

## EAST BETHEL CITY COUNCIL MEETING

January 5, 2011

The East Bethel City Council met on January 5, 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: Douglas Sell, City Administrator  
Dave Schaaf, Interim City Administrator  
Tammy Schutta, Asst. City Administrator/HR Director  
Bill Goodrich, Acting City Attorney  
Dave Snyder, Acting City Attorney  
Craig Jochum, City Engineer

Call to Order      The January 5, 2011 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.

Adopt Agenda      **Boyer made a motion to adopt the January 5, 2011 City Council Agenda as presented. Voss seconded. Voss and Boyer, aye; DeRoche, Lawrence, and Moegerle, nay; motion fails.**

**Lawrence made a motion to approve the January 5, 2011 Amended City Council Agenda as presented. Moegerle seconded.** Boyer said he is really appalled by this, there are substantive issues on this new agenda that have not been posted, nor have the citizens of the East Bethel have a chance to comment or know that the Council is considering these, nor were Steve Voss or I made privy to this new agenda before about five minutes ago, I think it is an outrage. Lawrence said so noted. Voss asked do you have a copy to post and to distribute to the public that is here. Lawrence said yes we do. Moegerle said yes. He said then can we go through this one by one if you want to change the agenda, would you present the agenda, the public does not have this. Moegerle asked do you want us to read through this, is that what you are asking. Voss pointed to the screen with the former agenda and said this is the agenda that was presented to the public, so if you are changing it, yes. The new adopted agenda was displayed on the screens in the Council Chambers for the public to view. Voss asked and is there background material that goes with this. Moegerle said it is in the material that was provided. Voss said there is a couple resolutions.

Boyer said one of the resolutions is a motion to rescind an action by an earlier City Council and can be brought by a member that voted for it under our City Charter. Voss asked the question of the Mayor who presented this new agenda and is there supporting material that goes with this. He said every meeting we have had, there is supporting material so we understand what we understand what the discussion is going to be about. Voss asked is there supporting materials. Lawrence asked Voss do we have any more materials. Voss asked is there some background for this so we can understand. Boyer said there is no information. He said we have an agenda here. Voss said is this the agenda that DeRoche and Moegerle are handing out also. Lawrence said yes. Moegerle said that came from the packet that the Mayor gave me. Voss said he just wants to understand that it came from the three of you. Boyer said so he is to understand there is no further information. Voss said he has not heard an answer yet. Lawrence said this is what we have right now. Moegerle said this is what we have. Voss said so there is no supporting, okay. He said we just have a list of items. Lawrence said so we should adopt the agenda. Voss said sounds like the answer is no, we have no supporting information; want to make sure we are clear on that. Boyer said it wasn't

posted for the residents to view. Moegerle said it is now posted for the residents to view. Boyer said it is 5 minutes before the meeting. Voss said so some of this just came up a half hour ago. Lawrence said it was prepared about 5:00 pm. Voss said all he has heard is kumbaya. Lawrence said nobody said kumbaya was coming. **DeRoche, Lawrence and Moegerle, aye; Boyer and Voss, nay; motion carries.**

Mayor's  
Comments

Lawrence said he wants to thank all the people here that voted for us, and we will do our best to fulfill our obligations to the City on what we ran on. He said and we hope everyone will be happy with our jobs and we hope as a collective group we can all start to agree on things that make our City a better City, thank you very much. Voss said he agrees with that too.

Appointment  
of City  
Attorney –  
Resolution  
2011-01

**Moegerle made a motion to adopt Resolution 2011-01 A Resolution Designating the City Attorney. Whereas, the City of East Bethel has designated a City Attorney; Whereas, the City Attorney serves at the pleasure of the City Council, and may be appointed and/or reappointed from time-to-time; Now, Therefore, be it resolved, by the City Council for the City of East Bethel that effective for the calendar year 2011, the law firm of Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P. is hereby designated as the City Attorneys for the City of East Bethel. Adopted by the City Council for the City of East Bethel, this 5<sup>th</sup> day of January, 2011. DeRoche seconded.**

Boyer said he objects to this, we have no idea who these people are, nor have we interviewed these people as we have done in the past. He said nor have we published an RFP as we have done in the past, that was directed at City staff. Sell said no we have not. Boyer said he would suggest that this might be an illegal motion at this point then. Sell said the only thing he is concerned about is we do have a contract with the current City Attorney and he doesn't know off the top of his head what the termination provisions are in that contract, if there is a notice requirement, he doesn't know without looking. He said he would have to look and see what the termination requirements are based on the contract with Randall and Goodrich. Lawrence said so noted. Voss said so without knowing we could be at risk of terminating a contract without cause. Sell said he is not an attorney, but he would say there is termination provisions in there that you need to abide by that. Boyer said we need to know the terms of this contract what is it costing the people of East Bethel, none of that has been presented to the people.

Voss said he knew Randall wasn't going to be here tonight, is someone here. Sell said Goodrich is here, he is in the audience. Voss said to Goodrich, you are our City Attorney, we need legal advice. Goodrich said the Mayor asked me to leave. Voss said you are the City Attorney, you have not been dismissed. Goodrich came to the dais. Voss said Randall has been our City Attorney for quite a long time and he is not here tonight. He said it is your firm's contract; assume you don't know the terms of the contract. Goodrich said precisely. He said do know though that City Council's can appoint or remove City Attorney's under the contract terms. Voss but you don't know what the contract terms are. Goodrich said no. DeRoche said isn't that contract around here somewhere or shouldn't it be. Sell said yes, he sent a staff member to retrieve it. Voss said a few years ago we set up a process to review the contracts of all our consultants, city attorney, engineer, where are we in our in term with the City Attorney. Sell said he believes the contract runs through 2013. Voss asked is it a four year contract. Sell said he believes so. Voss said we set it by ordinance in terms of reviewing. Sell said there was a resolution adopted that laid out the timing for soliciting quotes for engineering, attorney services, fiscal advising services, all of those are all laid out. Voss said he recalls that we set up that process to force the City to review the contracts so it wasn't a long time legacy of contracts and part of that process was open bid, we received

bids and reviewed those bids as Goodrich alluded to and it was an open interview process in front of City Council.

DeRoche said this says the City Attorney serves at the pleasure of the City Council so if the City Council sees something wrong they can't take care of business. He said would like to see the contract. DeRoche said Voss you can sit up here all night and say things, but if you can't back it up, how do we know what you are saying is true. He said if that had been able to jell a little better, maybe we could have gotten this information up front. Boyer said that seems to be a rather circular argument to be honest, you drop this on us right before we go in session and then you criticize Voss for not having information to refute what you are talking about. Lawrence said he thinks we have heard enough. Boyer said we don't have rates. Voss said we don't have qualifications.

Dave Snyder from Eckberg, Lammers, Briggs, Wolff and Vierling, P.L.L.P said he is a partner there and is standing in for Mark Vierling, his partner that proposes to serve as either interim City Attorney or City Attorney as you move forward. He said a designation of either of those titles is what we propose; our understanding is the proposal is an hourly rate of \$140 per hour, that is our standard and typical rate to cities. Snyder said he was authorized to represent that is what is being proposed. Voss asked is there a written proposal that is being presented. Snyder said no, there isn't. He said he can put it in writing and would be pleased to if that is your request. Voss said he is curious; obvious there have been discussions with new Council Members and existing Council Members haven't been privy to it and neither has staff, just curious. Snyder said he has had no such discussions. Voss said but your firm has. Snyder said he is not aware of that, and he doesn't think that is the case, he has spoken with Mark Vierling from our office and he is entitled to represent the firm. Voss said you are not aware of they have had discussions. Snyder said he thinks he answered your question. Voss said but your firm had discussion with the three of them. Boyer said we can assume your firm had discussions with them. Snyder said you can assume what you want, but he thinks he answered your question. Voss asked what brings you here tonight. Snyder said he was asked by Mayor Lawrence to attend. Lawrence asked Snyder to elaborate on their qualifications of working with cities. Snyder explained that their firm represents more than 15 cities, he has worked in this area for more than 16 years, Mr. Vierling has done this for approximately 30 years, and our principle practice area is in public and municipal law and litigation. Boyer asked the current attorney rate. Sell said \$95 per hour. Boyer said this is more than 50% more than our current attorney rate. Sell said according to the contract. He said in response to DeRoche's question, under terms and conditions, contract reads, contract can be terminated by either party with 30 days written notice to the other party, so that is the termination notice in the contract. DeRoche said thank you. **DeRoche, Lawrence and Moegerle, aye; Boyer and Voss, nay; motion carries.**

Adjourn to  
Executive  
Session to  
Discuss  
Personnel  
Issue – City  
Administrator  
– Douglas Sell

**Moegerle made a motion to adjourn to executive session to handle several personnel matters. DeRoche seconded.** Snyder said under the Minnesota Government Data Practices Act and Open Meeting Law, the City Council is entitled to adjourn to and in fact is required to adjourn to executive session to discuss personnel matters. If it is the intention or the desire of discuss personnel matters that would be done in executive session. That requires the council to be present, an electronic recording of the proceedings to be kept, and the room to be cleared of uninterested individuals. And so, it is a logistical pain, but that is what the law requires if we are to discuss personnel matters. Voss said he was under the impression and correct him if he is wrong, but with personnel matters isn't it also the option of person that is being discussed whether it is going to be an open or closed meeting. Snyder said in the interest of meeting management, not a stickler for protocol, but he would note that it is conventionally the approach to have a Council Member first be recognized by the Mayor

before directing a question either to staff or the Council, and that is one way of putting a break on the frequency of or the duration of questions. He said so everyone is entitled to ask the questions they think are important to ask, but generally it is directed through the mayor first and we need to be recognized. Voss said he assumes you are taking a shot right at me and he knows you are not familiar with our City. Lawrence said he thinks he means I run the program and you are supposed to acknowledge me before you speak. Boyer said this is the weak Mayor system. Snyder asked to be noticed, he said he was just making a point of protocol, so it be known. Voss said we need to be specific what personnel matter we going to discuss. Lawrence said Mr. Sell. Voss said so as he understands it, it is the City Administrator's option to have this open or closed. Lawrence asked Mr. Sell if he wanted the meeting open or closed. Mr. Sell said not knowing what the discussion is; he would prefer it closed until he knows what the discussion is. **Boyer, nay; DeRoche, Lawrence, Moegerle, Voss, aye; motion carries.**

Snyder said Council has met in executive session as required to discuss a personnel matter. That discussion has occurred and has concluded. No action is taken in the executive session, but action can be taken in the open meeting portion, that is the portion we are in now. He would represent to the Council that City Administrator Sell has requested to be placed on Administrative leave effective immediately and that he would be paid on that leave for a term up to 30 days, pending further council action. And so if Council is agreeable to that state of affairs, you can make a motion to approve, if not, you can state why. Snyder said if before or after 30 days any Council Member can address this at a meeting, put it on the agenda if you will.

**DeRoche made a motion to grant the request of Douglas Sell, City Administrator to be placed on administrative leave effective immediately and that he will be paid on that leave for a term up to 30 days, pending further Council action. Also, any Council Member can put this on an agenda for discussion, before or after the 30 days. Moegerle seconded. Boyer, nay; DeRoche, Lawrence, Moegerle, and Voss, aye; motion carries.**

Assistant City  
Administrator/  
HR Director  
Position -  
Elimination

**Moegerle made a motion to adjourn to executive session to discuss personnel matters as they relate to the Assistant City Administrator.** Snyder explained that personnel matters are not generally handled in executive session unless they relate to employee performance. He said if this is just to the position in general, such as the Assistant City Administrator position in general, that can be dealt with in open session. Snyder said matters such as employee performance, employee discipline, employee health or medical data that cannot be discussed in open session. Voss said he understands it is the Assistant City Administrator, what is to be discussed. The agenda just lists Assistant City Administrator. **Moegerle withdrew her motion.**

**Moegerle made a motion that the position of Assistant City Administrator/HR Director be eliminated effective immediately. DeRoche seconded.** Boyer said this is an outrage again, we are running down the road, we are not going to tell anyone what we are doing, we are going to just go ahead. He said if this is the new open, this is taking the City back to the cigar smoking days back in the dens and he really does not wish to be a part of this much longer. Boyer said this is an insult to the people of the City of East Bethel. Voss said in terms of this position there is an existing agreement is there not. Snyder yes there is. Voss how does this fit in with the agreement. Snyder said he has made his opinion on the legal matter on the agreements made in mid December known to the Council. Voss said we were discussing the City Administrator contract earlier, this is a separate contract, again we don't have it in front of us, but what is the City's exposure for terminating the position. Snyder said he has made his opinion clear on that, he doesn't have any reason to recommend one

way or the other, he believes the position exists at the discretion of Council and if Council wishes to eliminate this position the can do so, if it desires not to, it doesn't have to. Voss said maybe he is not making himself clear, there is an existing agreement with the Assistant City Administrator, and within that agreement what he remembers are that there are provisions for termination and for elimination of the position, what he is asking the City Attorney is what is the City's exposure of eliminating the position under the agreement. Snyder said he has explained his position, his opinion relative to those agreements, and that is his answer. Voss asked when did you explain that, he doesn't remember you explaining that. Snyder said he has explained his position. Voss asked him to explain it again. Snyder said he can not state it publicly and will not state it publicly. Voss said when did we discuss this contract. Snyder said you have my answer. He said he does not wish to discuss legal strategies in a public meeting. Lawrence said he has answered the question. Boyer said this is different, this position was funded by a budget that was certified by the State of Minnesota, and the other position was different. Voss said he is asking the City Attorney what our exposure is in terms of the agreement. Snyder said and he has stated his answer. Voss said no you have not. Snyder said then we must agree to disagree. Voss said these are two different agreements. Snyder said he understands your point. Voss said so you are not answering my question. Snyder said no, I have answered your question. Voss said he understands we can cancel we can cancel any contract. Moegerle said for him to answer would violate attorney/client privilege. Voss said between who. Moegerle said between the City and attorney. Snyder said he has answered the question you have asked, he cannot state any differently and will not, he has stated the Council is authorized to take this step if it wished to. Voss said he understands that. He said but he is trying to get an answer on can we legally do this, no one has answered that. Lawrence said we have legal advice saying we can go ahead and do this. Voss asked by eliminating this position, what happens to that staff person. Snyder said the position is eliminated, there is no position for the person to occupy, beyond that he cannot comment and won't comment on personnel issues. Voss said so just to be clear we are eliminating the position and person effective tonight. He said it is not shuffling, it is terminating tonight. Lawrence said correct. Boyer said once more this was done without any notice to the public. Lawrence said so noted. **Boyer and Voss, nay; DeRoche, Lawrence and Moegerle, aye; motion carries.**

Appoint  
Interim City  
Administrator

**Lawrence made a motion to appoint David Schaaf as Interim City Administrator.** Boyer said have we advertised for this position. Lawrence said he is very well qualified. **Moegerle seconded.** Voss said so this was set up before you came here, you have had this discussion before this meeting tonight. Moegerle said she thinks the motion is well made. Voss said yes or no, you had this discussion before the meeting tonight. Moegerle said she discussed this with Richard. Boyer asked for an opinion from the City Attorney on the legality on this. Snyder said the City Administrator serves at the will of the Council, can be hired at the will of the Council. Boyer asked without any kind of public notification, without posting the position. Snyder said it's commonly posted and interviewed for, but doesn't have to be done, interim administrators are appointed but it is a matter of will for the Council. Voss said forget the legalities of it, it is how we present this to the public, and this is insane. **Boyer and Voss, nay; DeRoche, Lawrence and Moegerle; aye; motion carries.**

Voss asked what are the terms of this agreement. Boyer said do we even tell the Council what is going on. Boyer left the Council meeting. Lawrence said that will be worked on by Council. Voss said it is currently not a paid position. Lawrence said that is right. He asked Schaaf if he was okay with that. Schaaf said hopefully we can resolve that soon. Voss said he assumes you have previous experience as a City Administrator. Schaaf said served on Oak Park Heights four years as City Council Member, four years as Mayor, elected to represented a district in Anoka County in the State Senate, was elected back in the 60'ss to

be a sewer trustee for the North Suburban Sanitary Sewer District. Voss said so you have been a representative but not an administrator, so you haven't administered or managed a City. Schaaf said he has owned a number of businesses so he has had to administer those. He said he is quite conversant with the laws and duties of both the administrator and the City Council. Voss said he thinks this fits the bill, has your design in it.

Bolton &  
Menk  
  
Water  
Treatment  
Plant Project  
and Waste  
Water Piping  
Project

Schaaf said the next item on the agenda is Bolton and Menk. Schaaf read the proposed resolution as follows: A Resolution Regarding Water Treatment Plant, Wastewater and Water Piping Bids, Whereas, the City Council for the City of East Bethel attempted to take action on Resolutions proposed as Resolution 2010-96 and 2010-97, relative to the water treatment plant and wastewater and water piping bids at their December 15, 2010 meeting; Whereas, the City Council has determined that these matters need to be reviewed further; Now Therefore, Be It Resolved, by the City Council of East Bethel as follows: . 1. That any and all further action relative to Resolutions 2010-96 and 2010-97 and any work or process to be implemented thereunder is hereby ordered to be suspended; 2. That consulting engineers Bolton and Menk are hereby ordered and directed to take no further action relative to this project until further order of the City Council. Adopted by the City Council for the City of East Bethel, this 5<sup>th</sup> day of January, 2011.

**Moegerle made a motion to adopt Resolution 2011-02 A Resolution Regarding Water Treatment Plant, Wastewater and Water Piping Bids. DeRoche seconded.** Voss said so this resolution is basically suspending the contract we have with Bolton and Menk. Moegerle said yes, suspending, not cancelling. DeRoche said we are trying to get the information that we were trying to get prior to this, the biggest things was how is this project going to be funded and can the residents of East Bethel afford it. Before you passed this, and you preached that the residents wouldn't have to pay for it, when I viewed the prospectus, it looks like the citizens are on the hook. Voss said he doesn't preach. He said you asked about the funding when we talked a few weeks ago for about 60 or 90 minutes and he suggested we sit down with Bolton and Menk and all the numbers and everything will be out so you can understand that. DeRoche said yes, but this should have been done prior to the election, or prior to the week and a half before we take oath, it should have been extended the day after the election, look folks this is how we are going to do this, instead, finding out these are revenue bonds, G.O. bonds, what does that mean, explain to the public what G.O. bonds means. Snyder said this is why questions are best directed at the Mayor so we don't get into arguments, there is a request for suspension of activity with respect to the agreements, his recommendation is if Council feels they need to get educated on the financial implications or other implications of the project that it proceed to do so as efficiently as it can, and if a Council Member feels they need information on it, they should get the information, do it quickly, but they should get the information. Voss said he agrees, that is the discussion that we had, and he believes or at least what he heard is the suggestion from the previous City Administrator, ex City Administrator, that a meeting be assembled and the information be provided so that you could ask those questions, and he doesn't believe that was ever done. Lawrence said what is important is we don't have the information. Voss asked was this ever done, were you ever offered to sit down with Bolton and Menk.

Schaaf said he was asked after the election, by the Mayor, if he would do some investigation because he was very concerned about the financial viability of this project. He said one of the things he did was sat down with Bolton and Menk to go over the project from their prospective, what was their idea of what was going to happen. Schaaf said he was told in over two hours that they way he arrived at the numbers was in-depth discussions with City Council. He said so presumably the City Council knew when development was going to

come and in what order, so that the bonds could be paid off by connection charges. Schaaf said one of the problems we have is the public thought that they would never have to pay unless they hooked up. He said the project as outlined does not serve any citizens of East Bethel it is for the commercial area north of Ham Lake, up Highway 65 for about 4 miles. Schaaf said you how can take a \$20,000,000 bond issue and say this is going to cost so much per year, \$17,000 per hook and we will have so many hook ups per year. He said if there isn't an outside person looking at this that has no financial interest it raises in my mind a lot of questions of how this should be done. Snyder said again, Mr. Mayor again, if I may, one format for proceeding if the new Council Members have questions or need to be brought up to speed, one vehicle of doing that is to have an informal workshop meeting with either City staff, or City Council generally, whatever the merits are on the inquiry it seems to be that you should figure out the vehicle to get your answers or you can explore this regulatively quickly and if you are of a mind a workshop meeting is a good way to do that. Voss said so, it would seem that although the offer of an informal workshop meeting was offered at least to DeRoche that Schaaf met with the consultant, made your judgment, and gave your advice to the three incoming Council Members and that was all before, in December. Schaaf said yes, in November/December. Schaaf said one of the things he looked at was the prospectus for the City by Springsted, it shows the building permits issued by the City, it shows that to date we have issued 1, last year we issued 4, and the year before that we issued eleven. The current census figures show that there are currently 256 vacant houses in East Bethel, the point being if this is the growth pattern then why would businesses locate here if those are the circumstances, if raises red flags. Voss said he understands your assessment and opinion of that prior to your appointment as interim City Administrator, on those policy decisions. He said but his point is the incoming Council Members had all those prior conversations prior to coming in. Schaaf said the mayor and I met with the City Administrator a week or 10 days after the election so we could become more familiar with it, it raised a lot of red flags in his mind. Schaaf said he is not an anti-sewer person and he won't work with people that say they have made up their minds, don't confuse me with the facts. He said so in his view there are significant facts that say, at least we should do put this on hold for now. Moegerle asked to respond to Voss's question about being invited to such a meeting. She said she was not invited. Moegerle said also, the Comprehensive Plan in chapter 9 has a provision that it needs to be reviewed annually so it remains an effective guide and she has been unable to find through the website that an annual review of the 2008 Comprehensive Plan has occurred since it was adopted in 2007 and this she thinks will play into looking at this as we do the 2011 Comprehensive Plan review. Snyder said if you contemplate a workshop meeting, everyone should have their questions ready, work with staff and be prepared to make it a productive meeting. On the other hand, if you feel you have all the answers, make the motion accordingly, but probably appropriate to decide on this one issue sooner. **Voss, nay; DeRoche, Lawrence, and Moegerle, aye; motion carries.**

#### Review Trail Project

Schaaf said the next item is review Booster Park/Cedar Creek Trail Project, his understanding is a Council Member wanted to suspend any activity on this project until further reviewed.

**Lawrence made a motion to suspend any activity on the Booster Park/Cedar Creek Trail Project until further review. DeRoche seconded.** Voss asked are we suspending the contracts. He asked in terms of the contracts do we have provisions for suspending the contracts. Jochum said he doesn't know how this affects the contract; he doesn't have the contract before him. DeRoche said his concerns is the city's finances, we need to take a look at this and prioritize the needs from wants. Voss said he is not in support of this project, he hasn't been. He said if we are suspending this project are we going to look at it in two years, two weeks, what is the actual action. DeRoche said our thoughts is this not the

most pleasant transaction, it is going to take time to weed out what is going to happen, but out intent is before you spend money you have to make sure you have it. He said he thought it was going to cost us \$459,000 for this trail and our roads budget was cut. Voss said the motion has been made to suspend the project, so when will this be discussed again, when will it be taken up again. Schaaf said he will want to talk to the contractor, it sounds like four people aren't happy and we might be forced to renegotiate with the contractor. Voss said he wants to know when we are going to take this up again. Snyder said he suggests you make this subject to staff review and then staff can provide an opinion within seven days. Voss said he thinks seven is pretty short and normally when we table something we give staff 30 days to review it. Snyder said he is fond of the seven day turnaround because it keeps things prompt, then if Council wants to tackle this at their next work meeting they could discuss it. He said he appreciates the concern. **All in favor, motion carries.**

#### Public Forum

George Paavola of 213 Hawthorne Road asked how many people it takes to make a quorum for the open meeting law. Lawrence said three people. Paavola asked when does that take effect, after the election, after they take their oath. Lawrence said after they take office. Snyder said in best cases they should avoid discussion. He gave an example. Paavola said it seems to him there was an awful lot of collusion prior to this meeting.

Al Thunberg of 22965 3rd St. NE said he is concerned about what he saw here tonight. He said he knows it is the Council's prerogative. Thunberg said we have a City Attorney, methods of issuing contracts, we have a new City Administrator, we don't know how much he is making, we don't know anything about this guy. He said he understands he is interim, but I urge you all to start following the rules that need to be followed. He said and Richard, I understand you are a business man, but the Mayor cannot just hire his buddies to run the City. Lawrence said I don't hire buddies. Thunberg said well his understanding is the decision to hire the new City Attorney and interim City Administrator were made prior to tonight. He said and he is appalled as a taxpayer of the City of East Bethel about what you have done here. Snyder said to clarify just remember, nobody earns anything until the terms of the earning and so forth are set before the Council and voted on, so. Thunberg said so everything you have done so far is free. Snyder said yes, that is how it appears, that is true. Thunberg asked and how about Schaaf. Snyder said that would be his recommendation.

Tiana Channer 21572 Tyler Street NE, said yes, just like everyone else, her head is swimming, she doesn't know. She said but she is curious as to what benefit the City will get by the elimination of Assistant City Administrator/HR Director position. Snyder said there can only be general discussion to the position, not the person. Channer said yes; help her understand how this elimination has benefited the City of East Bethel. She said she would love for the Mayor to answer one of these questions. Lawrence said we discussed this among the three of us prior to taking office, as information came in from the City, we decided that would be a wise decision to do. Schaaf said in his discussion with Council Members they were deeply concerned about the costs to the taxpayers, what they could do to reduce costs generally. He said as he understands it the Assistant City Administrator was making \$70,000+ benefits, and the City Administrator was making \$133,000, he had suggested he would work for about half of that. Schaaf said this problem is not the last. He said that was the lead impetus. Schaaf said in addition they had lost confidence. Channer asked were the concerns about not fully understanding the sewer project and the implications of that also part of that, were the staff decision based on what you think we might be impacted by this and you don't understand that. Schaaf said he has done some research, between his work with other Cities and his relationship with the League of Minnesota Cities and East Bethel is well over staffed and the pay is out of range. Channer asked who is going to be picking up work, for example is payroll going to be processed. Lawrence said there

will be discussion on that. Channer said so you did this without making these decisions, she is trying to understand this, you chose to do this, you chose to be elected to this position. Lawrence said the former City Council dumped a lot of stuff on us in the last two months, in a lame duck session. He said the question is relative to what we have to bear, we have a lot of financial responsibilities on us, the one thing we ran on and the people wanted us to do was cut the City budget and the people voted for us. Channer asked what about the people that didn't vote for you, do you represent all the people or just the people that voted for you. Lawrence said we represent the entire City. Channer said the good news is this is the most you have spoken the entire night. She said she would like to ask since it is almost 10:00 pm, and she can only speak for herself, but she has three children at home, that the commission interviews take place at another time.

Voss said he also would like to suggest that we make a motion to table the interviews. Snyder said this is an item on the agenda; we can talk about it as an agenda item.

Troy Lachinski of 22286 Vermillion Street NE said he shares the same concerns with other people agrees some changes need to be made in the City, he actually does. He said but he is shocked and concerned about what has been done tonight because you are taking over a \$5 million dollar business and without any observation. Lachinski said you have been shooting from hip and it is going to cost the City a lot of money. Lawrence said trust me, I don't shoot from hip. DeRoche said Mr. Mayor and Mr. Lachinski, I have been in the City for 28 years and I have seen a lot of things that shouldn't have happened. He said you can't do things and do projects and just expect people to just come up with the money. DeRoche said we are in a bad, bad financial situation in this country, now unless people think it is the right thing to do to spend all this money, then we will take donations, but otherwise it has to get under control. He said people have to control their own budgets and we have to control the budget in the City. DeRoche said there was just too much spending going on, and it is not like we said let's go ruin peoples lives; this is one of the hardest things he has ever done, because he has been laid off in the past. He said he doesn't like doing it, but you have to start someplace. DeRoche and we will look at staff and see who is doing what and maybe a little less time spent on the phones and maybe they can do something else. He said it is not his hope after 28 years to watch it go down the tubes after 28 years.

Tom Ronning of 20941 Taylor Street NE said he has been coming to meetings for six years and we have asked, and asked, and asked for consideration about costs, about the sewer, the last two months have been about the City Administrator and Assistant City Administrator positions. He said this is nothing new, he personally appreciates what you are doing to put the breaks on some of the wasteful damn spending here and he applauds you. Thank you.

Greg Stewart of 23251 Buchanan Street NE said hats off to you, I really appreciate what you are doing, a phenomenal job, think you are going in the right direction; I have all the confidence in the world in you. He said you too Steve Voss for sticking around, with that said, he is going to do a Bill Boyer and leave.

There were no more comments so the public forum was closed.

Commission  
Interviews

Schaaf said there has been some discussion that maybe we could do some of this at the workshop. Voss asked are you interested in pushing this off to the next Council meeting. Moegerle said she would like to do this at the work meeting.

**Moegerle made a motion to table the Commission Interviews until the work meeting on Wednesday, January 12, 2011 at 6:00 p.m. DeRoche seconded. Voss asked are we going**

to ask the residents in the audience for input on this. **Voss, nay; DeRoche, Lawrence and Moegerle, aye; motion carries.**

- Approve Bills **Voss made a motion to approve the bills as presented. DeRoche seconded; all in favor, motion carries.**
- Meeting Minutes **Moegerle made a motion to table the approval of the December 15, 2010 City Council meeting minutes indefinitely. DeRoche seconded; all in favor, motion carries.**
- Appoint Regular Employee **Lawrence made a motion to appoint Janet Haapoja as a Regular Employee. DeRoche seconded; all in favor, motion carries.**
- Designating Official Depositories **Moegerle made a motion to adopt Resolution 2011-03 A Resolution Designating Official Bank Depositories For Calendar Year 2011, People's Bank and Village Bank. Voss seconded; all in favor, motion carries.**
- Designating Official Newspaper **Moegerle made a motion to adopt Resolution 2011-04 Resolution Designating the Official Newspaper. DeRoche seconded; all in favor, motion carries. 0**
- Abolish the Board of Health **Moegerle explained that the City Code Division 2, beginning with Section 2-98 refers to a Board of Health and she has reviewed the City web site and record we have not appointed a board since 2004 (she passed out the code). She said the City Board of Health is made up of five members, is to be appointed by the Council at its first meeting of each year, and one member shall be a physician. She said this should be abolished as soon as possible.**  
**Moegerle made a motion to abolish Division 2, Board of Health from City Code. DeRoche seconded. Voss said this does not affect us; it just needs to be cleaned up. All in favor, motion carries. Snyder said an ordinance will have to be drafted and adopted by City Council to remove this from City Code.**
- Appoint Acting Mayor **Lawrence made a motion to appoint Council Member Moegerle as the Acting Mayor. Voss seconded; all in favor, motion carries.**
- Other **Lawrence made a motion to schedule a work meeting for January 12, 2011 at 6:00 pm. Some items on the agenda will be interview commission members, Karen Skepper from Anoka County HRA Market Analysis Information, 2011 Annual Comp Plan Review and Sewer and Water Project. Voss asked wouldn't it be better to have Ms. Skepper come to a regular meeting so it is broadcast. Council consensus was that would be more appropriate. Moegerle seconded; all in favor, motion carries.**

Voss said there are items on the previous agenda that did not make it on this agenda.

East Front Blvd. Storm Water Management Project. Jochum said in general this project was discussed at the November meeting; the project consisted of an inlet structure. Schaaf asked where this is. Jochum said County Road 22 and East Front Blvd, the cul-de-sac where it dead ends. He said it was developed by the Anoka Conservation District they came up with the costs. Jochum said in general what they thought construction costs would be. He said this also ties in with the next agenda item. DeRoche asked was there an ecological impact study done, where the runoff is going to go. He asked what is this going to do with the rest of the

water. Jochum said ACD did most of the calculations. He said the skimmers in the front might have a minute effect. DeRoche asked does this have to be consistently monitored and cleaned out. Jochum said what we were suggesting was a manhole ditch that would only have to be cleaned annually. Moegerle said she knows the rainfall is a variable, but could you give us an idea of what that would be able to handle on a downpour. Jochum said this would handle a small downpour; the large rainfall would jump over it. He said they call this a first flush.

Voss said what is not in the packet is what was first discussed. Leon Mager said he represents East Bethel on the watersheds and he is on CLIA and the phosphorus savings was in the November minutes. Voss said part of the direction given to staff was for the City Administrator to sit down with CLIA and discuss this, he doesn't know if that has happened. Mager said this is a small part of ten locations; you should probably just address them all together. Schaaf asked would watershed be seeking grants or would the City. Mager said ACD would be doing that. He said a lot of groups would be seeking this. DeRoche asked is this the particular area that was going to be dredged down. Mager said this is a different area. Voss said if you look in the upper left corner, which is Viking. DeRoche asked is this in the bay. Mager said yes, in the bay on 22. Voss said to your point Mager, the other sites, we should look at them all collectively, he is glad we are doing that.

Jochum said this was informational, so from the previous discussion in November, Council asked the Public Works department to go look and see if there were more of these areas along Coon Lake. He said this is a cursory review. Jochum said the Public Works Manager had identified 11 sites, point discharges of storm water. He said the item that was put on for discussion was do you want to commit to this, you would have to put in a local storm water plan and put this in your watershed plan, it will need to be in your plan. Moegerle asked does this need to be done by March 4, 2011. Jochum said that is just for one grant. Moegerle asked so we do have some time. Jochum said you do need to get this done if you want to get grant money, because typically you only have a two month window. He said ACD has some ideas on this. Moegerle said her understanding is the first item you discussed was sent to the Roads Commission, and their opinion was it should be dealt with by a storm utility district. Jochum said typically cities are doing this. Moegerle said that is a taxing district. DeRoche asked would CLID collect this. Voss said no, a storm water district is much bigger, it is the entire City. DeRoche said wasn't Joshua talking about a bunch of those grants. Jochum said the more detailed it is the better. He said we want to improve water quality in the lake. He said we would need a commitment by Council and the community. Council consensus was to bring back more information to the next Council meeting.

Commission/Committee Liaisons-DeRoche said he is going to go to the Fire Department meeting. Voss said he would move to put this on the next agenda. Snyder said he would advise that you don't address items that are not on the agenda. Moegerle said shouldn't Boyer be here to participate in this agenda item. Voss said in the past we have all discussed this and divided it up.

Voss said he has two requests. He said he would like background information on the new City Attorney and Interim City Administrator. Voss said normally we go through vetting process. He asked who will the proposals for the contract for the City Attorney and Interim City Administrator come from. He said this needs to be formally presented. Voss said because right now no one is on the payroll. Schaaf said we can put the Interim City Administrator on the work meeting agenda. Voss said you keep putting things on that agenda and he thought it was to discuss the \$20,000,000 bond issue. He said he said it

would be nice if this was done in a public meeting, then it would be broadcast. Snyder said his suggestion is that it be done on a regular City Council agenda.

DeRoche said he would like to say he appreciates the people that supported us at the election and for those that don't he guesses we have something to prove. He said we are not in here to save the world, we had our ideas, we put them out there and people made a decision, that is exactly what we are going to do and he hopes people continue to bear with us.

Moegerle said she apologizes that this was not elegant, first meetings are rather difficult, kind of like making sausage. She said it will get better. Moegerle said we understand that you are at top of organizational chart, then Council and then staff. She said so we are here to serve you, we can be educated, we want to know what is going on, we are open, please contact us with your concerns, it is going to be a lot more elegant from here on out and a much more traditional approach, she thinks your comfort level will rise. Moegerle said please bear with us for another couple meetings and she thinks you will be pleasantly surprised.

.Adjourn

**Voss made a motion to adjourn at 10:45pm. DeRoche seconded; all in favor, motion carries.**

Attest:

Wendy Warren  
Deputy City Clerk