

## EAST BETHEL CITY COUNCIL MEETING

March 2, 2011

The East Bethel City Council met on March 2, 2011 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer Bob DeRoche Richard Lawrence  
Heidi Moegerle Steve Voss

ALSO PRESENT: Dave Schaaf, Acting City Administrator  
Mark Vierling, City Attorney  
Craig Jochum, City Engineer  
Jack Davis, Public Works Manager

Call to Order **The March 2, 2011 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda **Voss made a motion to adopt the March 2, 2011 City Council Agenda with the addition of 9.0 C – Closed Session – ACHRA Lawsuit Appeal and delete item 8.0 G.1 – Engineering Contract for Sewer and Water Project. Boyer seconded.** Moegerle said she is opposed to deleting item 9.0 G.1 Engineering Contract for City Sewer and Water Project. She said it is an important part of the sewer and water situation, think it is important to remain on agenda. Schaaf said he is withdrawing his recommendation. He said but we need to address situation. Lawrence asked what recommendation he is withdrawing. Schaaf said his recommendation has changed. He said what he put in the packet, on page 57, you can strike that. Voss said the recommendation is to hire Landform.

Voss asked then what your recommendation is. Moegerle asked what your substitute recommendation is. Schaaf said that the Bolton and Menk contract be terminated. Boyer said so again, you are changing the agenda three minutes into the Council meeting. Schaaf said it was his view that on January 5, 2011 the Council suspended the Bolton and Menk contract. He said and on the Saturday meeting they did not change the recommendation. Boyer said that is why we have tapes. Schaaf said we have reviewed the tapes and the contract is still suspended. Schaaf said so he is changing his recommendation. Voss said so your recommendation has changed, your recommendation was to appoint Landform. Schaaf said Council needs to make a clear decision, you just vote. He said you need to either lift the suspension or terminate the contract. Voss said it sounds like there will be a dispute in the minutes. Boyer asked is this an attempt to go behind the backs of 300 people, there is a dispute and now we are going to vote again, not when everyone is here. Lawrence asked for clarification of motion. Voss repeated his motion. Schaaf stated that Council could have a motion to divide the motion. Voss asked you want to split my motion up. Vierling said parliamentary procedure allows for the motion to be divided.

**Moegerle made a motion to divide the motion. Lawrence seconded. Boyer, nay; DeRoche, Lawrence, Moegerle and Voss, aye; motion carries.**

**Lawrence called for a vote on the motion to adopt the agenda with the addition of 9.0 C – Closed session ACHRA Lawsuit. All in favor, motion carries.**

**Lawrence called for a vote to amend the motion by deleting item 8.0 G.1 Engineering Contract for Sewer and Water. Boyer and Voss, aye; DeRoche, Lawrence and**

**Moegerle, nay; motion fails.**

**Boyer made a motion to delete item 8.0 G.2 City Administrator Update from the agenda.** He said there is no explanation of what the agenda item is, there is nothing there. Schaaf said he wants to change this 8.0 G.3 and add Transition to New City Administrator 8.0 G.2. **Voss seconded. Boyer and Voss, aye; DeRoche, Lawrence and Moegerle, nay; motion fails.** Boyer asked can we at least know what this is about. Schaaf said to him this is the same as Council Reports. Boyer said that is fine, we at least know what this is about, there is no action.

Schaaf said he has an item he would like Council to consider adding to the agenda, it would be item 8.0 G.3 Proposal to Transition to a New City Administrator. Boyer said what is this item. Lawrence said this would be item 8.0 G.3. Schaaf said yes. He said someone would have to make a motion. **Moegerle made a motion to add Item 8.0 G.3 Proposal to Transition to New City Administrator to the agenda. DeRoche seconded.** Boyer said an now you want to talk about hiring another new city administrator, with no public notice, no notice on City website, no notice to Voss or I, added 10 minutes into the meeting, assuming there will be some discussion about, you call this a democracy, this is ridiculous. He said the public has a right to know what their public officials are doing. Moegerle asked the City attorney about procedure. Vierling said it is a procedural item. Voss said he has to agree, it is hard to prepare when things are just thrust upon us, but he is curious what this is going to be about. Boyer said he is curious also, but he is sure many people in the City will be curious also. Moegerle asked the Mayor to call the question. **Boyer, nay; DeRoche, Lawrence, Moegerle and Voss; aye, motion carries.**

Moegerle said she would like to discuss a Website Update. She said the website has not been changed since 2002, it has not been upgraded since then and she would like to form a workgroup to get this going. Voss said more of a Council item; we for sure don't have any backup for. He said can you just put under the Council reports. Moegerle said okay.

**Lawrence made a motion to adopt the March 2, 2011 agenda with the addition of 9.0 C – Closed Session ACHRA Litigation Appeal and 8.0 G.3 – Transition to New City Administrator. DeRoche seconded. Boyer, nay; DeRoche, Lawrence, Moegerle and Voss, aye; motion carries.**

Public Forum Lawrence opened the Public Forum for any comments or concerns that were not listed on the agenda. He said we are going to try to hold this to a 2 minute limit.

Ron Koller of 18461 Jackson Street NE said he has been living here quite happily. He has a heavily wooded acres he bought 20 years, about a quarter mile and he would like to know why the Council has not contacted him when they plan on bulldozing about a half acre of his woods for the trunk line for sewer. He said he lives in Phase One, you are already planning on starting it and nobody, not even his neighbors have been contacted in any way. Koller said he wants to know how much of his land is going to be destroyed. He said he wants to know what is going to happen to all his trees. Voss asked his address again. Koller said 18461. He said your trunk line is running right along his north border the hole quarter mile of it. Voss said so you are south of Viking right. Koller said yes. Voss asked how far south. Ron said a quarter mile north of 181<sup>st</sup>, the trunk line is on your map although the put a waste treatment label kind of covering the trunk line. Voss said so you are on Jackson. Ron said

you are going to run the new water system through his neighbor's property and he hasn't heard anything about that. Voss said that is not a trunk line, that is a collector line which is much different, these are long term plans and the project that is being discussed right now is nowhere near what the project is, and the drawing you are referring to came out of facility plan. He said these are somewhat conceptual and any sewer lines would be in the right-of-way. Voss said those things move over time. Koller said he told that about two years ago and nothing has changed. Voss said the project that is being discussed is no where near this area. Koller said the line is still there, you should be talking to people ahead of time. Voss said we are doing part of Phase One; no where near where you are at. He said he would suspect that things won't happen in your area until development happens there. Koller said there is no vacant land there. Voss said we had to lay it out. He said some of this is done to get the reaction you have tonight. Voss said but there are no plans tonight to put the line through your property. Koller said he will be back in a few years. Schaaf said if you could, call City Hall and we will set up a meeting to explain this to you. Lawrence said it may never get there. Koller said to feed Jackson Street to my house it would have to go uphill. He said he likes his trees. Voss said he likes them too; it might not be the place to put it.

Mark Bass of 2419 224<sup>th</sup> Avenue NE said after the first of year he talked to couple of Council Members about the dissatisfaction about what he has seen. He said you told him wait a couple weeks/months and you will like what you see. Bass said gentlemen he has seen nothing that he likes. He said every meeting is a disaster. Bass said the administrator meets with people and can't tell you who he meets with, can't tell you what he has discussed. He said it is time now that Mr. Sell's agreement has been dealt with to go out for a search for a full time qualified by-lawed City Administrator. He said one of these days something is going to happen and you guys are going to get thrown under the bus and you guys are going to say I didn't vote on it, the Council Members voted on it. Bass said don't know how you can sit up there with an honest face and vote yes for things that are correct and no for things that aren't. He said I would really appreciate it, right now that is not happening. Bass said I don't know how you guys can use your conscience on some of the things that are going on here right now, it is a disgrace.

Greg Hunter of 3719 Viking Blvd. NE said he has a couple things. He said he is hopeful that you are all aware that there was a tragic accident at 221<sup>st</sup> and Hwy 65, that is a bad intersection, what have you done about this. Hunter said that is what he thought. He said tonight you have two county officials here; they are planning on putting a light there. Hunter said this particular intersection, that wouldn't help, what we need is an overpass there and we need it now. He said this is unacceptable. Hunter said every decision you have made since January 5<sup>th</sup> is polarizing this City, do something to bring this together, you have an opportunity, do it on this.

Voss said this may not be what you want hear, but he has been talking to the county the last couple weeks, particularly since this last fatality at this intersection and the county is putting it in their 2012 budget to accelerate this project. He said because it was scheduled for 2014, so it has been moved up by 2 years, which is a great thing, it is sad it took a fatality for this to happen. Voss said the last time we met with the county, he made a promise to Lang and

Fisher that if this happened again he would be in there. Boyer said he thinks this is the seventh fatality there. Hunter said this is the second worst intersection in the state. He said it used to be that the number one was in Blaine at 242 and that was a light. Hunter said putting a light in is a band aid. He asked how much money are they going to spend to do this intersection, roughly about 3 million. Someone in the audience replied that a light costs 1.5 million and an overpass costs 10 million. Moegerle said and her understanding is that other things have been done with this intersection. She said discussions have occurred such as making it so that it will be an intersection that you cannot drive across, turn left or right, you would have to go down to Sims Road, put a frontage road in. Moegerle said there have been discussions going on, it has not been ignored. Boyer said and as Council Members were we going to be made aware of this. Moegerle said she discussed it with the public works manager and city administrator and all you have to do is call them. Lawrence said what needs to be done in the initial phase to actually get something done is people like you get involved, the citizens tell the state and the county that you want something done because it is a state highway and county road.. Hunter said he agrees, it is a state highway and county road. Lawrence said if people like you get involved, get some petitions signed, get the ball rolling and tell the state we are not happy with this, which is how you are going to bring change around. He said that is the faster way.

Hunter said and his next question is with Sell, things have been take care of, so he thinks from the discussion of that night there was going to be something about the reasoning of his discharge can that be made public yet. He asked what the reasoning was. Vierling said the settlement agreement is the public document with Mr. Sell. Hunter said he is not talking about the settlement agreement. Vierling said his personnel file can only be made public to what the statute allows to be made public. Hunter said something in his personnel file was. Vierling said he is not saying that. Hunter said you said that. Vierling said no, he did not say that. He said he said by law all you are going to get, by law, is what the statute says we can provide, that we can release from a personnel file and his settlement agreement, that is all we can provide. Hunter said he understands what was settled, but there was discussion from the Council Members that there was something from the investigation why he was let go and he would like to know why. Lawrence said first off, he quit. Hunter said you must not have been at the same meeting he was at on the 5<sup>th</sup>. Lawrence said he was at the meeting and that is what he wanted to do, he wanted to quit. Vierling said if you reviewed the settlement agreement, Mr. Sell did tender resignation. Hunter asked then why was your actions on the 5<sup>th</sup> to install Mr. Schaaf at that time, maybe that is more direct. Moegerle said perhaps it was loss of confidence in Mr. Sell. Hunter said lost confidence you weren't even in office yet. Lawrence said your 2 minutes is way up. Hunter said yes, he knows, you get to a question that is hard to answer and now it is time is up. Lawrence said no, there are others that want to talk. Hunter said I keep talking about this polarization and you guys keep, everything you vote on, he said he is just asking why. Moegerle said it was a loss of confidence. Lawrence said that was exactly what it was for him; he knew he would not work with them. DeRoche said different visions. Bass said he would like to see all hiring frozen until we have a full time administrator so they can be involved in the hiring of development people and any other administrative people, involved in their selection.

Tiana Channer of 21572 Tyler Street NE said it is important what she says, she like Mr. Bass continues to be so disappointed in the way the City is running since the three new members have joined the Council. She said there appears to be constant backroom conversations and deals going on, as evidenced by surprises at meetings as we have seen again tonight, flip-flopping on issues as we have seen tonight and the hiring and continued support of Mr. Schaaf who appears to be unqualified. Channer said while some of you many continue to dismiss my comments as someone with sour grapes because she is the wife of Steve Channer, who was not re-elected to Council, but let me reassure you, my husband took his Council role as a representative of this City very seriously and he continues to take the welfare of the City very seriously as do I. Channer said and she is speaking to you from that perspective tonight. She believes as she watches the three new members in particular it is clear the City is lacking vision, lacking leadership and lacking clear direction. Channer said she believes many of the three new members have said on numerous occasions that there were many irregularities with the city administration that needed to be addressed and corrected and you had to take immediate action to do so. She said and yet the way you have taken action, time and time again shows her that you don't have a long term plan or the understanding of the implications of the short term actions you are taking.

Channer said you have been very cavalier with people's jobs, people's lives, with money, and with due process in particular. She said she personally doesn't have a problem with change and she suspects the resident of our City don't have a problem with change, but she does have a problem with change made just for the sake of change, with no clear purpose or direction attached with no regard for the outcome of those changes. The three new members seem to puff up their chest, say you have a mandate from the people who voted for you, say you are taking charge and yet you don't seem to see the ripple effect of the changes you have made. Or if you do you are too arrogant to need to share those pieces of information with your constituency, at least in a public forum. Lawrence told her that her time was almost up. Channer said she would respectfully request that she be allowed to continue, she is being respectful right now. She said some of you are apparently more into sending out lengthy e-mails about how you are right, but not giving any opportunity for anyone to differ with your opinions.

Channer said hiring Mr. Schaaf as administrator is a perfect example of a bad decision. She said it was a wrong decision, he is not qualified for the job, he doesn't appear to care what the actual responsibilities of the job are and he functions as he chooses. Channer said the Council seems to do nothing to address the rude behavior of Mr. Schaaf. She said the City Administrator is a position of service to the City Council, acting upon the wishes of the City Council. Channer said Mr. Schaaf acts based upon his wishes and his determinations, and again, many members of the Council appear not to choose to do anything about that. She said she would also like to remind each of you as City Council Members that you are a body of people in service to the residents of this City. Charged to acting in our best interests. Channer said again she doesn't believe that is what we have witnessed since the new Council has took effect. Lawrence said excuse me, how much longer do you have. Channer said she has a couple more minutes. Lawrence asked if there is anyone else that would like to speak. Channer said she respectfully requests to finish, it will only take a few moments. She said she knows an attorney that works in municipal law. Channer said he recently watched the tape of the January 5<sup>th</sup> Council meeting, as well as subsequent meetings and his comments to her were after watching those tapes included he felt what he was watching was unbelievable, who was in charge, and then he wrapped it all up in a nice little bow by saying it was a lot like watching the City of Greenfield. She said

now those of you who know of the incredible dysfunction that has occurred in the City of Greenfield and how they became the laughingstock of the municipal law community, that is not a nice thing to be compared to and she is personally embarrassed by that comparison. Channer said if the Council Members are going to continue to represent this City, she is asking that you do it in such a way that all residents whether we all agree with everyone's opinions or not, can still hold our heads up at the end of the day and tell our friends and co-workers that we live in East Bethel and not be embarrassed about that. She said right now in her opinion we cannot say that. Channer said she is asking that you please get your act together, behave above board, in an ethical and professional manner, think less about yourselves and your personal agendas, and more about the entire community you are in charge of representing.

Jill Teetzel of 20913 Rendova Street NE first of all, wasn't going to address tonight was the 2 minutes policy, was not a Council decision. She said continuously slamming this in the resident's faces that you don't agree with is rude and disrespectful. Teetzel said she would ask that be removed. Lawrence said no. Teetzel said she is talking, you don't interrupt her. She said she is sick of that, sick of it. Lawrence said this is his meeting. Teetzel said she is sick of him interrupting her, knock it off. She said you told me to sit down once and now you got her mad again. Teetzel said you are going to listen to her; she was not disrespectful, to the public that does not agree with you. Lawrence said she talked for 6 minutes, I told her twice can you wrap it up. Teetzel asked did you cut anyone else off, no, you were rude, no knock it off. She said when the sheriff was here last time; you guys were on best behavior it was great to see. Teetzel said tonight, there is no sheriff; no 300 people and you are rude to the people who don't agree with you. She said she is sick of it and there are other people here who are sick of it. Lawrence asked what her point is. Teetzel said her point to begin with was you don't have a policy as a Council you did not decide that. She said you as Mayor decided that and she told you at the last meeting, that is not in the Mayor's handbook, you cannot decide that, Council has to decide that. Teetzel said and when you decide that, she will respect the 2 minutes. She said until then, she won't and she will stick up for anybody that you try to push that on because you are being rude and disrespectful to your public, to the people that elected you to office. Teetzel said that is her first point. She said her second point is she would like to know when Mr. Schaaf contacted the former HR Director about a settlement agreement. Lawrence said we will get back to you on that.

Teetzel said her third point is she had heard that the State Auditors' office contacted the City about a complaint. She said she would like an update on the complaint and what Council Members are aware of the complaint. Boyer said not all of us are aware. Lawrence said he is aware. Boyer said his is not aware. Teetzel said can you advise what the complaint is and what is being investigated. Lawrence said when the complaint is resolved and we are notified by the state we will let you now. Teetzel said if there is a complaint filed; the residents have a right to know. She said what the complaint that was filed is. Boyer said Council Members should know. Lawrence said he was contacted by the State Auditor and there is an investigation, and when the investigation is complete then he can say something, not until. Teetzel said it is public information. Lawrence said then call the auditor and ask. Teetzel said she wants the public to know what is being investigated. Lawrence said he doesn't think it is fair to just say stuff just because someone has a complaint. He said the

auditor called him about an opinion, he gave one, they said they will investigate and get back to you. Lawrence said that is where it is right now. Teetzel asked why the Council doesn't know about it then. Lawrence said because they never talked to them. He said he can't go and tell everyone about this. Teetzel said you can tell Schaaf and he can tell everyone. Lawrence said he assumed the auditor would be talking to everyone on Council, but obviously they did not. He asked Teetzel to sit down. Teetzel said you are not going to order or tell me to sit down like last time. Lawrence said he is asking you.

There were no more comments so the Public Forum was closed.

Lori Pierson – Boyer explained that Lori Pierson has served the City of East Bethel as a Planning Service on Commission member from 2003 to 2010. He said she has been a great asset to the Planning Comm. commission and we thank her for her service. The Mayor presented her with a plaque for her years of service.

Barb Hagenon – Boyer explained that Barb Hagenon has served the City of East Bethel as a Park Service on Commission member from 2008 to 2010. He explained that he served with Barb on the Park Comm. commission and she brought a lot of insight and good points of views. The Mayor presented her with a plaque for her years of service.

Pat Monnier – Boyer explained that Pat Monnier has served the City of East Bethel as a Road Commission Service on member from 2003 to 2011. He said he never served with personally, but he knows he Road Comm. brought a lot to this commission. The Mayor presented him with a plaque for his years of service.

Michael Warsko – Boyer explained that Michael Warsko has served the City of East Bethel as a Road Service on Commission member from 2008 to 2011. He said we have a better community because of Road Comm. his service. The Mayor presented him with a plaque for his years of service.

Lawrence said he wants to thank Boyer for reading these. He said he wants to thank the people that serve on these commissions do a great service, it is long and tiring.

Commissioner Dick Lang of Ham Lake said this is a rare privilege for him to introduce the 3<sup>rd</sup> new Andy Westerberg said congratulations, this is the melting pot, and this is where it all begins. Commissioner Westerberg said even though he has a lot of political experience, this has been a learning experience for him. He said it is easy to say lets be tough on crime, but it takes money to do these things. Commissioner Westerberg said one of the things on the counties agenda is we are looking for mandate relief, looking for fiscal solutions. He said everyone is in the movement to get the best bang for our dollar, and we are trying to do this at the county level. Commissioner Westerberg said his primary issue he is focusing on is transportation issues. He said currently he is trying to make safety improvements, working on bus transit service up Hwy. 65, and he would like it to go up to Isanti/Cambridge. Commissioner Westerberg said we have the money for a third bus lane, it doesn't come all the way up to East Bethel, but it does go up to Bunker Lake Blvd. and we have information that says that the traffic jams up there.

Commissioner Westerberg said he did want to mention about the light at 221<sup>st</sup> Avenue. He

said it was pointed out that basically we are moving this up on our transportation plan to 2012, do we guarantee that we will get it done in 2012, no, but we need the cities help, in our plan we have it in the 2012 budget. Commissioner Westerberg said he would love to have it be an overpass, but the cost would be astronomical. He said while he appreciates Mr. Hunter's passion about this, we have to look at other ways to alleviate that problem, maybe service roads. Commissioner Westerberg said he is working hard on these issues and that intersection is a huge one, County 9 and 22 is another one. He said and he wants to point out that the county has spent money up here, we did an overlay on Sims Road, we funded the Ice Arena, and he understands the City's concern on getting more money up here. Commissioner Westerberg said he want to be active in the community, whenever an issue comes up that he can help with, he wants to be up here for that.

Schaaf said he understands there is an agreement with state regarding Co. Rd. 22 and it is going to be a state road, do you know when that will happen. Commissioner Westerberg said we would love to turn Co. Rd. 22 back over to the state, but he couldn't give you a projected time when that would occur. Lang said we were told when we turned 14 over that in a few years that they would be turning 22 into a state road, but because they make the rules it hasn't happened. He said we were all excited about it, and then they said they didn't have the money, etc. Lang said it will have to happen eventually. Moegerle asked what you would recommend the Council do to help jump start this. Commissioner Westerberg said he was involved with the Hwy. 65 bridge project, but obviously he didn't do it by himself, at Hwy. 242/Co. Rd. 14 it is being made into a four lane and at the railroad tracks it will go up and over the tracks, he is excited about this because it could set the stage for us to do this in other areas. He said he will be concentrating on safety improvements.

Lawrence said we have a big problem on 221<sup>st</sup> so many deaths on it, on the cuff, just a thought, seen on many small towns, to help aid us with this problem here on 221<sup>st</sup>, if we had a light warning us that there was a light coming up, would that be helpful. Commissioner Westerberg said we had those on Hwy. 65 and he liked them, but the studies that MnDOT did showed that people hit the gas when those started flashing that the light was turning red. He said so they sped up and this caused more accidents. Commissioner Westerberg said he likes the idea, and will bring that to MnDOT. He said maybe it could be done in a different way. Lawrence said maybe now, without a light if it said a road is coming up. Boyer said congratulations on your election and he looks forward to working with you in the future, we have a long history of criticizing Mr. Lang and discussions with Ms. Garwood of lack of investment in East Bethel, we are the only city without a county office, only city without a county park, only city where you take approximately 1.1 million out in state gas tax money and you have never put 1.1 million in here in your best year, in the last 15 back in the county roads in this city. He said he hopes you work on changing this and he is personally tired of subsidizing the suburbs to the south. Commissioner Westerberg certainly take this to heart, but want to point out that some of the projects we have done in the City like Sims Road overlay was a big part of our 2010 budget. He said but, you pay county taxes you want to see something for it.

Commissioner Westerberg said county roads in East Bethel need to be near and dear to our heart and we need to make sure they are improved, but keep in mind, population wise, based on demand, that is where the money is coming from, based on state and federal dollars. Boyer said he can appreciate that but he is specifically talking about the money you are taking out of East Bethel, gas tax dollars from this City. Commissioner Westerberg said he would like to make the system work for everyone in the county and not have East Bethel become an island, so it is imperative that we look at the entire system and look at demand,

and allocate the dollars appropriately based on need, to try to help the largest number of people we can. He said as far as remarks about county park, do have one at Coon Lake and do have investments on north side, Ice Arena, looking to work with you on projects to help East Bethel out, think it is important. Boyer said he think we would be remiss, despite his arguments with Dick Lang over the years to not recognize him for his 16 years of service, he was always an honest and outspoken man and he appreciated his friendship and his service. Mr. Lang thanked them for the kind remarks and said it has actually been 18 years.

Kate Garwood  
– Anoka  
County  
Transportation  
Department

Kate Garwood said she is the multimodal transportation manager for Anoka County and she works on transportation projects that the commissioners agree to, we are the ones that do it at the county and has been working with East Bethel on the project before you for a while. She said there has been some changes in politicians, both in East Bethel and the county and she wanted come back to you and let you know that we are proceeding with the project and wanted to confirm that it is still okay to go ahead with the Bus Park and Ride lot at the East Bethel Theatre as proposed previously. Garwood said that seems to be the best proposal and we did not want to go ahead with it without you knowing about it, we of course would need to work something out with the theatre, we would like to use about 100 spaces. She said we think of ourselves as the grant goddesses. Garwood said we go after grants whenever we can, we bring money back whenever we can. She said this grant will put in 1.2 million dollars and we will receive a total of 8.5 million dollars. Garwood said this bus will run down Highway 65 to downtown Minneapolis. She said it would run 7 to 9 trips in the morning and 7 to 9 trips in the evening. Garwood said the soonest it would be on the road is October 1, 2012. She said it would be coach buses doing this service. Garwood said again we need to know if East Bethel has continued interest in this service. Boyer asked is the relocation of the BRT service. Garwood said no, not at all. She said some of you might be aware of the Rush Line service. Garwood said those buses went over to Forest Lake. She said regardless of lot at Foley and 95th you still have a need. Garwood said through your community you still host a need of about 25,000 to 30,000 trips per day.

Boyer asked has there been any consideration of serving our senior population such as delivery to medical appointments. Garwood said this money isn't available for that. She said she can ask about service for that. Moegerle asked how long this service takes. She said if it is to long it can be prohibitive. Garwood said if it serves 300 people, we are expecting the last stop to be in Blaine before Minneapolis and if Ham Lake agrees and they have a stop. She said also as Westerberg spoke about we will have bus shoulder lanes, once they hit congestion, they can hit the shoulders, so we think about 50 minutes. Voss said the buses are not all starting in Isanti and coming down. Garwood said we didn't find very good numbers in Isanti on Hwy 65. She said they hit the Anoka County line and they go left or right so we can't justify it. Garwood said but we are working with the Heartland Express and Transit office in downtown St. Paul to look at a way to meet the bus in East Bethel. Voss said it is good to hear that, because the fear he would have is the bus would be full by the time it got to East Bethel. He said the perception we have is most people we see on Hwy. 65 are from Cambridge or Isanti.

Schaaf asked how do you market this, we your information is from the census data, but what he has found we don't get the information to that person that we have identified census wise.

Garwood said we market to employers, on Hwy. 65, in your newsletters, we have the TMO, grant funded management project. She said we have two short feisty women that go out and knock on doors so people that will see this and send out postcards, it depends on the situations. Voss said being passed on the shoulder by a bus is good adverting. Moegerle asked about how long you would try this and if you didn't get your 50 people, would you knock on every door, how does this work, do you say this is a work in progress or it is not. Garwood said these funds are to see how it is going to work, for three years and then we have to prove to the federal government how we are going to pay for this in the future or are we going to cut it back. She said so a couple things can happen, first you are in a growing community so are not too concerned about those 50 riders right now. But, we analyze this information every three months, are we meeting their needs, do we need to change stops, we look at it on a regular basis, know how many people get on at a regular stop, we will keep an eye on this daily. Boyer said generally ridership statistics are good. Garwood said yes, generally we are being conservative, but that is good. Lawrence asked do you have connectors to go east/west. Garwood said we don't right now but we are going to talk to the Heartland Express, Anoka County Traveler and our consultants are going to look at now what can we do. She said this is another step for us. Boyer said this would be especially nice for medical services. Moegerle said it seems to her at demonstration fund level, may be subsidized per rider, how will you calculate this and will it be sustainable per ridership or will it be another government subsidized program, short term or long term. Garwood said all transportation is subsidized, but Met Council a little, think the morning fee is \$2.50 metro wide, and if it doesn't work there is a threshold.

Garwood said at some point you will be asked to be part of the Met Council Taxing District. She said you are contiguous by your connection through Columbus. Voss asked as far as the project how is the Met Council important. Garwood said they may be the best provider, they are very competitive. Garwood said in any horse trading of services between the City and county, it might be easier for you to plow it or us. She said any money you put towards this can only go towards capital. Garwood said as long range plan might want to consider putting in park and ride at Co. Rd. 22 and Hwy. 65. She said we know MnDOT has an interchange planned long term at that intersection. Boyer said we discussed this in the past. Garwood said we should keep them alive. She said we should try to coordinate those kinds of things.

Consent  
Agenda

Boyer asked to pull item Item 6.0 C – Meeting Minutes, February 19, 2011 from the Consent Agenda and deal with them as a separate item immediately following the Consent Agenda.

**Voss made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, February 16, 2011, Regular Meeting. Boyer seconded; all in favor, motion carries.**

**Meeting Minutes, February 19, 2011, Special City Council Meeting - Boyer made a motion to table the February 19, 2011 Special City Council Meeting Minutes until Council has the tapes available for review to review the motion made to repeal the suspension of the Meeting minutes February 19, 2011. He said the motion to repeal suspensions of sewer and water system is inaccurate as reported in meeting minutes.**

Moegerle asked what is incorrect as is reported here. Boyer said he thinks; well his motion is to table so it is really not a debatable motion. He said but, he notes that the reengagement of Bolton and Menk has been left out of this motion. Boyer said so in one hand you claimed in response to Voss that the Bolton and Menk Engineering contract was suspended on the 5<sup>th</sup> and then he moves to undue the suspension on everything but that is not mentioned here. DeRoche said he doesn't recall that as being what was said. Boyer said that is why we have tapes, so we will table this until we have tapes available. Voss said it seems we have a dispute over what the motion was, and he is not sure how to resolve it. He said he agrees in the minutes it is not even close to what the motion was. Voss said there were clarifications to that motion in the process. He asked the city attorney how do we resolve something like this. Vierling said the motion to table if you want to review the tapes for specificity is probably very appropriate. Voss said that is fine, but it seems many of us have reviewed the tapes and have different views on it, so do we get a transcript done of that section. Vierling said you may want to do that. He said for the time being we have a motion that hasn't been seconded and is being discussed. Voss said let's see where this goes. **Voss seconded. Boyer and Voss, aye; DeRoche, Lawrence and Moegerle, nay; motion fails.**

Voss said on page 7 of the minutes, the middle of the fourth paragraph, the motion, strike the motion. He said in essences and there are clarifications by both Mayor Lawrence and Schaaf on tape to lift the suspension on anything but the water treatment plant and then get recommendations based on water quality and what to do from there. He said that was Mayor Lawrence's clarification. He said Schaaf's clarification was that we were essentially going to lift the suspension on everything, with the exception of the water treatment plant and then proceed with water testing before the rest goes forward. Voss said Council Member Boyer made the original motion and clarified that the only thing that will remain suspended is the water treatment plant, so it should have been very clear, and he thinks it was very clear to a lot of people that the suspensions were lifted by the action on Saturday the 19<sup>th</sup> with the exception of the water treatment plant. Voss said in the past think whoever made the motion has clarified any typos, but since he is making the motion to clarify the change it is as follows:

**Voss made a motion to change the February 19, 2011 Special City Council Meeting minutes page 7, middle of the fourth paragraph, first sentence all in bold should be stricken and replaced with the following: Boyer made a motion to lift the suspensions on anything but the water treatment plant and get recommendations on water quality and go from there.** Schaaf asked Lawrence if he would have seconded the motion if he thought it was lifting the suspension on Bolton and Menk. Lawrence said he wasn't aware of that. Voss said your comment was to clarify that we were lifting the suspension on everything. He said the resolution that was passed on January 5<sup>th</sup> included suspending Bolton and Menk, and he read that at the meeting. Lawrence said he believed when he read the resolution he believed the only thing we were suspending was the water treatment plant. **Boyer seconded.** DeRoche asked so are we going to review the tapes. Voss said we tried to do that by tabling the minutes. **Boyer, Lawrence and Voss, aye; DeRoche and Moegerle, nay; motion carries.**

Jochum explained that at the February 19, 2011 special meeting City Council authorized the that a change order be done to add a test well to the contract with Traut Wells. He said since that meeting, a change order has been drafted; members of the Council, staff and the consultants and one resident, Phil Olson met to define the testing protocol. Jochum said in general the recommendations are to put the test well in between the two proposed wells, to pump the test well for at least 24 hours if not 48 hours, and to take one certified lab sample analysis for the standard testing suite. He said this is \$5,000 more than the original quote submitted by Traut Wells based solely on the increased pumping from 8 hours to 48 hours and it is not thought that 48 hours will be needed. Jochum said the two pilot holes at the municipal well might not be needed, he is not suggesting this be made part of the change order not, but in his opinion the pilot holes might not be needed and this might end up being a deduct somewhere down the line.

**Voss made a motion to approve Change Order #1 to Traut Wells for a test well in the amount of \$19,795.00. DeRoche seconded.** Voss asked about the sampling cost. Jochum said he thought that Phil Olson was going to help out with the iron and manganese testing. He said there is a line item for water testing on attachment #5. Moegerle asked about the 6” pilot hole, will this be needed. Jochum said these are two separate operations. He said there has been discussion about where it will be placed, we might keep it, and he said there could be a savings on this at a later date. Boyer said and both engineers worked together on this and are in agreement on this. Lawrence asked and when you drill a test well you put a casing around this. Jochum said the casing is for the upper aquifer, to keep the sand and gravel out. **All in favor, motion carries.** Voss asked how soon they can get going on this. Schmidt said they can start on Monday. He said they have one condition, can the City staff get this plowed. Schmidt said otherwise they are ready to start on Monday.

Boyer said he just wants to make a statement. He said he knows he looks tired tonight, but he has an eye infection.

Davis explained that the Booster Park to Cedar Creek Trail Project includes construction of a trail from Booster East Park to County Road 26 (229<sup>th</sup> Avenue). Boyer said he thinks before this goes any further it would need a motion to reconsider an earlier Council consideration, it should be dealt with as a motion to reconsider. Schaaf said on January 5<sup>th</sup> there was a motion to suspend this project. Boyer said he would think this has to be a motion to reconsider. He said a motion to suspend is one thing. Vierling said a motion to reconsider is usually right after the meeting that the motion was made. Boyer said he thinks we are going down a dangerous road here.

Davis said the Booster East Cedar Creek Trail was approved in August 2009 and as far as alignment the project was approved by Council on December 15, 2010. He explained that contracts were signed on December 29, 2010. He said you have a map that shows the options. To date we have incurred expenses for a total of \$80,586.15 and those costs are engineering and legal, \$62,292.90; easement acquisition, \$7,590.00 and wetland bank credits, \$10,703.25. Davis said only half of the easement acquisition has been paid out. He said the other half is committed.

Davis explained that staff has broken this down into three options:

Option 1 is proceed with the project as planned: the total cost of this option is \$440,545.04 or an additional \$359,958.89 over what has been spent to date, and \$300,432.52 would come from the City’s MSA fund and the remainder from the Trails Development fund.

Option 2 would be to terminate the project: if the Council should decide to terminate the project, there would be the cost of the contractor's bond, \$5,400; vacation of 6 easements, \$3,000 and some engineering costs, \$300 for a total of \$8,700.

Option 3 is construct the connector trail between Booster East Park and 224<sup>th</sup> avenue and terminate the remainder of the project: this would provide for pedestrian access to Booster Park from the north and would eliminate the potential vacation of two easements previously purchased from two property owners. The additional costs for this option are construction of 800 LF of 6' wide asphalt trail and fencing, \$39,000; engineering, \$2,500; vacation of 4 easements, \$2,000 for a total of \$43,500. Davis said staff is seeking Council direction from City Council on this matter.

Boyer said he has a petition from 101 neighbors to that support this project that live along the road. Moegerle said if we go with option one about \$50 per foot, \$110 per household if 4,000 households. Option 2, \$22.50 per household. Option 3, \$54 per foot and about \$33 per household. Boyer said if we wait trails will just get more and more expensive, if you wait another five years, this is going to cost another \$500,000. He said this entire project is outlined in the comp plan; we went through all the public hearings. Voss said he appreciates how this is broke down; way he looks at it quite often too. He asked do we currently have the MSA funds to pay for this part of the project. Moegerle said MSA funds are ultimately taxpayer dollars. Voss asked where do MSA dollars come from. Davis said they come from the Minnesota Department of Transportation. Voss said while he appreciates how you broke it down, it is not ultimately tax dollars. Because that money came out of 5 million people. Moegerle said what she is saying is every household in the City going to get value for their tax dollars. Voss said and if we don't do it we aren't going to save taxpayers money.

Boyer said we have done two surveys of what taxpayers want in the City and by an overwhelming margin, 3 to 1, they wanted walking trails. He said it was 36%. DeRoche said he is all for wants and needs, but with the money that is being put into Castle Towers that is a losing project, Whispering Aspen that is a losing project, the skating rink that is a money pit, and now you want to spend more money, you just passed the sewer project, where do you think people are going to get this money from. Boyer said that is fine, but he never once voted for the Castle Tower thing, only person on Council that hasn't. DeRoche said apparently someone did. Boyer said, yes, but the real problem was when someone decided that it was a good idea in the mid 70's to create a Tax Increment Financing district for a trailer park, that was what started this entire thing and then they defaulted on it, leaving the City with all the payments, that is what started this thing.

Lawrence said getting back to this, what else can MSA be used for. Davis said for improvements on MSA streets such as Wild Rice Drive, Polk, Jackson, service roads, etc. Lawrence said so we could be using these funds to improve roads instead of trails. Voss said that is what he was getting at, we have never let this money go. He said we have always had it spent, always had a priority list for our roads. Boyer said we built an expanded shoulder for trails on Durant, Wild Rice and East Bethel Blvd, the last three major road projects in East Bethel. Voss said and that improved safety. Lawrence said these roads we are talking

about, are they in need of repair. Davis said we have a 5 year Capital Improvement Plan for our MSA Streets, he doesn't know if some members have seen that yet. He said the plan for this year is 221<sup>st</sup> to 215<sup>th</sup>, service road. He said the next year the plan is to do Jackson south of Viking Blvd. Davis said and with the completion of those two projects our MSA funds will technically be in the hole. He said that is okay in the project guidelines, up to two years. Lawrence asked fiscally speaking what would be the best route to go. Davis said that is something you would have to sit down and decide. He said the reason this project qualifies is MnDOT said trails are an alternate means of transportation. Davis said he thinks trails are nice too; we just need to decide what we can afford. Moegerle asked if we did use this money for this project would we still be in the hole, but just a little less in the hole. Davis said yes, that is correct. He said most cities are in the hole. Davis said as a matter of fact we were going to work with Oak Grove on a project but they are so far in the hole, that that they can't borrow ahead.

Voss said for a couple of these options you have us vacating these easements listed here, are these temporary construction or permanent easements. Davis said these are permanent easements. He said the reason he is saying we might want to do this is the property owners that gave the easements, the City in return promised the property owners some improvements for privacy and tree removal, one was a driveway improvement and one was a fencing option, so they agreed to some type of compensation other than monies for these easements.

**Lawrence made a motion to select Option 3 for the Booster/Cedar Creek Trail Project, construct the connector trail between Booster East Park and 224<sup>th</sup> Avenue and terminate the remainder of the project. Moegerle seconded.** Boyer said so we are clear this terminates the project. Voss said if he can make a suggestion, the City owns property over by Shawnee Woods and it is buildable as far as trails, let's add that segment and connect the development, it is a loop about 600-800 feet, that development has connectability into the park system, it would be a good bang for our buck. Moegerle asked how far up Xylite Road do you go before it becomes raw land. Davis showed on the map. Moegerle asked would we have to obtain easements. Davis said when Voss proposed this previously it did not included getting easements. Moegerle asked what about going straight up. Davis said there are issues with this. Voss said some safety issues. He said his suggestion may have never got traction. Moegerle said it is new to the three of us. She said it is an interesting option. Voss said we could do this as a change order. Lawrence asked is this used by the locals as a trail currently. Voss said it is just a wooded area, you can't tell it is there. Davis said if you didn't know it was City property you wouldn't be able to distinguish it. Moegerle asked can you present this to parks and bring it back to Council next meeting. Voss asked should this come back as a change order to the project. Vierling said you could order as an option and then a change order will come back at your next meeting. Jochum said a change order would be the cleanest. Voss asked should we have this as an alternate on the change order. Jochum said it would be better to have two change orders.

**Lawrence withdrew his motion. Moegerle withdrew her second.**

**Lawrence made a motion to have Option 3 brought back to Council as a change order and Option 3 with the Xylite extension brought back as a change order, so two change orders are brought back for Council review. Moegerle seconded. Boyer, nay; DeRoche, Lawrence, Moegerle and Voss, aye; motion carries.**

Authorize  
City Engineer  
to Proceed  
with  
Feasibility  
Study  
Regarding  
Connectivity  
of Castle  
Towers  
WWTF to  
Met Council  
System

Davis said at last meeting we presented upgrades to this plant but this is another option we discussed. He said it was connecting the Whispering Aspen Development and Castle Towers to the MCES Waste Water Treatment Facility. Davis said we are asking Council to consider authorizing the city engineer to proceed with feasibility study regarding connecting the Whispering Aspen Development and Castle Towers to the MCES Waste Water Treatment Facility. He said we met with the Met Council and they were amenable to amending their construction contracts. Davis said this option would consist of constructing a forcemain to convey the wastewater to the MCES facility. This would give them better sewer costs. He said after discussions with Met Council we think they are going to insist hat the SAC charges get paid.

Davis said in order to assess the feasibility of this option the city engineer would need to complete a report including:

1. Review project alternatives. Two primary alternatives would include:
  - a. Construction of a forcemain system that would only serve the Whispering Aspen Development and Castle Towers, and
  - b. Construction of a forcemain system that would service areas beyond Whispering Aspen and Castle Towers.
2. Estimate construction, engineering, legal and other costs for all project alternatives;
3. Review the feasibility of assessing Whispering Aspen and Castle Towers based on past agreements and activities;
4. Develop a financial plan and project schedule.

He said the cost of this would not exceed \$5,500.

Boyer said this was covered by the motion on Saturday, it was authorized. He said we said to have the two engineers talk about this and bring back a recommendation. Moegerle said we are moving on, this is a separate situation. DeRoche said this isn't part of the original project. Davis said this is for the Castle Tower Treatment Plant. Voss said he thinks we are getting confused over these projects sometimes. He said he doesn't remember Council direction to have this come here tonight. Moegerle said there was a consensus that there was a concern. Davis said there was identification at the last meeting and this may be an option that we might want to move forward with. Moegerle asked how many households are served. Davis said 42 in Whispering Aspen and 80 in Castle Towers. He said the trailer park generates about  $\frac{3}{4}$  of flow, 78% Castle Towers and 22% Whispering Aspen. Moegerle asked would it be fair to divide total cost by household. Voss said it is far more complicated than that.

Moegerle said all City residents are subsidizing this right now. Voss said they are not really subsidizing, we had to transfer the funds, and at some time, when we start generating the revenue, we will be able to make it up. Boyer said he is going on a limited memory, but he think in settlement agreement, the city has not right to change for any additional SAC

change. Lawrence said if we could get this operating so that we don't have to worry about it failing all the time. Boyer said that is exactly why you have a comp plan, to control growth. Voss said this is one of the things he was going to bring up to is how it affects the comp plan, because he thinks we need to have that discussion. He said the colored drawings you got tonight, he grabbed them out of the facility plan, and this is again the conceptual layout of the formal sewer and water infrastructure development when it gets to Phase 4.

Voss said so what is shown there is the interceptors, forcemains, anything that would be used essentially when the entire project gets that far, 20-30 years. He said the reason he brought this out is it is one thing to bring out a the simplistic drawing, no offense, from staff that is going from point A to B, but at some point in the future we are going to have (for lack of a better term) a structured system, that is meant in the long term to provide services to this area. Voss said he thinks we should look at where our plant is now in this study, down to 229<sup>th</sup>. He asked and would this take a comp plan amendment. Boyer said and if you start doing spot development like this, no one is going to develop to the south. He said they will move out of the sewer district as a developer because they won't pay as much. Boyer said and the City paid to do it. Voss said the comp plan is set up so development is phased. He said it would not be a healthy growth of the community. Voss said this would be a discussion to have when we have the feasibility study. Davis said and please let him make one comment. He said we have by design 700,000 gallon capacity at that plant, so there could still be additional growth that could tie into that sewer.

Voss said at this point the only additional area he sees this serving is in the crosshatch. He said so his suggestion is do an analysis of a straight pipe or however we are going to do it. Voss said this is phasing the development. He said in this analysis he would like to know what it would cost to do it as we have it in our facility plan with the assumption that we would build this 20 years from now anyways, do it now as opposed to building a 6" forcemain now. Davis said it would probably be larger than 6". Lawrence said that would probably be an additional cost. Voss asked how much more that would cost. Jochum said it would probably make sense to get that information from Mr. Schmidt and incorporate it. Moegerle said her understanding is Whispering Aspen and Castle Towers will break even at some point. Davis said that will depend on customers, and the break even point will probably be double customers. Voss said we could be breaking even now, but Council wasn't willing to raise the costs. He said if he remembers right the water wasn't bad. DeRoche asked for the costs. Davis said for the operating cost, what is charged and received is almost breaking even, but for staff costs and such, we are not breaking even. DeRoche asked is Whispering Aspen and Castle Tower on same system. Davis said same sewer system; Castle Tower has their own water system. Voss said the City is contractedly obligated to provide sewer to both Whispering Aspen and Castle Tower and water to Whispering Aspen.

**Lawrence made a motion to order the feasibility report on connecting the Castle Towers WWTF to the MCES proposed plant not to exceed \$5,500.** Moegerle asked Jochum to comment on the portion of the report and cost of the 229<sup>th</sup> segment. Jochum said it would make the most sense for Schmidt from Bolton and Menk to provide cost for 229<sup>th</sup>

segment. Schmidt said we would have to go through and itemize this so it would cost around \$1,000. Schaaf asked Jochum if this is something we could boost your contract up to \$6,500 and you could subcontract with Bolton and Menk for. Jochum said if you prefer. Boyer said we already have a contract with Bolton and Menk. Schmidt said not specifically for this item. **Lawrence amended his motion adding: with an additional not to exceed \$1,000 to provide for the report on the 229<sup>th</sup> option. Moegerle seconded the motion; all in favor motion carries.**

Voss asked for timing on this study. Jochum said a lot of this is going to depend on Vierling, his schedule; it should take about six weeks. Moegerle asked if Vierling's fees are included in these costs. Jochum said no, his costs are not included.

Engineering  
Contract for  
Sewer and  
Water Project

Schaaf said his recommendation was based on different understandings and what happened when and question before the Council was do you want to use Bolton and Menk or not. Voss said we just clarified that in the minutes on January 19<sup>th</sup>. Schaaf said he said he had discussions with Council and they clarified it for him. Voss said we just clarified that for staff and it is a mute point. Lawrence said it is not a mute point and it is back on the table. Vierling said the suspension was made and he has not heard any motions made since.

**Lawrence made a motion to suspend Bolton and Menk from the City Engineering Project.** He said the facts are this, they should have drilled a test well, the water treatment plant was poorly designed or should he save over designed and they never addressed to the point in good faith with the City, that is what he sees as some of the problems. Schaaf asked if Lawrence meant terminate. **Lawrence said yes, he meant terminate.** He said the water treatment plant should have never been discussed until test well was done. Voss said and if a water quality test is done and says the proper design of the plant is how it was designed, then what. He said when he sees these issues, and when this comes back and this was done correct, then what. Lawrence said he has lots of resources and for one thing it was done why over budget, it is way out of line what we need. Voss said but you don't know that yet, you just ordered the test to find out. Moegerle said Jochum gave us five different options, for 1.95 million and to do the same thing that the 5.8 million dollar plant. Jochum said correct, but there are different systems and we go back to we don't have any water quality data and there are so many different variables, the plant being designed now, overdesigned it. He said it has large clear wells that will be needed in the future. Jochum said there are a lot of different options.

Moegerle said it is her understanding that many cities don't have water treatment facilities until they have a customer base to pay for a water treatment facility. Jochum said there are many cities that have started without water treatment, without iron and manganese removal. Voss said they may not we don't know if we need it. Jochum said they may not have needed it; they may have lived with the problems. Moegerle said so we don't know if we need it but we have a 5.8 million dollar contract was signed. Voss said no, he is saying you don't know if we need it. He said this is rehashing everything we talked about on Saturday the 19<sup>th</sup>, is Council decided to go forward with treatment because of that Council decision on what the water quality would be and what we wanted to deliver in order to facilitate

development. Voss said and if you think for a second we can go out there and try to (your example Isanti's type of water) he doesn't think we will get development. He said that is what went into the decision. Lawrence said Isanti has been around for many years and has had development. Voss said and how did they get development, Lawrence you are the one that told me. Lawrence said before they treated their water, before they fixed it, they just fixed it this year. Voss said it comes down to choices, a spectrum we can provide water like at Whispering Aspen, choices Council made, what type of quality water to provide. He said the decision from Council was to provide high quality water. Voss said because we all know what the water quality is here, we thought we needed to do that, we did not want to be the City that provided cruddy water. Moegerle said it is her understanding that the Whispering Aspen water comes from Mt. Simon and now we are dealing with the FIG those are two different matters. She said so those issues should not be in the wells that we are going to tap in the FIG aquifer. Moegerle said so we have eliminated the concerns we had because we are not going in the same aquifer or at least significantly reducing it. Voss asked why did or at least an hour and a half ago, why did you just approve \$1,500 for water quality when you are making that determination as we speak. Moegerle said because we took a list of 12 things, Jochum gave us a range to look for. Voss said why are we doing a test. Moegerle said let's cancel it then. She thought we were testing for arsenic and radium. Voss said no, he can really see what you are doing. Boyer asked has anyone figured out how much money you are spending, has anyone really thought about this. He said he has worked 25 years in the construction industry this is the dumbest idea he has heard, you are canceling the engineer that designed the system and hiring someone that who has no knowledge of it to continue and you don't think it is going to cost us money. Boyer said and when something goes wrong the engineers will be pointing their fingers going it is his fault, no his fault, no his fault, who will pay for all this, the people of East Bethel, that is who will pay for this. Boyer said so you just go on and waste more taxpayer's money.

Lawrence said here is what he is afraid what is going to happen if we continue with Bolton and Menk if they are not going to get their waste water treatment plant they could do some cost overruns, there will be other charges added on, a lot of other little things coming up. Voss said he would suggest you caution your statements because you are getting into erroneous slander. Lawrence said no, he said could not would. He said he never said they were going to do that. Voss said you are posturing. Moegerle seconded the motion.

**Moegerle seconded.** Moegerle asked that Lawrence amend his motion to add Jochum as the interim project manager. **Lawrence amended the motion to add Craig Jochum, Hakanson Anderson as the interim project manager for the system.** Moegerle **seconded the amendment.** Lawrence asked Jochum if he was okay with this. Jochum said only in the short term, he does not want to be dictating the construction of someone else's design. Lawrence asked how long he would be okay with this. Schaaf said in his discussions with Jochum about his availability, he understands you need someone now, and but presumably you will have selected someone new within 30 to 40 days, but you need someone in place, a project manager for the test wells and the other contracts since the suspensions have been lifted. Moegerle said but we will be soliciting a new project manager. Vierling said he has reviewed the Bolton and Menk contract and there is a

mandatory 60 days notice so motion you do take if you do take any motion, is going to be governed by the 60 day clause and you are going to have Bolton and Menk on board for the next 60 days from whenever you make that motion. Lawrence said so as he understands this, Bolton and Menk will be on the job for another 60 days. Vierling said yes. Voss said there was also a provision with Met Council's contract. Vierling said in December of 2010 the addendum that was passed basically provides that the City will control its engineering selection relative to the water and the projects for the City, however, Met Council will control ultimately if there is a change in engineering whether they change engineers for their aspects of the project. He said any action the Council takes relative to Bolton and Menk will not automatically change the contract relative to the MCES elements of that project; they have to concur on that. Voss said he understands that Council doesn't have the experience in engineering and construction and these types of things, but, what it sounds like will ultimately happen is we will have one engineer that certified the design, Bolton and Menk and you are asking another engineer to certify the rest of the construction.

Schaaf asked could the Council if it chose suspend participation in those 60 days as they have previously. Vierling said indirectly yes, basically you don't assign any work. Boyer said this is a joke. Vierling said they do have a right of 60 days advance notice. He said the contract they have is basically at the direction of the City relative to the tasks that they are to perform. Boyer said lo and behold somebody can make Greenfield look good.

Voss said so we have already had a 60 day suspension, understand staff hasn't directed contractors to move forward yet, because obviously Bolton and Menk wasn't directed to move forward yet. He said now we are going to have another 60 days, so it will be 120 days, we already have contractors laying claim on the City and now we are going to extend that claim. Schaaf said as he understands it we have lifted the other suspensions. Voss said but you are suspending the engineer. He said if you suspend the engineer, construction doesn't move. Schaaf said as he understands the motion, we will have the city engineer as the construction manager so things can proceed. Voss said we have a contract with the engineer for services and we give them a 60 day notice, and the intent of the 60 days was to transition. He said he can't see why we are doing this, all because you don't feel right. Voss said give him something substantial why this is being done. Lawrence said the well should have been drilled a long time ago. Voss asked how that affects the design of the tower, the piping, everything that has been done to now. Boyer said so the City should have drilled a well on property we didn't own, the owners wouldn't have objected to that, why should they. Voss and again, it may come out that this is the plant we need. Lawrence said he doesn't think it will. Voss said you don't think. He said that is the problem. Lawrence said that is not the problem, he does think and he sees how many people are hooking up and you want a huge water system with only a handful of people hooking up. Voss said now we are going back far beyond engineering. Moegerle said it is a pretty gold plated design. Voss said by your professional background. Moegerle said she did the research. She said we have four women's bathrooms when we only need one. Boyer said do you know what we would save by not putting them in. He said you have to do the rough-in anyways or you will spend a fortune and if you don't put in the fixture you save about a \$1,000, now that is really expensive out of a 5.8 million dollar project, if you cut it down by three, get a toilet and sink,

you save \$6,000, there you go Heidi. Moegerle said we designed it for 400 to work there and only 2 are going to be working there, what you mean. Voss said so you are basing your entire decision on bathroom stalls. Moegerle said no, we have far exceeded the minimum standards on this. Boyer said you asked the building official and he told you the same thing, why do you stand up here and posture now. Moegerle said me posture, you are the posture king of it.

Schaaf said he was opined by the comments from Phil Olson, who Council Member Voss invited to the meeting we had on the test well, after everyone left we had a long discussion and he said it was a grossly over designed plant and very expensive to treat per gallon. He said he was impressed by that persons comments. Voss said well sure because it fits the mold you are trying to make here. He said you are impressed by the comment because it fits what you are trying to do. Voss said this fits the persona that is being presented that if you weren't involved in the process in the beginning it needs to be changed so it is your process. He said your minds were made up long before you were elected and the reasons you presented are weak. Weak, weak, weak. Lawrence said he thinks 5.8 million is a lot of reasons to be strong about this. He said St. Francis our next door neighbor, using no water treatment plant, using the same water we are using. Boyer said that doesn't mean anything. Lawrence said they are in the same aquifer. Boyer said you say the test results, there was a 31% difference in 3 miles, and it doesn't mean the same. He said it is why we are drilling a test well, why we all voted for it.

Lawrence said one of the things we could look at is you and Voss might have a vested interest in making sure this goes forward. Boyer said what. Voss said excuse me. Lawrence said yes. He said you may have an interest in this to make sure it goes forward. Voss asked him to expound on that. Lawrence said sure, the contract was let to MBI and they are very upset they are not getting their contract let go to make sure they can put their work together, and he is not sure, but you guys could be in trouble financially because of it. Moegerle said allegations of abuse of discretion, is not an insured thing. Voss said so you are suggesting that I am pushing this forward because I have a financial interest in this. Lawrence said no, to protect your financials. Boyer asked are you aware of the laws of slander in this state. Lawrence said he is not slandering. Moegerle said she has been a victim of it quite a lot lately. Voss said yea, you are. He said excuse me he is talking to the Mayor. Moegerle said no, you are yelling at the Mayor. Voss said no, he is yelling at you. Boyer said and he will wait and then he will start yelling at the Mayor. Voss said he would like it to be very clear for the record what the Mayor is saying. Lawrence said okay, he will repeat what he said. Voss said so you think I have a financial interest in MBI. Lawrence said that is not what he said. Voss said so why would he have a financial interest in whether they go forward, whether the contract is cancelled or not. Lawrence said MBI may be the one suing you for their contract not going forward. Voss said why would MBI be suing me for their contract not going forward, then he would be concerned. Lawrence said then there is nothing to it, don't worry about it. He said but here is a letter from MBI. Schaaf said he doesn't hear much new information and we do have other important items on the agenda. Voss said there is nothing more important that what is being said right now. He said he is sorry. Lawrence asked if he read what was passed. Voss said he has seen the letters before.

He said you tell me what it says. Moegerle asked if the letter is attorney client privileged or if it can be read in open session. Boyer said you are not playing that game with me, give me the letter, he will read it. He said he watched what you did to Doug Sell you bastards.

Vierling advised Council to take a break. Council took a five minute recess.

Lawrence said he apologizes. He misread the information from the letter. Voss said you publicly accused me of being unethical. He said with all due respect the apology is not accepted. Lawrence said so noted. Boyer said he notes that he has not been apologized to, funny; he was thrown under that damn bus too. He said and he wants to not that this gentleman that is our interim city administrator, advised all of you during your campaign and also note that Senator Jungbauer is a member of Landform's firm who you are handing out contracts to. Boyer said and you want to come back and accuse us of being unethical, this is the biggest load of crap he has ever heard. He said he has sat here and taken this crap from you for months now. Lawrence said and he has to take this from you. Boyer said it is alright for you guys to dish it out, but it isn't alright for anyone that doesn't agree with you, two minutes, two minutes, two minutes, but someone that does agree with you can talk for, like Christine on the 16<sup>th</sup>. Moegerle said she doesn't know about anyone else, but Mr. Schaaf did not advise her during any campaign, she did not meet him until sometime deep in November if not December. She said so it would be nice if you got your facts straight and you can apologize to her as well. Lawrence said he will apologize, but it wasn't accepted by Mr. Voss and so he didn't think you would accept it either. Boyer said that was a serious accusation. Moegerle said imputing my parentage is a serious issue as well. Lawrence said we have a motion, call for a vote. **Boyer and Voss, nay; Moegerle, DeRoche and Lawrence, aye, motion carries.** Schmidt said he would like to ask a question. He asked how does this affect the portion of the contract with MCES, because we have intimate knowledge of constructing the pipeline and the cost savings that would benefit from that as well. Vierling said under the terms of the contract the City will have to notify Met Council and they will have to indicate either if they concur or do not. Schmidt said we are still looking at concept of water treatment facility, just so you know he disagrees with pretty much everything that was said about it and he has very good technical reasons for doing so, he believes at the last meeting there was discussion that Jochum and I would be working on this issue and we would be bring back a report and we can work on all these issues, that quite frankly are just not correct. He said he is wondering if he is supposed to continue the process or not with Jochum. Schaaf said he motion was to suspend your work; Council gave staff direction to stop all work. Schmidt said so with the exception of the work with Met Council he is supposed to stop all work further work with the City of East Bethel. Schaaf said right.

Res.  
Concluding  
Mtg. at 11PM

**Moegerle made a motion to suspend the resolution that concludes the City Council meeting at 11:00 p.m. Lawrence seconded.** Boyer said you can't do this. **DeRoche, Lawrence, Moegerle, Lawrence, aye; Boyer, nay; motion carries.**

Transition to  
New City  
Administrator

Schaaf said based on the comments made by the residents tonight, in the last 48 hours we have had a lot of discussion and have come up with a proposal. He said there has been an interest by the public works director to possibly serve as the city administrator; he would like to serve for 60 days to see if this would be a good fit. Schaaf said so we are proposing a job share. He said we would work together for those 60 days and see if this works and in the end of those 60 days; Council would be faced with doing two things. Schaaf said if Davis and Council decide this is a good thing, then Council could look for a new public works

director. He said if doing it the other way, you might end up with the administrator of the month situation, might have trouble finding someone who wants to attend meetings such as you had tonight. Schaaf said we are not a large city, only 13,500, you are not a sought after City as far as size goes, and you were paying top dollar, if you pay less then you will get less. He said it is not fair for the public works director to do two jobs and get the same pay. Schaaf said so we are proposing to take \$25,000 from my pay and annualize to his pay for 60 days.

Davis said he would hope to be a bridge and get us through some times. He said he would like to get us past some issues that are confining us. Davis said this 60 days would be a time for both us to find out if he is the kind of person you want for city administrator. He said at the end of 60 days we can evaluate each other and see how we feel.

**Voss made a motion to appoint Jack Davis as interim city administrator for a period 60 days at which time or time before, if Mr. Davis decides it is not a right fit, we can make a different decision with the understanding that if Mr. Davis is not made the permanent city administrator he will retain his role with the City as the public works director. DeRoche seconded. DeRoche amended the motion to make a transfer of salary from the acting city administrator of \$25,000 annualized to Mr. Davis's salary while serving as the interim city administrator.** Voss said he does not accept the amendment. He said to be clear this is the interim city administrator. Voss said salaries are public information, right. He asked Davis what his salary is. Davis said \$90,000. Voss asked him if he was comfortable with that on an interim basis. Davis said during an interim basis, the last time sheet he turned in had 133 hours, he is no stranger to long hours, but he feels there should be some additional compensation. **Voss amended his motion to supplement Mr. Davis's salary by \$25,000 annualized while he is the interim city administrator.** This is coming out of the general fund, has nothing to do with Mr. Schaaf. Schaaf said we would like to have the Council act on our proposal. Vierling said you have a motion and second on the floor. Voss said if there is an amendment for a time of transition he is open to that. He said but you cannot have two leaders, we will get even more dysfunctional. **Voss amended his motion to allow a transition for 30 days.** DeRoche said he would go with 60 days. Voss said Schaaf has been in this position for less than 60 days, Davis have been with the city for more than 5 years. DeRoche asked Davis to elaborate on his background. Davis said he was city administrator for Prescott, WI., public works manager for four county service authority in Virginia and part of those duties we did roving type town manager assignments duties for smaller cities and towns. He said as far as 30/60 days time, don't think 60 days is unreasonable, 30 days is doable. **Voss amended his motion as follows: Mr. Schaaf serve as consultant to Mr. Davis as Mr. Davis sees fit in terms of how much support you need from him in a consulting standpoint.** Voss said so 30 days from now wheels may be churning fine. Moegerle asked Davis are you willing to step in at this time. Davis said his main concern is being able to serve as both roles was to make sure he could accomplish both at the same time. Moegerle asked is there a chance you want to be the public works director after this. Davis said there is a chance the Council might want him to be. Voss said there is a potential he might fit the long term goals. Boyer said that is exactly why he is against this, process needs to be followed. He said you put out

RFPs, hire a firm such as Springsted, and do the due process. Voss said if we end up going through the search process, if this doesn't work, we can get this City back on some semblance of organization, that not only will Council work with and understand and see that we can get things done, but also for the public. He said in 60 days we might take another route, but a route that the council may have to give in. DeRoche said at some time this council is going to have to get along. **DeRoche seconded the amendment. Moegerle, nay; Boyer, DeRoche, Lawrence, Voss, aye; motion carries.**

City  
Administrator  
Update

Schaaf said at the request of a Council Member or two, we have information on temporary signs. Boyer said you have to enforce the ordinance until it is changed. Voss said if Council wants to bring up at a meeting, they will bring it up.

Schaaf said he had a meeting with Davis and the county highway engineer relative to Co. Rd. 22 and a service road on contract for this year to connect with Sims Road and in doing so signs could be put up to prohibit left turns. Davis said the service road is currently under design, will be bid May/June, and we hope to have it done by fall. He said we brought this up to the county engineer and hope to have future discussions about bringing money back into the City.

Schaaf said he had a call from the state auditor, and she raised issues that were previously raised at Council meetings. He said he thinks she was well satisfied after the discussion.

Schaaf said there was a concern raised about overtime. He said Council eliminated a position and some duties have been shifted among staff particularly the deputy clerk. Schaaf said also she has had some data requests, one of them from the Anoka Union and others in process. He said along that line there should be discussion about reorientation of City staff and economic development so we can make those hook ups.

Schaaf said in terms of Council minutes, he would like to suggest that you got to a private service, not have deputy clerk do it. He said you need to get away from verbatim minutes. Schaaf said the League of Minnesota Cities has some recommendations on this.

Schaaf said the hockey association was late on their payment. He said Matt from the ice rink, and me and the Mayor sat down with them and they said they would make payment. Schaaf said they had concerns about hours and if they buy an hour of prime time then they have to buy two hours of none prime time. He said we are working with them on that.

Schaaf said in light of everything that has happened tonight at this meeting, he would strongly recommend that Council think about goal setting and he would be happy to bring back something on that.

Council  
Reports -  
Moegerle

Moegerle said she attended Newly Elected Council training and there were concerns about how we are going to work together. She said she would like to have a website work group formed, find out about costs of a software update, the website hasn't been updated since 2001. Moegerle said she would like this on the next agenda and the Comp Plan review.

Council  
Reports -

Voss said as far as the meeting items that Schaaf just spoke about he should give those to Davis to work on. He said we have a new Met Council, Edward Reynoso, from Ham Lake.

Voss said the SRWMO met last week, they are a very busy group. He said they will be presenting a budget at the next meeting. He said the interesting part was Steve Olson was also there, the president of CLIA, and he is going propose to their board that they predominantly fund that one of the storm water improvement projects. Voss said and the URRWMO meeting was last night and their meeting focused on the budget.

Voss asked we had a question at our last meeting about getting things resolved with the HR Director/Asst. City Administrator. Vierling said no claims have been made and the unemployment is being paid. Voss asked what about the state auditor. Vierling said it sounds like a verbal contact was made. Schaaf said the call was basically talking about best practices. Voss asked Vierling to contact them to see if anything is going on. Vierling said if there was an issue going on we would have a letter here. Voss said after tonight there will be rumors flying.

Voss said he does not appreciate that Schaaf called the sheriff's office to have them at the meeting. Moegerle said he did it at my request, very angry words were directed at me. Voss said this also was done at another meeting. He asked did you feel threatened by Boyer or me. Moegerle said yes she does. DeRoche said hopefully these meetings are going to be better, hopefully there is going to be less screaming. Boyer said hopefully you are not going to let us sit by while the City goes to hell in a hand basket. DeRoche said the worse thing you can do is yell and scream at people. He said you are talking about being slandered; we are the ones that have been slandered. DeRoche said he doesn't know what it is going to take to make it work, but he is not going to walk away from it, but it is not going to accomplish anything.

Council  
Reports -  
Boyer

Boyer said talk about animosity. He said you came in and fired the City Administrator, fired the City Attorney, Boyer said but what has upset him more, and more is the three of you sullied a good mans name, put out the absolute garbage that Doug Sell did something wrong and it is garbage and you will never be called on it, and you have the nerve to wonder why people are upset about it. He said and the other thing is the City newsletter, it is filled with the most self-serving, Bob Schunicht, article on City sewer and water.

Council  
Reports -  
Lawrence

Lawrence said he also attended the Newly Elected Council workshop. He said we are trying to move forward and get the right thing done.

Closed  
Session –  
ACHRA  
Lawsuit

**Voss made a motion to closed session pursuant to Attorney/Client privilege to discuss the ACHRA lawsuit A101628 City of East Bethel et al Anoka County HRA. DeRoche seconded; all in favor, motion carries.**

Vierling said the for the benefit of the record the Council concluded their closed session regarding the Anoka County HRA lawsuit. The meeting was attended by all members of the Council, himself and Mr. Schaaf and Mr. Davis. He said Council was presented with an invitation from Anoka County to sit down and meet and we were directed to get times and dates when the meeting could be held and Council Members Moegerle, Voss and Boyer were suggested for this meeting, only two of the Council Members would attend and two Anoka County Board Members.

Adjourn

**DeRoche made a motion to adjourn at 12:15 PM. Boyer seconded; all in favor, motion carries.**