

EAST BETHEL CITY COUNCIL MEETING

February 6, 2013

The East Bethel City Council met on February 6, 2013 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Richard Lawrence
 Heidi Moegerle Tom Ronning

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

Call to Order **The February 6, 2013 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda **Moegerle made a motion to adopt the February 6, 2013 City Council Agenda. DeRoche seconded, all in favor, motion carries.**

Introduction of Davis explained that the City Council has frequent contact with department heads and the
City Staff building official. But encounters with other City personnel are limited due to the majority of
Members Council functions that are conducted after normal business hours. We want to take this
 opportunity to present and recognize the rest of the City staff. Those dedicated employees, who
 work behind the scenes to insure that the responsibilities of the support functions of our work are
 performed.

I want to introduce each employee individually and give you a little biographical information about them.

The first staff member I want to introduce is Dan Dobbs. Dan has been employed full-time with the City since 1996. He is longest tenured employee. He is our equipment operator and performs our street sweeping services. Dan is also the one we rely on for the majority of our maintenance repair work. He is so good at this that he can actually fabricate a silk purse out of a sow's ear. His snow plow route is the eastern portion of the City north of Coon Lake and east of East Bethel Boulevard.

Terry Allen has been on the staff full-time since 1997. He performs a variety of maintenance duties and is the union steward for our union employees. Terry's snow plow route is the southern and southwest portion of the City. He is very effective in dealing with the public and he can actually convince a slinky to go up the stairs.

Jason Hehir has been a full time employee since 1999. His specialties are equipment operation, turf management and irrigation maintenance. Jay's snow plow route is the central portion of the City east and west of Highway 65. Jay is the type of employee that solves problems before they ever come up.

Jeremiah Haller has been employed with the City full-time since 2002. He is our licensed waste water and water treatment plant operator. Jeremiah's snow plow route is the northern portion of the City. He has kept the Castle Towers Waste Water Treatment Plant in operation since 2004 and keeping that facility operational and in compliance is comparable to unscrambling an egg. Jeremiah has been extremely successful in that challenge.

Steve Howe has been on staff since 2003. He performs much of our mechanic work and is our primary procurer of parts and supplies. Steve's snow plow route is Coon Lake Beach and the southern central and southeast portion of the City. He has the ability to order a part and have the vendor send us a check.

Dallas Jelmsberg has been employed full-time with the City since 2004. He is responsible for the maintenance of our park facilities and has been assisting in our Recycling Program. Dallas's snow plow route is the City cul-de-sacs and parking lots at City facilities. He is good at finding solutions to problems and to prove my point, he found Private Ryan before they released the movie.

Jackie Campbell has been on staff since 2004. She is our accounting technician and keeps our bills paid. Be nice to Jackie, she processes payroll and reimbursements along with other payables and receivables duties. Jackie is so proficient with these skills that when she plays monopoly, it affects the economy.

Joan Steffen-Baker has been on staff since 2006. She is the administrative assistant to the building and planning department and does a great job of keeping schedules and appointments on time, issuing permits and assisting the planning department activities. Performing and coordinating all these tasks is comparable to winning a scrabble game with only "Q's".

Darrin Hansen has been employed full-time with the City since 2006. He is responsible for mowing operations in our parks and City property. Darrin recently received his Class D water operator's license and is our backup operator for our water treatment operations. Darrin's snow plow routes are the City cul-de-sacs and parking lots at City facilities. Darrin is a creative employee and is so clever that he can get a Chik-Fil-A on Sundays.

Carrie Frost has been on staff since November of 2011. She is our receptionist and the voice that you hear when you call City Hall. In addition, she is also our Recycling Coordinator and due to her efforts and those of Dallas, the City met our recycling goals for the first time in 15 years. Carrie has the ability to make everyone feel better when they leave City Hall than they did when they entered.

These staff members, along with Wendy, are the main contacts for most residents of the City. They are very professional, courteous and friendly in the performance of their jobs and they make our jobs much easier by setting a great tone with the residents. I personally want to thank each and every one of you for an outstanding performance and it is a pleasure working with you. And, I am glad that everyone on Council is finally getting to see you and give you the recognition you deserve. Also we have in the audience, Nate Ayshford, Public Works Manager, and I commend Nate again on the outstanding job he has done

Ronning, "How many miles of roads are there to plow in East Bethel?" Davis, "140." Ronning, "Well you guys do a heck of a job." Lawrence, "I can tell you do a great job, because no one calls me to complain."

Public Forum Lawrence opened the Public Forum for any comments or concerns that were not listed on the agenda. There were no comments so the Public Forum was closed.

Consent
Agenda Moegerle, "I would like to pull items B) Meeting Minutes, January 23, 2013, Regular Meeting and H) Animal Control Contract." DeRoche, "I would like to pull item F) Resolution 2013-10 Establishing Parking Restrictions on County Road 22 (Viking Boulevard)."

Moegerle made a motion to approve the consent agenda including: **A) Approve Bills; B)**

~~Meeting Minutes, Meeting Minutes, January 23, 2013, Regular Meeting; C) Meeting Minutes, January 16, Special Meeting; D) Meeting Minutes, October 17, 2012, Regular Meeting; E) Resolution 2013-09 Establishing Fees to be Collected in 2013 by the City of East Bethel; F) Resolution 2013-10 Establishing Parking Restrictions on County Road 22 (Viking Boulevard); G) Approve Completion of Probation for Building Official; H) Animal Control Contract.~~ Ronning seconded; all in favor, motion carries.

B) Meeting Minutes, January 23, 2013, Regular Meeting

Moegerle, "I pulled the meeting minutes for the sole purpose of making an abject apology to everyone. I stated that Bill Boyer had done our ordinances and that was incorrect. I confused the two. He had completed the zoning ordinances and not the regular ordinances. So, I got the metaphors mixed. But generally the same point exists though about those ordinances in that they have those places where they could be cleaned up and simplified for our residents."

Moegerle made a motion to approve Item B) Meeting Minutes, January 23, 2013, Regular Meeting. DeRoche seconded; all in favor, motion carries.

F) Resolution 2013-10 Establishing Parking Restrictions on County Road 22

DeRoche, "Wasn't this no parking on County Road 22 something the state told the county to do? And now the City has to enforce it so we have to put up signs?" Davis, "No, these are put up as part of the project, part of the costs. We just have to adopt the resolution. It is part of the red tape that goes along with it." Lawrence, "Because it is in the City of East Bethel, we have to approve it being done? Is that what it is?" Davis, "It is a county road, but there are state monies involved and the county does require that the City pass that resolution." DeRoche, "The City doesn't really have an option here."

DeRoche made a motion to adopt Item F) Resolution 2013-10 Establishing Parking Restrictions on County Road 22. Lawrence seconded; all in favor, motion carries.

H) Animal Control Contract

Moegerle, "I pulled this because dogs are a big problem in East Bethel and they cost us a lot of money. Tammy Gimpl does a great job with Gratitude Farms. However, if there is a possibility that we can tighten our ordinances so we would be passing this back to the owners of these animals." DeRoche, "We already do." Moegerle, "I would greatly appreciate turning more of it back." DeRoche, "I think part of the problem is that we have the reputation that if you want to get rid of your dog, just leave it in East Bethel and they will take care of it. How do you prevent people from just dumping their dogs? You really can't. You can make all the ordinances you want, but if you aren't there when they dump it, then Tammy is going to get a call and we are going to get a bill."

Ronning, "What is the cost and frequency of these things?" Davis, "It varies. Last month was one of the few months that we didn't have any pickups. Our bill was just the minimum. Generally it is going to average around four per month. Of these, probably about half can be billed back to the owner." DeRoche, "I think Rita said last year we spent about \$8,000. That was our cost." Davis, "That is correct. But Ham Lake and Oak Grove spend about \$4,000 to \$5,000 for their service. We used to spend less, but our residents had to go to White Bear Lake to pick up their dogs. And the quality of the service we get is second to none. Tammy responds extremely quickly. In her contract she guarantees a minimum of a 15 minute response time and a minimum of two hours to pick the animal up. I can't think of any instance where she has even been close to the two hours." DeRoche, "She didn't raise her fees this year either." Davis, "That is correct."

Moegerle made a motion to approve Item H) the contract with Gratitude Farms for Animal Control Services. Lawrence, seconded; all in favor, motion carries.

Park Minutes Davis explained that the Park Commission Meeting Minutes from January 16, 2013 are included for your information and review.

Change Order No. 9 to S.R. Weidema for the Phase 1 Project 1 Utility Improvements Jochum explained as presented at the December 5, 2012 City Council meeting the County is reconstructing Viking Boulevard from Highway 65 to just west of 5th Street. An agreement was reached between the County and Metropolitan Council of Environmental Services (MCES) which allowed placement of the sanitary sewer on granular fill which in turn would eliminate the proposed pilings from the construction. Also the east crossing of the utilities would be constructed by open cut instead of jacking. With the revisions to the construction the City realized a savings of \$69,646.43 for their portion of the project.

To minimize the length of the road closure and to account for other construction items that need to be performed to complete the muck removal on Viking Boulevard Anoka County is requesting that the items documented in attached Change Order No. 9 be added to the S.R. Weidema contract for the Phase 1 Project 1 Utility Improvements in accordance with Joint Powers Agreement No. 02-622-32 between Anoka County and the City. In general, the change order includes bituminous removal, culvert replacement, erosion control and restoration on the north side of Viking Boulevard. This change order, in the amount of \$193,092.02, would be paid 100% by Anoka County.

Staff recommends Council consider approval of Change Order No. 9 to S.R. Weidema with a total increase of \$193,092.02. This change order would be considered Amendment No 1 to the JPA.

Lawrence made a motion to approve Change Order No. 9 to S.R. Weidema for the Phase 1, Project 1, Utility Improvements in the amount of \$193,093.02 to be paid 100% by Anoka County. Moegerle seconded.

Moegerle, "Is this a part of the issue that raises the level of the changes orders to 25%? Does this count against us even though it doesn't change our contract? And I understand there is another change order for the next Council Meeting." Jochum, "It does, correct." Moegerle, "I understand that we will get advised about the 25% later, but it doesn't matter that it affects someone else and not us, another party?" Vierling, "Yes, regardless of who benefits or who is benefitted by it, the statute doesn't distinguish that. If it is a change order that is based on a project such as this, we are still under the 25% cap."

DeRoche, "My question is kind of the same. I had questioned the city attorney about that earlier. My concern is why didn't it have to be rebid? That is a lot of money. And the 25% cap was a concern. And part of my concern is if this goes over that, what is our stake in it? From a liability stake. Are we going to be financially responsible for this? Everything says we won't have to pay anything for it, but that doesn't always play out." Vierling, "The issue isn't financial liability, but we get into issues because of the ultimate scope of this project initiated as part of what was going to be an assessable project. Because it is within Chapter 429 framework, the jeopardy or the risk you have is relative to your assessments. And your ability to assess, not that the Council would have personal liability. But those portions of the project that would ultimately end up being assessable could be in jeopardy if you exceed that cap."

Ronning, "What does the 25% apply to?" Vierling, "25% of the original contract price." Ronning, "The value." Vierling, "The original contract price, take 25% of that and you need to be under that limit." Ronning, "I've got a grumble. We gave this guy an extra \$300,000+ for fuel because he bid it more than any of us have ever paid for it. In spite of all the tax roll offs for off-road, where is the verification?" Moegerle, "It is a contract. It is a lump sum contract. So my

understanding is he will do this work for a lump sum. And he either wins or loses on that lump sum, we don't really have the right to go back and say, "Show us how you came up with that now. It has been bid. We agreed." DeRoche, "But weren't we asking him for that justification a way back?" Ronning, "I did from the Public Forum. He bid like \$4.24 a gallon for diesel a year or two ago, and I don't know if it had hit \$4.00 yet then. It was explained that he was bidding into the future." Lawrence, "Fuel prices went down then" Ronning, "Well not only that, but, there is about 50¢ that comes off that for off road. So that \$4.24 maybe should have been like \$3.60."

Davis, "The explanation and backup that was given to Council was there were no taxes included in that. That was given to Council by a representative from Bolton and Menk back in April of 2011, so we would have to go back and see exactly what the justification was given for that." Jochum, "Only half of that was lump sum paid for fuel. The rest was unit prices. One example is the piling, but some of the fuel cost was put in to those units. So, since some of that is not going in, they aren't going to get that money." Lawrence, "Do you have an estimate of how much that is going to be?" Jochum, "That was taken care of with the change order, the last one we did, Number 7. That is part of the reason the City saw \$63,000 in savings." Lawrence, "On 22, how much longer will the delay go on." Jochum, "They have one more week to get the third pass done. Then they will start putting in utilities on the south side, while they do the fourth pass. But they still plan on being closed until spring. They anticipated six months, but I think they are ahead of that schedule right now."

Moegerle, "I don't go along 65, but I guess I was expecting to see more forcemain work, or putting in more pipe. Certainly the road is more frozen which was what the situation was last year, so what is the situation with it. Have they not started?" Jochum, "They wanted to get this last pass done. They are heading from south to north, the only pipe left to do. Once they are far enough in the sand." Moegerle, "They couldn't have headed from north to south? Been busy at this point? Am I missing something here? My sense is they haven't been working on this, this year." Jochum, "For the piping they were waiting for freezing conditions and that is when all this mucking on Viking happened. So that kind of changed the plans somewhat. They want to get the sand in to a certain portion, then go back in and put in the utilities." Moegerle, "I cannot believe how many more delays they have built into this project." Ronning, "They just quit working for 45 days last year and then asked for a one year extension at our expense. We are on the hook for paying the bonding. That is more than disappointing for me anyways." Moegerle, "Yes, and we discussed zero tolerance about any extension on this."

Lawrence, "The thing to consider is, once they put this new base in, once they put the pipe in, it will be easier for them to do and should be completed very shortly, shouldn't it?" Jochum, "Correct." Lawrence, "Because now they don't have to de-water that again." Jochum, "Correct." DeRoche, "I am trying to figure out, how far down did they go to muck it out? So they could put pipe in and it would be solid." Jochum, "Some areas I think they went down as far as 25 feet." DeRoche, "So where did these 75 feet pilings come from that they anticipated would need to be put in there and that was bid in there? Someone must have had some information." Jochum, "I wasn't involved with the design. But you have to drive piling so far until they get resistance."

DeRoche, Koller, Lawrence, Moegerle, aye; Ronning, abstain, motion carries.

Final Design
for Electronic
Reader Board

Davis explained that at the November 7th City Council meeting, DeMars Signs was selected as the contractor for the construction and installation of an electronic community reader board at the NE corner of TH 65 and Viking Blvd. Their bid of \$73,937 included a 25mm Watchfire color display and upgraded stone columns around the existing support poles.

At the December 19th City Council meeting, a design was approved that included additional stone work around the support poles and sign base and the addition of a top cornice. At the January 23rd

City Council meeting, change order #1 was approved that included an increase of \$11,867 to reflect the costs of the upgraded design. Also at that meeting, council recommended modification of the top cornice of the cabinet. DeMars Signs has agreed to the change in the cabinet design with no additional cost increases. There would be no additional cost for this modification and the Project cost would remain at \$85,804.

The existing sign has been removed and construction of the new sign has begun. A down payment of \$37,180 has already been processed and the electronic display has been ordered. The remaining balance of \$48,624 will be due upon approved completion of the project.

There is currently \$95,000 EDA budget for an electronic reader board sign. The East Bethel Seniors have provided a donation of \$5,000 toward the sign and the City has received \$2,800 as a damage claim payment, bringing the total available funds for the project to \$102,800 in 2013. The final approved design will have a project cost of \$85,804.

Staff is requesting Council approval of the final design as shown in the attachment for the electronic reader board.

DeRoche made a motion to approve the design as shown in the attachment included in the packet for the electronic reader board. Lawrence seconded. Moegerle, "After our last meeting, I went past the new Wal-Mart and they had the same arch that we had before. The only comment I have is I think this has real skinny legs and I think it is out of proportion. If the supports were between six and ten inches wider it would be more substantial looking. I think it looks very top heavy the way it is now. It may not be, but it looks like it would blow over. I know it won't. I just think it would look more substantial." Davis "Keep in mind that we will work with the contractor to make sure that everything is in proportion. The final product will be much different than what you see now." **All in favor, motion carries.**

Update on
Ordinance
Committee

Davis explained the Ordinance Committee met on February 5, 2013 at City Hall. In addition to Committee members, Heidi Moegerle and Tom Ronning, Jack Davis, Colleen Winter, Mark DuCharme and Nate Ayshford attended the meeting.

The City Administrator, Home Occupation and Liquor License ordinances were discussed and proposals offered to clarify or remedy errors in the ordinances. Mark and Nate presented changes that need to be considered in ordinances that relate to the fire department and public works. Heidi and Tom discussed the need to address consistency in definitions throughout the code. The committee will meet again at a date to be determined to discuss outstanding issues identified by the members.

At the February 20th Council meeting the above ordinances will be presented for consideration.

Moegerle, "It was a very constructive meeting. It was very interesting to hear from the fire chief regarding the ordinances he has and the fire chief being called the fire marshal. There are some words in the ordinances that are never used except in the definitions. It was good to see that there are some quick, easy changes that can be done to streamline our objectives." Ronning, "I would say the same thing. We set a pretty solid base to work from. It is a pretty monumental job and to have a starting base like that and identify some of the shortcomings, that was good."

DeRoche, "The only comment I would make is how much time is going to be spent on this. We have been hearing how taxed city staff is and to have them taking a lot of time going through these ordinances, I think we have a lot more important things at the moment. I think some of this stuff could be addressed as it comes. We are looking a hiring another building official and we hear that staff has been working as a skeleton crew. I don't know how much time is involved in

this, but I guess I don't want to see a lot of staff time spent on this right now."

Moegerle, "What was presented to us was glaring errors. Things that are false statements, those are in the ordinances that don't make practical sense to be done. These things were not things that had to be dug for. I know staff does a lot of things to cater to Council Members; they seem to do a lot of things to help us with our issues. If we can do something to help them with their issues, with unwieldy ordinances that they have to work under, and enforce, I think we should accommodate them. It took two hours to go through this. It was invaluable to get ordinances to assist their needs." Davis, "My interpretation of this committee was not to rewrite city code, but to address issues such as the one we had with the request for a liquor license refund. It is something that takes a lot of staff time to respond to these. If we get some of these issues cleared in the ordinances, it is going to be a net savings to staff time. A couple other issues were the home occupation ordinance that we have some issues with and another one that we have some issues with writing citations for code violations."

DeRoche, "Can't we write citations now on blight and home occupations ordinances now?" Vierling, "You can certainly write citations on that if there is a violation." Davis, "The issue we have there is we have to clear up some definitions of hearing officer and hearing examiners. These are just housekeeping things. I am not going to go through the ordinances and read them word for word to see if there is a way we can make them read better. Your point of identifying them as they come up is a very sound point." DeRoche, "We are five people up here and we all have different opinions. For as much as I deal with staff, I don't come in here a lot, I don't ask staff to do a lot. It is not my job to micromanage anyone. I think we make decisions up here on how we want to go. We have a more than competent staff. They have proven that with time, operating with as few as they have, but still getting as much stuff done as they have. That to me isn't the issue. I have seen some things get passed and we have spent a lot of money getting things passed, bringing certain businesses in, I think that was kind of a waste. I just would not want to see a lot of staff time spent on this. If something comes up and it needs to be addressed, so be it. But at some point someone else did these ordinances. Who is to say when we are gone, someone else isn't going to say, "Well I just don't like that so I am going to change it."

Moegerle, "The things that were pointed out, such as the one Mark brought up, that the head of the fire department is the fire marshal, it should be fire chief, it is very simple. It only adds confusion. Those are the kinds of changes we are talking about. What was brought up were things that were very logical. These have accumulated over the past two years. We are not changing meaning, but eliminating errors and mistakes." DeRoche, "If that is his only complaint, and I am not belittling his complaint, but the City has been moving along pretty well. Granted I read through the city administrator ordinance and everything is referred to as "He shall do this", maybe it should say the "Individual". For me I don't see where staff has time to go through this to pick things out." Moegerle, "As part of the city administrator ordinance I think we are in agreement of why it is how it is. I think Vierling has expressed his opinion about it. It has personnel issues about duties aren't appropriate for an ordinance. The changes to the city administrator ordinance need to be in keeping with employment law as much as anything. Not just the politically incorrect things. It has been brought up by our city attorney and by Jack as a concern. If it is a concern to them that makes them uncomfortable with their duties, then I think what we, as a Council, can do is work with them and make sure the ordinances comport with what their duties are and what the law is. I think it is a small thing we can do for them." DeRoche, "If that is being discussed, then why is it not being put out electronically to the other Council Members so they know what is being done?" Moegerle, "They will. This was just a sit down of what they wanted to do. I don't see there being a problem at all with a committee looking at this and saying, "Yes, this is a good thing for you to spend your time on."

Work Meeting/
Retreat address issues related to economic development. Martha Weaver, Public Information Manager, is available to discuss the public relations and media aspects of marketing with the Council.

Staff recommends that Council schedule a work meeting to receive a report from Martha Weaver and receive a report from the City Engineer regarding the Municipal Utilities Project and Change Orders related to the Viking Boulevard reconstruction. It is recommended that the date of this meeting be set for Wednesday, February 13, 2013 at 5 PM or another time as convenient to City Council at City Hall.

Staff also recommends that Council consider scheduling a retreat for February 16, 2013 or another time convenient to them at the Cedar Creek ESR Conference Facility located on Fawn Lake Drive to hear and discuss a presentation by staff concerning the major issues within their departments and solicit input from Council as to their concerns regarding operations in these areas. We would anticipate that this portion of the retreat would be from 9 am to noon, followed by a short break for a box lunch. The remaining portion of the retreat, 12:30 PM to 2 PM, would be used to cover any uncompleted discussion of the morning session or begin discussions on Council Policy concerning the overall concerns of the Highway 65 Corridor Development. Council may wish to consider the scheduling of additional retreats or work meetings to further explore the details of these matters.

Moegerle made a motion to schedule a work meeting for February 13, 2013 at 5:00 p.m. for a presentation by Martha Weaver and receive a report from the City Engineer regarding the Municipal Utilities Project and Change Orders related to the Viking Boulevard reconstruction at City Hall and to schedule a retreat for February 16, 2013 from 9:00 a.m. to 2:00 p.m. at the Cedar Creek ESR Conference Facility to hear from staff and discuss major issues within their departments. Lawrence seconded.

Moegerle, "I think this is a fabulous idea. We saw Martha at the Local Government Officials meeting. She was very enthusiastic about coming to see us. I am excited about the opportunity to accept the invitation from Cedar Creek to use and experience their facilities where they have other retreats and where they have grad students. I also think it is very commendable that staff wants to take time from their weekend to address what they feel are major issues so we can be advised and then they can understand where we are coming from so they can act in accordance in developing what they need to have approved by us."

Lawrence, "Also I think the retreat meeting will be a great way for the Council to get together and bring our ideas to help direct staff in the direction we need them to go." DeRoche, "Why wasn't this Martha Weaver scheduled as a presentation for a regular meeting?" Davis, "I just wanted an opportunity to engage and not have any time limits. If it takes 30 minutes or an hour and a half. If it is a work meeting, it is a public meeting, the public is invited to attend. It is totally transparent. I just think it is a better setting to conduct this presentation." DeRoche, "I have a prior commitment, so I will not be able to be there. As far as the retreat, I have no desire." Moegerle, "In February 2008, the best I can tell was the one and only retreat that the Council took through the present day. What I read was just ravings of positive outcome of working together and in that setting without sitting in front of the microphone and not playing to the audience and the small theater that it is when being in the Council meeting. It was open to the public, but was also very valuable to the cut through some of the minutia and the entanglements that you get caught up with." DeRoche, "Why can't that be done here?" Moegerle, "The difference between and EDA for brainstorming that is held in this room and one that is held in Booster West is amazing. Because when you get in here, it is interesting to see everyone take their seats and you act and behave differently when you are up here and in front of the cameras. I think we need to work together like business people instead of actors in front of the cameras."

DeRoche, "It is unfortunate that you consider us to be actors because I don't see myself sitting up here pumping my chest out. I am pretty forthright and honest when I speak. I have no reason to play to the camera other than the fact that I think people want to know what is going on, and what is being said and discussed up here." Moegerle, "The way things are handled in the front of the cameras lend people to be more positional. Less open to change and discussion of ideas. What happens when we come to a Council meeting is pretty much is people have made up their minds on how they are going to vote. I think when staff want to discuss issues, they don't want a bunch of people that are positional and aren't going to change their ideas and learn and grow, which is what City Council meetings are often like. I think they want to sit down in a casual setting where we can discuss ideas and bounce and weigh and work through issues to come up with resolutions. I think that is what happened in the ordinance committee meeting. And you see that in a lot of other meetings that I have held that people are more attentive when they are not sitting in this uncomfortable chair for six hours. The other thing is, I think we have got an invitation from an entity that is 1/10th of our total land mass. They are not taxpayers, but they are working to engage the public and residents of East Bethel. They have given us an invitation and to refuse an invitation of that magnitude is not only rude, but sends a message to anybody that would come to us that we will turn our backs on them."

DeRoche, "You didn't make me feel bad if that was your intent." Lawrence, "This meeting is designed specifically to bring our thoughts to help the city move forward to be productive for everybody in the City." DeRoche, "If it is to get together and everyone think the same as the other four up here, that is not my job. Staff has their ideas. It is Council's job to try and decide what direction we are going to go. And then we go to staff and ask, "How do we get this done? It is a matter of opinion."

DeRoche, nay; Koller, Lawrence, Moegerle, Ronning, aye; motion carries.

Council
Reports –
DeRoche

DeRoche, "I went to the League of Minnesota Cities (LMC) Experienced Officials meeting. It was mainly on how to deal with the media. It is easy to sit in that forum and discuss it, but when the cameras are on, or you are out in the public or there is a reporter that wants to print what they want (which I have found up here). They don't necessarily print the whole story and basically the cameras and microphones are on, no matter where you go. And if you say something, it will get out there."

Council
Reports –
Koller

Koller, "I was with the fire department on Monday and I found some interesting things out. They had a call on Saturday of an accident on Coon Lake. The person got stuck and panicked. But the fire department showed up and the car was on the other side of the lake and they are not allowed to drive the fire trucks on the lakes. They have no ATV or snowmobile so they had to get someone with their personal vehicle to drive out to the scene. It might be in our best interest to look at purchasing a two passenger ATV or snowmobile or something." Davis, "I discussed this with Mark and at Public Works we do have a lightweight utility vehicle that we have tracks on. This could serve the same purpose. So, Mark and I are going to work it out so we can have that thing trailered and ready to hook-up in the winter time, because we don't use it in the winter time with the exception of maintaining the cross-country ski trails." DeRoche, "The only question I would have on that four-wheeler is most fire departments use the airboats. With a four-wheeler if it falls through the ice, who is responsible?" Vierling, "Well I guess the issue would be you would have coverage for it. That is what you have insurance for." Davis, "Here again, that is a judgment situation. And in that situation you might have to contact someone else for assistance on that." DeRoche, "That is why we have dive teams." Davis, "If the ice is an inch thick we are not going out on anything." Koller, "Like on Coon Lake, the ice is thin in the channel and at least once a year someone goes through there."

Council

Moegerle, "Couple of meetings in the past week. On Friday we had the person that put on the hot

Reports-
Moegerle

air balloon event in Hudson Wisconsin came and talked to us a little bit about what is involved in having a hot air balloon event perhaps to be attached to Booster Days and those kinds of things. It was very interesting and informative. I don't think anybody has made any decisions about if that is something we want to proceed with but, we did get a lot of information and that was valuable. Then we had the ordinance meeting yesterday, which I think I have covered and that was well presented. And it didn't seem to be taxing on the staff to come up with those things. I also attended the LMC Experienced Officials meeting and again like Bob said it was about issues of the media. One of the issues was the wisdom or lack thereof of having a City blog by either staff members or Council Members. Perhaps that is a discussion we might want to have at the retreat along with some other policies. Tomorrow I was supposed to have a meeting with the superintendent of ISD 15 and then we got a notice that it was being cancelled and then when I confirmed that we were cancelled Troy was surprised. So, I am not sure if we have a meeting tomorrow or not."

Council
Reports –
Ronning

Ronning, "Four of us were at LMC meeting, Friday and Saturday. Ron and I were at newly elected session and Heidi and Bob were at advanced one. It was really interesting. An attorney was there on Saturday and spent about four hours going over legal issues and there must have been about 300 of us in the room and if it is not interesting, people talk. And there was no talking going on and there were good comments afterwards. I wasn't crazy about going, but I am glad I went."

Council
Reports –
Lawrence

Lawrence, "I would like to send my apologies to the Fire Relief Association they had a special meeting tonight and of course I couldn't make it. And, I would like to personally thank the staff for showing up tonight, appreciate that. Obviously, we are quite busy getting things wrapped up and hopefully we will get this retreat underway."

Closed
Sessions –
Personnel Issue
& Labor
Negotiations

Vierling, "Council is about to go into closed session on two matters. The first item on the agenda noted as a personnel issue, it is actually going to be closed under attorney/client, it is the matter of employment hearings of Mr. John Schaser and they will be closed under attorney/client so they can discuss with Council those proceedings and make any decisions at that time.

The second closed session is going to be closed under Minn. Stat. § 13D.05 dealing with Union Negotiations. That particular session will be tape recorded and the tape recording will be maintained for a period for two years as required by statute but then the Council will also come back into session and announce any action that has been taken."

Moegerle made a motion to go into closed session regarding Mr. John Schaser and Union Negotiations per Minn. Stat. § 13D.05. Koller seconded; all in favor, motion carries.

Vierling, "For the benefit of the record and the public the City Council concluded two closed sessions. One dealing with attorney/client privilege and the matter of employment of Mr. John Schaser. The Council received an update from the City Attorney on the determination of panel and gave direction to the City Attorney on filing an appeal on that matter. The session was attended by all City Council members, the city administrator, Jack Davis and myself. The second matter dealt with the union negotiations with staff. That closed session was attended by all members of the City Council, city administrator Jack Davis and myself. Council received an update from the city administrator with regard to what had progressed relative to impending union negotiations, discussed matters of strategy and gave the city administrator direction to proceed in terms of dealing with the union and those negotiations. Other than that no specific motions were taken."

Davis, "We need to set a date where we can take individual pictures for the website. At the next meeting we will have a camera here to take individual photos. And when do you want to start

receiving your electronic packets?" All but Council Member DeRoche would like to start immediately. Establishing Dropbox accounts was discussed and the deputy clerk will help Council Members get accounts established to receive the Council packets electronically.

DeRoche made a motion to direct the city attorney to file an appeal in the matter of Mr. John Schaser. Moegerle seconded; all in favor, motion carries.

DeRoche made a motion to have Mr. John Schaser remain in same employment status during the appeal. Moegerle seconded; all in favor, motion carries.

Adjourn **Moegerle made a motion to adjourn at 9:17 PM. Lawrence seconded; all in favor, motion carries.**

Attest:

Wendy Warren
Deputy City Clerk