have? Davis answered it went to the Fire Department, City Hall, and Public Works. And Mark reviewed it with the Fire Department people and I personally went over to Public Works one morning and reviewed it and asked if they had any questions or objections. And, nobody had any real comments about it. Same way with City Hall staff.

Voss stated again, it comes back to the employer part of it. As the employer, we're laying out the expectations for employees. I agree we have to worry about whether rights are impacted or stepped on but we haven't heard any one other than this discussion.

Ronning stated the simplest thing was I don't believe we have the authority to direct people what their conduct will be away from the workplace. When the workplace isn't mentioned, isn't involved, isn't said, isn't anything, and that potential is certainly in here.

Mundle stated if the workplace isn't mentioned or anything, then this policy wouldn't, doesn't apply. Voss agreed it doesn't apply. Mundle stated if it doesn't affect the workplace, then this policy cannot apply.

Voss stated to that direct point, Mark, I don't know if it's any different for us as a public entity, but any employer can put on any policy and expectation of their employees within the workplace or not. I know that's the case even for drug policies.

Vierling stated within certain confines. There's certain things employers cannot do. Certainly this, I would agree, that the language says, you know, rules for conduct that may be directly or indirectly attributed to the City. I mean the key language is '*attributed to the City.*' If there is no attribution to the City in the communication, I don't see where this Policy is going to be invoked.

Voss stated for the company I work for, we have several corporate policies that basically say the same thing. Anything that reflects poorly upon them is something they have influence on and there's expectations.

Ronning stated here's a hypothetical. Somebody offers some strict criticism of a high elected official in the federal government. Somebody else picks up on it and it ends up generating, that sort of thing goes fast. That'll generate a thousand comments in a day, easily. Is that proper conduct?

Vierling stated I don't know if it's proper or not but it has nothing to do with the employment. Ronning stated it shouldn't have. Vierling stated I mean in terms of you want to criticize the President of the United States or Supreme Court Justice, something of that nature, that person making that criticism, right, wrong, or indifferent, it really is no different than any other non-employees making that comment. Ronning stated and that's the way it should be treated. Vierling stated as I read this policy, that would not be grounds for discipline.

Vierling stated on the other hand, quite frankly, a year ago, back in the election season, we had any number of communities in the metro where the employees, even though they may have been living outside of the city in which they were employed in, were running for office within their home communities and using their web pages to be depicted in their police officer uniforms, their fire department uniforms, next to the fire trucks, next to the ambulance, next to everything. Their employee city's communities came back and said, 'You're running for office but we really don't want you out there with the city's uniform running for office in whatever position you are. Because that's not what we're about.' Quite frankly, had a lot of the other candidates that were posting that said that was really an unfair advantage for a lot of people to be taking advantage of that. But, you'll find this is a very common policy that has been adopted, really certainly throughout much of the major metropolitan communities.

Ronning stated that example, that's interesting. If somebody shouldn't do that on social media and they do it alongside the highway, what would happen? Or, if they have posters in Joe's Bar? Vierling asked you mean pictorial displays in terms of posters? Ronning indicated in the affirmative. Vierling stated I think it's the same type of issue. I think. Ronning stated it's a social thing and open for interpretation, I would think. Whether it's improper I don't know. I don't get to judge those things.

Voss asked so Tom, to Brian's question, is there anything you'd suggest be added or changed for Council to consider? Ronning stated 'indirectly' really throws a lot of ambiguity in there, at a minimum. If you find a different word for that, I really don't like anything that regulates someone's first amendment rights. They can say anything they want about us and they're more than welcome to. *'Respect: Employees should respect their audience and avoid any offensive language or sentiments such as ethnic slurs, sexual comments, obscenity, or any conduct that would not be acceptable in the City's workplace.'* Once again, what they do in their off time, I don't agree with anybody doing this stuff but I don't think we have the right to regulate if they do or not. If it's within the first constitution, first amendment, and it's not illegal.

Voss stated but this is as a representative of the City though. Ronning stated no, it isn't. Where does it say, *'as represented by the City?'* Voss asked where is? Ronning stated #3. Voss stated okay. Harrington stated it says 'employees.' Voss stated you've got to go to the

paragraph before where it says this is meant for... Ronning stated, the '*principles apply to external communications*' with the following examples. Voss stated no, the paragraph before where it says it's attributed to the City. You're missing the point now. I mean, this is all about... Ronning stated this paragraph identifies specifics. The other one is... Voss stated the whole policy is written this way though. I mean, if this was...

Ronning stated question on the motion, call the question. Voss stated no Tom, I'm trying to find. Ronning stated I called the question. Discussion's done. Am I right or wrong? Vierling stated you have the right to call the question and the next procedural issue is if it doesn't proceed to vote or if someone wants to make a motion to continue debate, you can have that carried by two-thirds. Ronning stated yes. Voss stated so if you don't want to continue to discuss it, we'll go to vote on it then. Any further discussion?

Harrington stated say Mark, can I ask you on that Policy, they can always be changed? Vierling stated this isn't 'etched in stone.' Any future, you as this Council or any future Council, can change it any time they want to. Harrington stated okay.

Voss stated you requested a roll call. Mark can you call roll please? Vierling stated very good, **Councilperson Harrington? Yes; Councilperson Ronning? Nay; Councilperson Koller? Yes; Councilperson Mundle? Yes; Mayor Voss? Yes. Voss stated motion passes 4 to 1.** Ronning stated now it's done.

Davis presented the staff report indicating Town Hall Meetings have previously used the following format:

- 6-7 p.m.~ Informal Session in the Senior Center with Council and Staff
- 7-8 p.m. ~ Question and Answer Session with City Council in Council Chambers
- 8-9 p.m. ~ Reconvene Informal Session in the Senior Center with Council and Staff.

Scheduled to appear at the November 19, 2015, Town Hall Meeting are Congressman Tom Emmer, State Senator Michelle Benson, and State Representative Tom Hackbarth. This presents a need to consider changing the format of the meeting to accommodate our guest presentations.

One possible change to the format could be as follows:

- 6-7 p.m. ~ Informal Session in the Senior Center with Council, Guests, and Staff
- 7-8 p.m. ~ Legislative Reports and Question and Answer Session with Federal and State Representatives
- 8-9 p.m. ~ Question and Answer Session with City Council and Staff

This proposal would eliminate the informal session that is normally scheduled after the Question and Answer segment of the meeting.

In addition to our Congressman and State Representatives, officials from the University of Minnesota's Cedar Creek Ecosystem and Scientific Reserve will be present to answer questions and review the programs that are being conducted at their East Bethel facility.

Staff is requesting Council approve a format for the November 19, 2015, Town Hall Meeting that would provide ample time for presentations and citizen questions.

Voss asked is the Congressman, Senator, and State Rep invited to the 6 o'clock? They're aware we have the Open House at 6 o'clock? Davis answered that's correct. Voss stated

okay, I just wanted to be sure they were aware of that.

Mundle asked have they requested an allotted time to speak? Davis answered no, they were asking for what the format would be and what the agenda would be. So, I wanted to make sure that we had that set before I responded back to them. We could make that determination as to what allotments we want to give them and how we want to proceed with their segment of the presentation.

Mundle asked as it would be, they'd each get about 20 minutes a piece? Davis stated under the illustrations given in the write up, that's correct. Voss stated be careful. I'm excited of the fact they're all three going to be here. I think once or twice we've had Tom Emmer here. And, a particular Congressman, people don't usually get to meet any Congress person. We invited Congressman Bachman many times and a few times she sent a representative, which people really didn't want to talk to them. They want to talk to the person.

Voss stated I guess my view on it is sort of in the order we'll present these three elected officials first and welcome them to the meeting. And, to me I think the format would be beneficial to everyone to have them make a short presentation/talk of what's going on and then answer questions of anything they bring up. I think each of them have kind of their own areas that they focus on. Give them the opportunity. I don't know if all of them would want to speak for 20 minutes. Some don't speak that much anyway.

Davis stated I'm not familiar with the Congressman but our State Representatives are fairly eloquent speakers and they do utilize their allotted time. I was even thinking about giving them, say, 10 to 12 minutes and then follow up and leave a session there for questions and answers. Voss stated that's what I was thinking too. Give them 10 minutes and then just see what happens. If we've got 40 people in the audience and they're very interested and don't care what we want to talk about, then great.

Davis stated and hopefully this will generate more attendance at our meeting. We'll be able to get this out in the newsletter informing everyone that they'll be present at the meeting. I guess my basic request is that we just eliminate that little informal session we generally have at the end because it's usually poorly attended anyway. And just devote all the time to them for an hour and then citizen questions for Council for, essentially, an hour.

Voss stated we can obviously discuss it, but one thing I'd rather see the three talk about are issues that have are more impact on our community and not such, I don't want the Congressman talking about ISIS or Iraq. We don't need to do this in this form. It's local.

Ronning stated move for adoption of the recommendation. Koller stated I'll second. Voss asked which recommendation? That one? Ronning stated yeah. Voss stated okay so we want to communicate to them roughly 10 minutes of questions and just ask them to try to keep their talk to local issues.

Ronning asked would the Council be willing to forfeit a portion of that 8 to 9 o'clock if people are interested? Voss stated oh, yeah. Ronning stated I think it goes without saying. Harrington stated I don't think we get any questions anyway. It's 15-20 minutes and we're done.

Ronning asked is there a way to generate questions from the audience to specific Congress people? Davis stated we can even ask over in the informal session, prior to them coming in here, if you have some questions you'd like the Congressman or your State Representative to ask, we could have them write them down on a sheet of paper.

Voss stated get one of those big posters and write them on. Davis stated yeah and then we could address it here. Then the Council can ask the questions but they would be coming from members of the audience. Voss stated if people are skittish about asking us questions, they may be more skittish about asking a Congressman a question. Ronning stated it would. And, you can weck through this, dump the dummy questions. Voss stated I'll just pass them to you, how's that. I'll just pass that question to you. Ronning stated I've had those many times.

Voss stated okay, yeah, get them to focus on it. So, we're all in agreement? Ronning stated and try to generate communication between the constituents and the Congress people, would be my. Voss stated that's the part. The fact it's not an election year, I think it's good we're doing it when it's not an election year. If it's an election year, of course it would be after the election anyway. But it would be tougher to do. Because, each of these folks have their Town Hall Meetings occasionally. I think Tom Hackbarth's had a Town Hall Meeting here years ago.

Davis stated we had Michelle Benson and Tom Hackbarth were here, it wasn't a Town Hall Meeting, we called it a Representative's Presentation, probably two years ago. I know that several of them have scheduled Town Hall Meetings. One of them they had, I believe, in St. Francis. Senator Benson had one about a month ago. It was a Town Hall Meeting for, she was the presenter and it was just her as the featured speaker.

Voss stated so this is still our Town Hall Meeting. Davis stated that's correct. Voss stated it's an opportunity for them to present themselves in front of our residents so I think it's great. Ronning stated yeah, communication for them.

Mundle stated we need to make a vote. Vierling advised there was a motion and a second. Voss stated I'm sorry. Ronning stated requesting to adopt, I'm assuming that's a motion. Voss stated any other discussion? All in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

Davis presented the staff report indicating should Council provide direction to hold the October 28, 2015, Work Meeting, an agenda will need to be set.

The following items are proposed for discussion:

1. Financing Tools
2. Rental Ordinance
3. Donation Policy

Davis stated another one that I've just added today that we don't have to do it at this meeting but at some meeting, I'd like to make a presentation on video indexing of Council DVDs.

Staff is seeking direction as to scheduling the Work Meeting and items to place on the agenda should the meeting be necessary.

8.0G.3
October Work Meeting

Voss asked, just out of curiosity Jack, the Rental Ordinance? Davis stated the thing I'd like to discuss on the Rental Ordinance is we're running into things where we've had some comments, 'Well, I don't mind applying for the rental license but I'm afraid that the septic issue could be a problem for me.' Voss stated I've heard that too.

Davis stated and, therefore, I'm trying to make a decision. The issue is if they don't apply for the license, they're probably going to rent the property out anyway and use a septic system. Part of the issue is, there may be noncompliant systems out there with some of the older properties. It doesn't mean the system isn't working, it just doesn't meet the current regulations. So, I'd like to engage in a discussion to see if there are some alternatives or how we want to approach that. Actually encourage more people to apply for the rental license.

Voss asked thoughts? Mundle stated this works for me. Voss stated it works for me. **Voss stated I'll make a motion to schedule a Work Meeting for October 28, 2015. Mundle stated I'll second.** Voss stated discussion? The three items that Jack suggested as an agenda for those? Mundle stated if that's what needs to be talked about, sure. Jack usually doesn't bring issues to us unless it's something we should be discussing. Voss stated any other discussion?

Mundle asked is there anything else anybody would like to add? What time would we want that also? Voss stated we usually have it **at 7 o'clock**, right? Davis stated we've had them anywhere from 6 to 7. Depends on what your schedules are. Voss stated I'd prefer 7 unless someone else. Koller stated 7 sounds fine. Voss stated all in favor say aye?" **All in favor.** Voss stated opposed? That motion passes. **Motion passes unanimously.** Voss stated see you next week.

8.0G.4
Position Description Updates

Davis presented the staff report indicating the City evaluates position descriptions as needed to ensure that the duties described match the current job responsibilities. When the Deputy City Clerk position was vacated in 2014, the position was reviewed and designated as that of Administrative Coordinator. Some of the duties previously held by the Deputy City Clerk were assigned to the Finance Director and Accounting Technician. As a result of these changes and the assignment of additional responsibilities, it is recommended that these two position descriptions be updated.

Within each position description a salary grade is assigned. Staff is proposing that the Finance Director's current 11 to 13 Grade range be consolidated to the completion of steps of Grade 13, as currently reflected in the employment agreement for this position. This change will have no effect on the salary of this position or the 2016 budget and step increases would proceed as scheduled on the employee's anniversary date pending completion of a satisfactory performance review.

Due to additional IT, Video, Utility Billing, and TIF accounting responsibilities that have been added to the Accounting Technicians Position, staff is recommending the reclassification of this position to Finance Coordinator and the current pay grade of Step 7G be updated to Grade 8 Step E, beginning January 1, 2016. This promotion would represent a salary increase of \$1.02 per hour.

Jackie Campbell, our Accounting Technician, has performed the additional duties assigned to her in an exemplary manner, exhibits the professionalism expected of the position and assumed and would be eligible for additional step increases with this position through Step

8.0G.4

8G on January 1, 2017, and January 1, 2018, pending a satisfactory performance review.

Position

Description

Updates

Voss asked is there a motion to the recommendation from staff? **Ronning stated motion to approve the recommendation by staff. Koller stated I'll second.** Voss stated discussion?

Ronning asked do you use entry level and a mid-point? And, what do you call the increment? Step? How many Steps are there? Davis answered there are six Steps in a pay grade and it's been past practice to even hire in the middle of a pay grade, depending on what position it is and what the responsibilities are. Once you reach the end of that pay grade, then your Step increases are ended. In other words, if you had someone that you hired in at the next to the last Step of the pay grade, when they have one Step increase, their salary would be, the Step increases would be eliminated at that point. It just depends on the person and what you work out with them as an employee agreement.

Davis stated in this case, I do want to put in another plug for Ms. Campbell. She's had just an exemplary attitude too in all this. She's assumed a lot of duties. She's actually been doing many of these for several years and I think it's time that she received not only some recognition but some compensation. So, she's done an excellent job in these and she's actually put together for me a, that's why I brought this DVD indexing for Council meetings up. She's put together a pretty good presentation on that that's really good and I'll present that sometime in the future. Again, I think she's done an excellent job and we're getting good value from her services.

Ronning stated the 11 to 13, and the ones I'm familiar with, you can have a high 11 get more than an entry level 13. Is there anything in Policy or how we run the business sort of thing about jumping two increments like that? Davis stated well in this one, this individual was hired in almost at the top of Grade 11. As part of the employment agreement and based on the qualifications and experience this person had, we wanted to make sure they were able to advance as long as their abilities matched their performance and this one does. So, that's why we did cap it at 13. But, it would only proceed like 2 Steps in 11 then when it jumps to 12 it would be two Steps and 13 and jump two Steps.

Ronning asked other than number, is there promotion? Davis answered no, we already have this in the Employment Agreement which he was hired upon. It's just making everything 'cleaner.'

Voss stated okay, any other discussion? Jack, the only suggestion I'd make, because we changed the position description right? Davis answered correct. Voss stated is when it's presented to the Council if you can't redline it just to see, so we can specifically see the changes that are made. Davis stated okay. I did include the previous position description in the attachments too so there is the previous position and the proposed position. Voss stated it makes it easier to see red lines though. I'm just, to make it easier for all of us. Okay. Hearing no further discussion? All in favor say aye?" **All in favor.** Voss stated any opposed? None opposed. That motion passes. **Motion passes unanimously.**

9.0 Other

9.0A

Staff Report

Truck Sale

Davis stated the City purchased a new truck for Public Works a month or so ago. In the process of negotiating the price for obtaining the State contract price, we received an offer of \$1,500 for the trade-in of that vehicle. We refused a trade-in and did put this on minnbid and we got \$9,300 for the vehicle at auction sale.

Future
Agenda
Items

Davis stated the only other thing that I have to mention is, if there are any future agenda items that anybody wants to consider or have placed on the agenda, just let me know at any time and we'll work those in. Voss stated before you create the agenda. Davis stated yeah, before we create the agenda. In fact, and I'll just start now, are there any agenda items that you'd like to see on the next City Council agenda? If you think of anything, let me know.

9.0B
Council
Report –
Member
Ronning

Ronning stated the Road Commission met on Tuesday. Among the things they did, they reviewed the budget that's included in here and they discussed advances. I think it was two year's advances on the MSA and was discussed that it's an interest free. Davis stated actually it would be three years but in that third year, we wouldn't actually have to require all the use of those funds so we'd come out of that third year with a little bit of excess on the advancement. Ronning stated and there's discussion, there's concern about getting into 'tomorrow's money,' which is reasonable.

MSA
Advance

Service Road
Project

Ronning stated there was discussion about the service road. Of the options that we've had, regardless of which one was taken, the whole start of this thing was one way in, one way out and the safety aspect of it. Regardless of which option that has been presented, whether it goes straight west, two parts north, for somebody that, and another thing that's happening someday, is allegedly the J-turns on 65, northbound, southbound at 22. Voss asked turn lanes? Ronning stated a J turn, you go past the intersection. Voss asked (*inaudible*) at 169th there? Ronning stated these 'Michigan left turns' they call them. It's just 'food for thought.' We got to deal with it.

Ronning stated if somebody intends to go north from that intersection and they go roughly a mile, mile and a half out, of the way, turn east on 22, go south on 65 to the J turn to go north, that could be a problem.

Davis stated that whole concept could be a problem and I've invited Mn/DOT representatives to come to the December Roads Commission meeting and if they elect to accept the offer, we'll make City Council an invitation to come to the same meeting so they can explain and give a better simulation model of what they're proposing. What we've seen so far raises as many questions as it produces answers.

Ronning stated one of the discussions is at 187th, 185th, go straight out a couple hundred feet to the highway, have an acceleration lane going south, have a deceleration from the north, people that are going north will take the north exit. People that are going down to work would probably go out the 185th. Otherwise, it's random choice whether it happens the way we want it or not. That's my good news for the day. And, the State's left us with no out, is the problem, the real problem. The Road Commission is frustrated with that. I share their frustration. It's not their plan so it's no good and that's really about what it amounts to.

Harrington stated they spent an hour and a half on that subject alone on Tuesday. I also attended the meeting. It was, you know, there was a lot of pros and cons. Ronning stated they pretty much asked me to relay that their frustrated with, and they know they're an advisory group. It's not as though they're a legislative group or anything. They made the point known that, 'We understand we're an advisory group.' But it's, they just work on it.

Voss asked when you say they're frustrated, they're frustrated at Council? Ronning stated no, no, no. The Road Commissions, the way I understand it, is frustrated with the procedure and the dead ends you can run into.

Harrington stated and the money thing too Steve. They're not crazy about that \$2.4 million and there's nothing really there. The safety aspect is not there because you're still not going to do anything with that intersection at 187th. Voss stated well, that's partly our choice what we do with 187th. Harrington stated right but I mean they're not going to do anything with it right now. It might be something in the future.

Davis stated that's a concern but it's also a 'chip' that we have in our pocket too for future projects. It's something that as a staff we've gone out and talked to the businesses that we think would be severely impacted with the changes at 187th. We've had indifferent feedback from 50% of them and another 50% say they would have very severe effects on their business. So, you know, no matter what you propose for that intersection, it's going to be controversial. But, again, we still have that intersection as one of our bargaining 'chips' for future projects. And I think everyone agrees that something's going to have to be done. However, what this service road does, it does give people a choice to avoid using that intersection to get out and go north. It does provide them an alternative option to come to a controlled intersection to exit that area.

Voss asked do you think that the Roads Commission would want or have a Joint Meeting with Council to talk about these issues and roads in general? I mean, we've done that in the past with P&Z and other Commissions. I'm open to it. If their concern is there's not enough communication between this body and the Commission. Ronning answered no, no, not at all. I don't think that's a concern at all. It's the same frustration we have when we run into a 'dead end' and think something should be done and somebody opposed it. Not a member of us, we have that right. But if the Department of Transportation or somebody comes in and 'pooh poohs' what you'd like to do because they, whatever reason they have, whether it makes any sense or not.

Voss stated as long as we're on the subject, one thing I was going to ask was do we have any news from Mn/DOT on where they're at with their traffic study? Davis asked on the Trunk Highway 65 Study? Voss answered yeah. Davis stated no. We had a meeting with them last month and went over some questions they had about trying to eliminate as many entrances as possible on 65 in East Bethel and Ham Lake. Generally, these entrances would be, and they're more or less private driveway entrances. The real plan is to eliminate them by use of service roads at some point in the future. There is another meeting scheduled for December here at East Bethel. I'll let everyone know when that is if you wish to attend it.

Voss stated I recall when they, I thought before they even released the plan they were going to have public listening sessions. Not just for the elected body but for the public. I remember when we had the discussion with Sheila last year, or earlier this year, I thought she said they were going to do that. I thought one of them was going to start this fall. Davis stated I haven't heard anything on that. We can ask them when we convene in December too. Again, hopefully Mn/DOT will accept our invitation to attend the December Roads Commission meeting and go over this.

Davis stated one thing we have to keep in mind with Mn/DOT, I think Mn/DOT wants to get buy-in on some of this stuff so they don't look like the 'bad guys.' And, keep in mind too though that no matter what we want, Mn/DOT can do as they please at some of these intersections. If there were two or three major accidents at 187th, they may choose just to come in there and make it right-in/right-out only on both sides. I mean that would be their option and I think that would be extreme.

Davis stated the same way with these super streets intersections, I think they would prefer to get buy-in from the local community. And on this one they are looking for a project. Voss asked do they truly have the right to close City access to the highway? Because I know the City of Blaine sued them, what 15 years ago when they tried to close 109th, or I forget which street it was they were trying to close. Vierling advised their engineers will tell you that they do. There are some open issues with it. They do have some discretion but they still have to provide reasonable access to the property owners that are served off that area. Voss stated I would think they'd need buy-in from the City if not approval.

Davis stated and they are definitely looking for that. You know, one of the things that I think would have to be in place for them to be able to at least make an attempt to justify it would be if we had, especially let's take the area between 181st and Viking Boulevard. If we had service road completed all along one side, that would give another form of access to those properties. So, some of the stuff we may want to do is reexamine some of our strategies too. But it's going to be an ongoing process of trying to negotiate something with Mn/DOT. And, depending on what they propose, we may be in a position too to maybe get some extra funding for service road development.

Ronning stated the, I'll call it frustrating, every alternative right now, except this 185th access, just moves the problem. It doesn't solve the problem. If you move it down to 181st that's a busy corner right now. If you add to that, that's a mess.

Ronning stated I'm not always negative. You've heard about these J-turns? Are you aware of the timeframe with an, of that thing? Davis stated it's just a concept that they're studying but I think they think it's a workable solution. The issue there is just one intersection and you hit on that. You just move the problem. That one intersection's not going to solve the problem. Ultimately if this is a solution, there'll have to be all up and down Highway 65. Ronning stated it makes an alternative to the problem but the alternative isn't required.

Davis stated from my standpoint, what I want Mn/DOT to be able to do is to be able to present us additional information to show what they're proposing is time savings as far as moving additional traffic through those intersections. How it's going to work. And, also to come up with what the alternatives are. You know we've discussed, particularly at 22 and 65, why not look into double stacking the left turns and having opposing left turn lanes that would essentially, at a minimum, double the traffic that you can move through that intersection coming off 22. And, you know, we need to see all those comparisons side-by-side before I think the City can even consider taking a position on it.

Ronning asked would there be any interest to develop pros and cons to, there's three, well Project 1, whatever it's called, Alternative 1 and 2, Project 2 goes south to 181st. Is that 2? Davis stated that's the second phase. Voss asked are you talking about the phases? Ronning stated so those are the three things available and none of them solve the problem. All they do is move it. Would it be of any use to identify some of these things? Pros and cons?

Davis stated we have already made some of those statements to Mn/DOT too, like if you have the service road completed on the west side of 65 from essentially going by the church, Jackson, through the swamp. Whichever route is finally selected down behind Aggressive Hydraulics, next to the trailer court. Then you have a problem with the intersection of 181st because it's an uncontrolled intersection. The only thing there that's a bargaining 'chip' is then you have additional traffic there that might meet their warrants for a light. They're probably more receptive for a light there than they are at 187th. Then if

Service Road
Project

Ham Lake buys into it too, then you have two cities that are actually petitioning Mn/DOT for an improvement there rather than one. So, a lot of these things have been brought up and I think they continually need to be pointed out as they develop their alternatives too. We have to express what our concerns are.

Council
Member
Harrington

Harrington stated Jack and I attended an informational meeting over at the Coon Lake Beach Community Center on Monday. We discussed the impact of the renegotiated Met Council along with the City water and sewer project and the 2016 budget. It was well attended. A lot of good questions and I think Jack answered them all. I think he got stumped on one but it was a good turnout.

CLB Meeting

Forest Lake
School
Referendum

Harrington stated I'd like to remind the East Bethel residents whose kids attend the Forest Lake School District that there'll be a school levy vote November 3rd. So, please get out and vote.

Council
Member
Koller

Koller stated I have nothing.

Council
Member
Mundle

Mundle stated as the Fire Chief brought up, I was over at the St. Francis Middle School today, this afternoon, for the Heart Safe Program training. All the staff was trained that was there and it went pretty slick. They had several stations set up where they would demonstrate compression CPR and then after everybody did that, was instructed on it, they would show the AED, how to use the AED device. Anyone that wanted hands on training had that opportunity. All that training took 15 minutes, 20 minutes tops. So, it went pretty slick for the number of people that were there. Then there's a group of ten volunteers there with the Fire Department. An individual from St. Francis, I believe he was on the St. Francis Fire and Rescue, that helped. So, I'd like to thank all those individual.

HeartSafe
Training

Mundle stated then we've got the EDA. At the last meeting, discussions began on SWOT analysis. That's for Strength, Weaknesses, Opportunities, and Threats for the City. Where the BR&E Program focus on retention of businesses, this would work on recruiting of businesses. So, this is just the first steps to gain a recruitment program put together.

Mundle stated speaking of BR&E, Business Retention and Expansion Program, it is looking pretty good. It sounds that they're about 40 packets in, give or take, packets being interviews that were conducted. And, there are more interviews and packets that will be coming in. So, it's looking like we will at least, at the very minimum, if not a very decent amount of packets and information that we can turn in. So, we have met the requirements for the University. Next up with that is all of that should be sent down, possibly by the end of October depending on the decision that the BR&E leaders make on how much time we want to take for interviews because there are some businesses that they want to do an interview, they just don't have time right now.

Mundle stated on November 19th Town Hall Meeting.

Mayor Voss
Mid-
Continent
Map

Voss stated a part of the discussion at EDA on Monday night made me think about the meetings we had with Mid-Continent Cable many months ago. I think one of our requests was to get a map of coverage and more directly what areas of the City are not covered. Did we ever get anything from Mid-Continent on that?

Mid-
Continent
Map

Davis stated I've had several conversations with them. Not one within the past two months and their explanation to me was they're still working on the map. So I will contact them tomorrow to see where they are.

Voss stated see where they're asked, that we asked about it again. Voss stated and I will specifically request they have that to us by no later than the end of the year. Voss stated wow, that's two more months.

Ronning stated they have it now. Voss agreed and stated they have to have it now. Ronning stated there's, somebody was trying to get Comcast. Comcast said, 'We don't serve your area.' He says, 'Your box is right in front of my house.' 'We don't serve your area.' And he managed to flag down some kind of supervisory-type guy that's with him for an hour or more going through the computer stuff and gave him an address, a designated address, for that thing. And when he was able to provide an address for them, 'Oh yeah, we do service that area. We'll send someone out.' But, he went round and round for over a year. They know where they have service.

Voss stated sure, utilities know where their utilities are. They better. And the thing came up at EDA that sparked this question for me tonight. Seems like hearsay from some of the comments we got is there's concern by some of the businesses on broadband. The actual strength or serviceability, reliability, of broadband at some of the businesses. So, I assume that's related to Mid-Continent. Davis stated it would be.

Voss stated I think it will probably be flushed out in the next month or so in the process. And, I don't want to short circuit the process but it just made me remember that, where's that map. I know we've asked about it twice now.

Ronning stated in the big sense, they've had legislation they had to deal with, the courts have dealt with it, and Comcast and another big one are appealing again. That's about the speed of the broadband and how much you pay for what you get.

Voss stated I think there's people in the City who'd just be happy to get something. I think that's sour first thing to try to address. That's all I had.

9.0C

None.

Other

**10.0
Adjourn**

Harrington stated I'll make a motion to adjourn. Mundle stated I'll second. Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated any opposed? That motion passes. **Motion passes unanimously.**

Meeting adjourned at 8:48 p.m.

Submitted by:

Carla Wirth

TimeSaver Off Site Secretarial Inc.