

EAST BETHEL CITY COUNCIL MEETING

June 5, 2013

The East Bethel City Council met on June 5, 2013 at 7:30 PM for their regular meeting at City Hall.

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

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

Call to Order **The June 5, 2013 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda **Moegerle made a motion to adopt the June 5, 2013 City Council agenda. Lawrence seconded, all in favor; motion carries.**

Storm Water Davis explained that the City of East Bethel has developed a Storm Water Pollution Prevention
Pollution Program as required by the National Pollutant Discharge Elimination Program, which authorizes
Prevention City's to discharge storm water to the public water system. The goal of the Storm Water
Program Pollution Prevention Program is to reduce the discharge of pollutants into receiving waters to the
Public Hearing Maximum Extent Practicable. The Minnesota Pollution Control Agency issued coverage to the
 City of East Bethel on January 9, 2008.

One of the requirements of the Program includes that the City must hold an annual meeting before June 30th of each year. At the annual meeting the City will consider public input, both oral and written, regarding the adequacy of the Program. Based on the public input, the City can modify the Program as the City determines to be appropriate. As required, the meeting notice was advertised in the Anoka Union. Copies of the City's SWPPP are available for public review at City Hall and on the City website.

Staff recommends that the City Council conducts the annual meeting to consider public input on the City's Storm Water Pollution Prevention Program. At this time we will open the public hearing and annual meeting for public comment.

Moegerle, "This past week with all the storms the water that has been running off of Forest Road in front of my house has been tremendous. It runs off of the Coon Lake Beach Community Center parking lot and overflows the small curbing area at the boat launch area. This water is unfiltered and I think it is starting to erode that area. I think it is becoming a bad area of infiltration of oil products that are not being filtered properly, so I do think that when that gets attention it will be well overdue. Is there a plan for that?" Davis, "There have been discussions about that. I think the DNR has been looking into that area. Especially, that area is on the corner of Lakeshore and Forest Road and I think they will be looking into doing something with it." DeRoche, "Maybe they out to look into closing it off. Put a barrier up down there. The water has been doing that there for years."

Moegerle, "Well, the curbing is not sufficient to block it and then we need a rain garden or something." Davis, "The area you are discussing would need curbing of the whole street. A long range solution would be to close it off and put a vegetative strip in there to deal with the saturation and limit the access at that point." Moegerle, "It has eroded significantly in the past ten days." DeRoche, "Have you had any talks with Kathy Paavola? She was at the Road Commission meeting last time and said that they were going to quit using that and go down to Dogwood and put in a cement drive pad." Davis, "That is what I heard was discussed. I haven't seen any final plans on that yet. That is an issue. The Center claims they own that lakefront edge. So, if they do, that would be their issue. We probably wouldn't have any objections if they did

close that off. We do some maintenance on it occasionally when we get complaints because it has a tendency to wash the edge of the road away. So, it would be welcome to do anything to improve that situation.” DeRoche, “And, like you said, if that is their property, where do we stop working on other people’s property.” Moegerle, “But, we have the curbing issue too.”

Moegerle made a motion to close the public hearing for the Storm Water Pollution Prevention Program. (SWPPP). Lawrence seconded; all in favor, motion carries.

2012 Annual
Financial
Report

Davis explained that Mr. Brad Falteysek, representing the City’s audit firm of Abdo, Eick & Meyers, LLP, will review the 2012 Annual Financial Report with City Council and be available for questions.

Falteysek “Should have financial statements, along with our management letter. I will primarily go through the management letter. First page our responsibility and our opinion of the City’s financial statements. We are issuing an unqualified opinion on your financial statements this year, which is a clean opinion. How we arrive at that is we look at different controls within the city. If there are transactions that are being handled from one person from end to end we will concentrate on those, if we see any. If we see any issues with those, we would present those in the management letter as a finding. We are not presenting any internal control findings on your processes this year. We believe there is a good deal of oversight with the transactions and how they flow through the system.”

“Compliance issues; we check. The Office of the State Auditor puts out a checklist and there are seven different checklists we have to go through, seven different topics they require us to test as part of our financial statement audit. Testing different statutes and whether you are compliant with them and we didn’t have any findings on those. So, this is a clean opinion on compliance part of the audit as well.”

“Next we start getting into the financial results of the General Fund. Here we are looking at your financial balance at year end compared to the following year’s budget. The recommendation has been around 35-50% in reserves, on hand. That 35-50% is arrived at because you receive most of your revenue from tax settlement in June and Government Aid in July. You are at 55%, so you are above that range. You have a healthy fund balance. We do recommend that you co-compare to other cities of your size. We gather information from the State Auditor on other cities of your size. For your peer group the balances there were 54 and 76%. Those peer group numbers are somewhat high. You are in a good range for your fund balance.” Moegerle, “Do you recommend we have more than that?” Falteysek, “No, that average is pretty high. If you can sustain that around 50% that is a really good number.” DeRoche, “That also doesn’t take into account the personnel changes. Some of our expenditures weren’t as high because of the personnel changes, Jack and I discussed this.” Davis, “Yes, but I think we can maintain this even with lessor reductions in the budget than we experienced this last year.”

Falteysek, “The next page, we look at your total revenues and compared to your expenditures budgeted. Your revenues came in about \$100,000 over what you budgeted and your expenditures were just under \$200,000 less than what you budgeted. So yes, that goes to the some of the personnel changes during the year causing some of the under-budgeting in your expenditures. Your revenue was under budgeted due to many things, licenses, permits, fees for services and others. Page six lists your general fund revenue and points out more details. I want to point out here that in 2012 86% of your general fund revenue came from taxes. In 2010 it was 89%. So, it went from almost \$4.6 million to almost \$4.2 million in that time frame. Overall revenues went from \$5.1 million to about \$4.9 from 2010 to 2013. Expenditures 35% is Public Safety, 15% is Public Works. We also look at a per capita number. You were under for all these numbers but transfer out. But you are setting aside money for future projects.”

“Special revenue funds. You have four of them. They are used to account for where there are revenue sources that have restricted purposes by an outside party. Recycling, grants and donations, EDA funds & HRA fund. Your HRA didn’t have action this year. EDA received about \$160,000 in taxes this year and they listed about \$123,000 in expenses. So it brought that fund out of its deficit of negative \$1,000 to about \$23,000 in the positive. The other funds are

sustaining themselves.”

“Debt service funds. I always recommend you take a look and figure out where the revenue is going to be coming from for the life of the bond. I think everybody is well aware that the GO Revenue Bonds are going to be your issues going into the future. You definitely need to be talking about those and figuring out ways to take care of those if the connections aren’t coming in the way you need them to. Just continue to talk to your financial advisor.”

Capital project funds. These are where you are transferring those funds. Municipal State Aid Improvement Fund, Water Utility Fund and Sewer Utility Fund. You receive State Aid for the Municipal State Aid Improvement Fund, so you brought that deficit balance up to \$219,000. The Water and Sewer Utility that is spending down the bond proceeds. That is where you get those major decreases in those two funds. You are generating about \$30,000 in revenue and have \$50,000 in expenses. At the end of the year you always borrow to keep this from being a negative cash balance. You might want to look at the rates and figure out where they need to be to sustain this. The Sewer Utility Fund is pretty much breaking even.” DeRoche, “Is that Castle Towers?” Davis, “Yes, that is correct.” Falteysek, “I believe Castle Towers’ revenue was a 23% decrease, so that was the big change there.”

“Ice Arena. Here you have generating operating income in 2010 and 2011. In 2012, you had a loss. There was a change in depreciation of an asset, the useful life was scheduled to depreciate at a certain date and there wasn’t enough depreciation taken out. So, to get the depreciation off the books, we had to record some additional depreciation this year. Depreciation is a non-cash activity. So, even though you had an operating loss this year, your cash balance did improve. Operating revenues did decrease by about \$20,000.”

“We compared your ratios to your peer groups. First is your debt to assets. You are at 42% where peer group is at 32%. Pretty comparable to your peer group, a little high, but nothing extraordinary. Per capita, you are lower than your peer group. You are at \$1,900 per resident and they are at \$2,200. Taxes per capita, you are again lower than your peer group. Current expenditures, your peer group is at \$636 per resident and you are at \$379. Positive numbers compared to your peer group. You also want to concentrate on the trend in your City too. The peer group numbers are there, and they are great to compare with other cities. But, how are your trends going, are they getting better? When looking at taxes per capita you are at \$396 in 2010 and at \$395 in 2012 now so pretty comparable. Expenditures were \$387 in 2010 and \$379 now, so they have improved. Your capital expenditures (this fluctuates from year-to-year) depending on the projects you are doing, over the three years you have averaged above what the peer group is doing in capital projects. Your General Government Assets are at 54%, Business Type is at 74% and your Government Assets are a little older than peer group and the Business Type are a little newer.”

“The rest of the report just describes those ratios little further and new accounting standards that are going to be coming out. We will be working with staff to implement those. With these new standards we have had Councils adopt resolutions, these we won’t need to do those. This will just change the presentations. Positive was the general fund. It is sitting in a good position.”

Moegerle, “Do you have any recommendations to us for some of the issues where we are not meeting our goals? For example the sewer and water up north, should we raise our rates or is that not a solution? In the purview of the Council do you have any recommendations of change for us?” Falteysek, “You definitely want to look at the rates. That is where the money comes from, from usage charges. So, you definitely want to increase them sooner than later. As far as the bonds, I would recommend you work closely with your financial advisor and see when the opportunities are that you can refinance those and when it makes sense to do so.”

Public Forum Lawrence opened the Public Forum for any comments or concerns that were not listed on the agenda.

Mary Thorsten of 18325 Lakeview Point Drive NE, “There is a 20-foot strip of land that the City

owns and I am interested in getting that vacated. I am here to ask if we can put that on the agenda.” DeRoche, “Is that the property that borders the property of that the gentlemen wants to get a garage on?” Thorsten, “No.” Moegerle, “How big of a parcel is it?” Thorsten, “We have 50 feet of lakeshore and then the property we are looking at is 20 feet of easement.” Lawrence, “Is this the property that the City owns?” Thorsten, “It was way back in the railroad days and it was used for the fire engines to have access to the lake. There is a statute that supports the prohibition of motor vehicles, unless it is to be used as such as the fire vehicles.” Moegerle, “What is the purpose or the use of the easement? How do you plan on using that property?” Thorsten, “It is our only way up to the house for a driveway. Our garage sits by the road and the house is further up by the lake so it is the only way we have up to the driveway.” Moegerle, “We did do that vacation before, but it was the only way the house was going to be habitable. Get the information to Jack and we can at least discuss this.” Lawrence, “Yes. I am not sure that we can do anything for you, but we can look at this if you get all your information to Jack.”

DeRoche, “The license on Sylvan was for the sewer.” Davis, “As per statute, and I think we discussed, if there were a vacation, it would go to both property owners.” Thorsten, “I would like to have access to all 20 feet because it would be our driveway then. If this stays open, I am worried there will be too many snowmobilers and others going through it. Ham Lake at least posts a sign that they aren’t allowed. There are these people all of a sudden using this access and I have children and grandchildren and if they get hurt that would just leave the City open for liability. So, if we purchase the whole entire easement, it would get the City off the hook.”

DeRoche, “There are two issues; it has to be split evenly between two neighbors. And, last time we tried to do something like this, we had a lot of testimony on the license we did issue from Doug Tierney saying how these spots were set up for snowmobiles to come up and down off the lake rather than private property.” Moegerle, “It looks like you already have an existing driveway?” Thorsten, “Way down by the street. It is a way short driveway.” Moegerle, “And that is not a driveway between the street and the house?” Thorsten, “The driveway is the easement.” Moegerle, “This does not show a driveway on the easement.” Thorsten, “I can take some pictures and bring it in so you can get it in your mind. I don’t think this was set up originally for snowmobilers. I think it was set up for fire engines. When I discussed this with one of the City Attorneys, I think it was Mark Vierling, I believe he said it was ‘first come, first serve.’ So that would give me access to the 20 feet.” Vierling, “Not on a vacation. I think you are confusing the possibility of a license, not a vacation. If the City vacates by operation of law it goes half/half. That is an absolute law. The other aspect you have with a vacation, especially with a property that borders the lake, the DNR gets to weigh in on whether or not they want access to that right. That is another issue that we have with these properties; the DNR generally has the philosophy that if it borders the water, they want them.” Thorsten, “If they ever need it back we would relinquish it to them.” Vierling, “It is not a question of their need; they come in and say they want to take it and in which case, nobody gets to use it for anything.” Lawrence, “We will look into this.” Thorsten, “Should I come back to the next meeting then?” Moegerle, “When it is on the agenda.”

DeRoche, “Is that a sidewalk?” Moegerle, “She represented this as a driveway.” Davis, “I think her driveway accesses the street to the garage and what she depicted there is a walkway between the garage and the house.”

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

Consent Agenda

Lawrence made a motion to approve the Consent Agenda. Ronning, “I would like to remove the following for discussion: Items A) Approve Bills, C) May 1, 2013 City Council Meeting Minutes, G) Approve Completion of Probation – Community Development Director, I) Personnel Policy Updates and J) Resolution 2013-29 Approving Compensation for Commission Members.” Moegerle, “I would like to remove Item F) Resolution 2013-28 Accepting Donation from Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP for discussion.” DeRoche, “I would like to remove Items G) Approve Completion of Probation – Community Development Director, I) Personnel Policy Updates and K) Cell Phone Stipend. **The Consent Agenda Includes: A) Approve Bills; B) April 17, 2013 City Council Meeting Minutes; C) May 1, 2013 City Council Meeting Minutes; D) May 15, 2013, City Council Meeting Minutes; E) Approve**

Application to Conduct Excluded Bingo for East Bethel Seniors – Booster Day, July 20, 2013; ~~F) Resolution 2013-28 Accepting Donation from Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP; G) Approve Completion of Probation – Community Development Director; H) Approve Application and Permit for a 1 Day Temporary Consumption and Display Permit for Cedar East Bethel Lions – Booster Day, July 20, 2013; I) Personnel Policy Updates; J) Resolution 2013-29 Approving Compensation for Commission Members; K) Cell Phone Stipend; L) City Administrator Vacation Accumulation, Resolution 2013-30; M) Pay Estimate #4, Jackson Street; N) Pay Estimate #22, Phase I Project I Utilities Project; O) Final Payment Viking Boulevard Turn Lane Project; P) Appoint Insurance Agent Broker for Employee Benefits; Q) Approve the Hire of Fiscal Services Director; R) Pay Increase for the Public Works Maintenance Technician/Utilities Operator; S) Old Schoolhouse Demolition Bid. Ronning seconded; all in favor, motion carries.~~

A) Approve Bills

Ronning, “A) Approve Bills, page 128 under Park Capital Projects, buildings faculties, repairs, \$13,900 for DNS Construction?” Davis, “That is for reroofing the Community Center/Water Treatment building at Whispering Aspen.” Ronning, “The next page, almost half way down, Planning and Zoning, Escrow Reimbursement?” Davis, “That is reimbursement for funds that people put up; one is for a driveway installation, the other is for the demotion of a building for Mr. Johnson. We refunded part previously; he completed his work. The escrow is there to cover any expenses above and beyond what may be anticipated. He completed them satisfactorily.”

Moegerle made a motion to approve Item A) Approve Bills as presented. DeRoche seconded; all in favor, motion carries.

C) May 1, 2013 City Council Meeting Minutes

Ronning, “May 1, 2013 City Council Minutes, on page 166 G and O were highlighted? Were they highlighted for any reason?” Davis, “There wasn’t anything highlighted for any reason.” Moegerle, “I noticed other things in highlight.” Davis, “If there were highlights, they were probably done in the drop box section of it.”

Moegerle made a motion to approve Item C) May 1, 2013 City Council Meeting Minutes. DeRoche seconded all in favor, motion carries.

F) Resolution 2013-28 Accepting Donation from Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP

Moegerle, “I pulled Item F. I called Jack about this. Later we will talk about the personnel policy and standards. It needs to be clear that this generous donation is for the benefit of residents. And not for the benefit of Council, Commission or Booster Day Commission members. They [the tickets] should be going to the residents. I would add words to that effect to the resolution.” Davis, “I think we can leave the resolution the same. But we will make sure the exclusions are made when the drawing is done.”

Moegerle made a motion to adopt Resolution 2013-28 Accepting Donation from Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP. DeRoche seconded; all in favor, motion carries.

G) Approve Completion of Probation – Community Development Director

Ronning, “I am not sure, is this an action item? There are not supporting documents or anything.” Davis, “This is in the write-up for the consent agenda. The probationary period which is six months for every employee for Colleen Winter is up and we are asking that she be made a regular employee.” Ronning, “You are kind of asking us to approve something that we don’t know.” Davis, “It is my recommendation that we approve her as a full-time employee. If there is anything you need to know, I will be glad to help you.”

Moegerle made a motion to approve Item G) Approve Completion of Probation – Community Development Director Colleen Winter. Lawrence seconded. DeRoche, “I have no problem doing that, but I would like to have a workshop or meeting, outlining what that position is supposed to do, the responsibilities. I just want clarification on some stuff. Otherwise, it is just like anyone else coming in here. It is a tough job. All in favor, motion carries.

DeRoche, “If I am reading this right, is it to eliminate the Human Resources/Asst. City Administrator position?” Davis, “That position has already been eliminated. That is still mentioned in the policy and we just want to strike it from the personnel policy.” DeRoche, “Is

I) Personnel
Policy Updates
and

that to say that we have no plans of ever filling that position again?" Davis, "Not in the immediate future. That would be something for Council to decide at an appropriate time."

Moegerle, "I am looking at 1.4 All employees (regular full and part-time), offices and positions in the municipal employ, now existing or hereafter created, will be subject to the provisions of these regulations except the following:

1. Elected officials (except as noted herein)
2. Members of boards and commissions (except as noted herein)
3. Volunteer members of the Fire Department (except as noted herein)
4. City Administrator (except as noted herein)
5. City Attorney
6. Persons engaged under contract to supply expert, professional, technical, or any other services
7. Other positions so designated by the City Council (except as noted herein)

So, what that means is some of those personnel policies apply to us even though we are not employees. So, I respectfully request that the City Council, all members of the boards, commissions, EDA, individuals appointed to the WMO's, Airport Board, that are appointed by the City of East Bethel to those commissions be provided a copy of the provisions of the policy that apply to them no later than July 1, 2013. And, that hereafter upon election or appointment each person receives a copy of those provisions. That is not a motion, it is a request. There are some ethics and some respectful workplace information that applies to each of us. And, that we cannot be harassing to residents or each other and I think that is an important reminder we should get annually.

Moegerle made a motion to approve Item I) Personnel Policy Updates. Lawrence seconded.

Ronning, "I have a question on page 9.4 Health Care Savings Plan. Assumably everyone accrues vacation and sick leave, and that is the equivalent of compensation for work. It is more curiosity than anything. Is that treated as computed income?" Davis, "Correct. With the Health Savings Plan, this is the language taken from the state guidelines. Upon termination (we want to add **resignation, retirement or death** in there) all the accrued sick leave time that they are eligible to be paid for would be rolled over the Health Savings Plan and 50% of vacation time would be rolled over into this. That serves two functions. One it is tax exempt to the employee. Two, the City pays no Social Security taxes on that. The City owes the person that money when they leave, upon those conditions but the City is going to save the Social Security portion of it and the employee isn't going to pay any taxes on it." Ronning, "It is more of a lump sum than earnings." Davis, "That is correct, that lump sum would be rolled over into." Ronning, "That was my question about the computed income; are there tax liabilities?" Davis, "No, there are not." Ronning, "What did you want to add?" Davis, "Upon termination, **resignation, retirement or death.**"

Ronning made an amendment to the motion to add to the amended personnel policy the language, "Upon termination, resignation, retirement or death. Moegerle accepted the amendment. Lawrence, "The law puts us at 36 hours or over for full-time." Davis, "Full time is 40 hours. Anything between 20 and 40 hours for benefits is pro-rata. But, I don't think that has anything to do with this Health Savings Plan." Lawrence, "The other thing is there was a lot of discussion on drug testing. There is a lot of area where it is grey. It is a pretty loose policy. A lot of companies are a lot of stricter with this." Davis, "We wanted to add the definition on 'dilute specimen.' Upon approval of the new Finance Director, we want to go back and look at the entire personnel policy package. That is a goal we will have completed by this time next year. It does follow a pattern of progressive discipline. There are some things in there that need to be redefined and clarified."

Moegerle, "On page 230 the term 'Human Resources Director' was not deleted, I think it needs to be changed to 'City Administrator.'" Davis, "We will do a final edit to make sure all of those are deleted." Moegerle, "I have a final concern; I greatly appreciate all the hours you have put in. And the reasoning behind why you have put those hours in. But, there is a real reason why we have vacation time, and I know that coming back from vacation can be worse than leaving and take away some of the value of being away. But, please take some of your time. Killing yourself

for the City does us no good. So, I do want to be sure that it is made clear that we have vacation for a reason and that all of the staff makes at least a token effort to get some of that time taken. Take some time off for yourself; you deserve it.”

Ronning, “On the drug testing, I think it is accepted that the DOT accepts drug tests for someone that has commercial licenses. Is it part of the policy that non-DOT would be for cause?” Davis, “We follow those and anything we follow is in the personnel policy.” Ronning, “Is it in the personnel policy that the guy that shovels the driveway is that for cause, or for any reason? As far as sending for a drug test?” Davis, “We have to have a reasonable cause.” Vierling, “Statutorily it is provided as well.” **All in favor, motion carries.**

J) Resolution
2013-29
Approving
Compensation
for
Commission
Members

Ronning, “Item J the compensation for commission members and which we discussed and I think everyone agrees. The question is: all citizen members of the Economic Development Authority and the Airport Commission, East Bethel members only, Parks, Planning and Roads, how broad is that? What all is included in that?” Davis, “That is for regularly scheduled monthly meetings only. Generally for Parks, Roads, EDA and Planning there is twelve a year. The Airport Commission meets quarterly. That allows us to budget for this. It was also it was brought to my attention that we have a citizen member on our WMOs and they also meet quarterly.” Moegerle, “Should we also include any other appointed Council group? That way groups such as the website committee are included. The GRE committee was not compensated, and I would like to plan for the future.” Davis, “It depends on what Council wants to do. My only problem with the task forces is you never know how many times they are going to meet. So it is hard to budget for that.” Ronning, “I didn’t know about the Airport.” Davis, “We have a representative on the Anoka County Airport Commission. The representative will be here in July to give us a report.” DeRoche, “I am not into making bigger government. Whatever happened to civic involvement?” Moegerle, “It is the same folks time and time again. We are getting some log jams on people who are ‘No, no, no,’ and ‘Yes, yes, yes’ and we are not getting conversations. And if that token amount gets people out to get involved as an inducement, it might break someone away from saying they were going to spend all their time with the Girl Scouts or Boy Scouts. I thought the Council compensation was set by ordinance, so I was going to suggest that be set by ordinance also.” Davis, “It is usually in the by-laws of each Commission.” Moegerle, “We do have it in ordinance for Council.” DeRoche, “If someone wants to get involved in a task force, they should do it. If we are going to start paying people to be on a Commission, we are going to have to start checking all their qualifications.”

Moegerle made a motion to adopt Resolution 2013-29 Approving Compensation for Commission Members adding the members of the WMOs. Ronning seconded; all in favor, motion carries.

K) Cell Phone
Stipend”

DeRoche, “I asked to have this for discussion. This is going to open them up for data privacy.” Vierling, “Potentially it does.” Davis, “You are correct. They are well aware and one of them forwards his City phone to his personal phone now.” DeRoche, “Then why do they have a phone to begin with?” Davis, “It is a City issued phone. Like the computers here now. In order to make them available by cell phone, we need to provide them with one. It poses some problems, their personal and business lives cross. Under our policy now, they have to take the bill now and remunerate the calls. It would eliminate that and will maybe save us money on our bill.” DeRoche, “To me, if they were issued a City cell phone, which was so they can get City calls, are they going to give out their personal cell phone number?” Davis, “Yes, they are going to give that out.” Ronning, “You mentioned three employees, how do you determine the size? Once it is approved, what is the limit? If three are interested, will it go to all employees?” Davis, “The more it expands, the more we save.” DeRoche, “Don’t we have five free phones?” Davis, “They are not free. We get a rebate on them.” DeRoche, “What do we do if we can’t get in touch with an employee because of their phone?” Davis, “We currently have that now with me with my cell phone in my home. Something you have to deal with on an individual basis.”

DeRoche made a motion to approve Item K) Cell Phone Stipend. Lawrence seconded. DeRoche, nay; Koller, Lawrence, Moegerle and Ronning, aye; motion carries.

Davis explained that the EDA, at their May 20, 2013 meeting voted to recommend that City Council approve the following changes to the EDA By-laws so that they are consistent with other Boards and Commissions in the City of East Bethel.

Specifically the following sections have been eliminated – Sections 4.2, 4.3, 4.8, 4.9, 4.10 – all of which had to do with financial transactions. The EDA does not operate financially independent of the City Council and so these sections were eliminated.

Section 3.3 - Calling of Special meetings. The language was changed so that it was consistent with what the City Council requires to call a Special meeting.

Section 4.4 – Added language that states that the EDA will make monthly reports to the City Council.

Section 4.12 – Compensation was not changed as that is being addressed separately by the City Council.

Staff recommends approval of the revised EDA by-laws.

Moegerle motion to adopt with the amended EDA By-Laws with the following changes: with regard to section 4.0 miscellaneous those will be renumbered into numerical order. Lawrence seconded. DeRoche amended the motion have it put in writing that the reimbursement for the EDA members for Council Members is \$0 and the rest of the members is \$20. Moegerle, “We have already addressed that under the Consent Agenda, Item J.” DeRoche, “Seeing how these are the written By-Laws, I think it should be put in there.” Moegerle, “I think we already established compensation in Item J.” DeRoche, “We didn’t go over the EDA By-Laws.” Moegerle, “But we have already established the compensation in Item J, we have already set that.” DeRoche, “But when someone reads the EDA By-Laws, if they don’t go back into these other things, then it is in there. I think it is crucial it is in here. It has been kind of a barking point for a couple months now.” Moegerle, “Yeah, well, who has been barking?” DeRoche, “What was that about respect?” Moegerle, “Your words, not mine.”

Davis, “I think that J only addresses the citizen members.” Moegerle, “We are all citizens of the City of East Bethel.” Koller, “I think it should be clarified in the EDA By-Laws.” **Ronning seconded the amendment.**

Moegerle, “So then, if that becomes effective today, then retroactively the Council Members will get paid? Because they certainly haven’t been.” DeRoche, “No.” Vierling, “No.” Moegerle, “You can’t make that retroactive.” Vierling, “He is not.” Moegerle, “But there was no difference between the EDA and the citizen members serving before.” DeRoche, “There was no amount set.” Moegerle, “Why is this such a problem for you? Do you want to get paid for the HRA?” DeRoche, “Absolutely not. Being on the Council, we knew coming in that there would be liaison meetings and there would be other stuff coming in and there wasn’t any question about it. I am not in this to make money. And, I pay the same amount for my gas. As long as I am here, it is my choice to be or not to be on the Commission.”

Moegerle, “And you know what? There is a lot more work associated with being on the EDA. Richard goes to a lot of things and I go to a lot of things. Not because I sit up here, but because I am on the EDA and I wear two hats. And that makes a difference. Am I going to go to MSP 2040 is all about? Or do I just sit on my hands and wait for Ed Reynoso to come up here and tell us? The question is, do you want your EDA going out and bringing back information that brings in information to the City to make it stronger, better and more efficient? Or do you want them to sit on their hands like a Commission member and do nothing? And I think that there is a certain amount of incentive that comes with that. There is a reason that State Statute was put out for this and I will abide by the State Statute. I am sorry that is not something you appreciate.” DeRoche, “For the record, I don’t think any of our Commission members sit on their hands and do nothing. I think that is a slap in the face, that is the statement you just made. And if you think that \$20 they make, I think they are worth a lot more. But, you know what? We are in a situation here where we have to watch what we spend.” Moegerle, “\$500 a year makes or breaks this City?”

DeRoche, “Well, we were talking about saving \$149 a year so yes, \$500 makes a difference. I call the question.”

Moegerle, nay; DeRoche, Koller, Lawrence and Ronning, aye; the amendment carries.

Moegerle, “What did the EDA say about this or are they at the whim of the Council?” Davis, “They are, on this, I think because it says the rate will be determined by City Council.” Ronning, “This particular thing addressed monthly meetings anyhow.” **Moegerle, nay; DeRoche, Koller, Lawrence, Ronning, aye; motion as amended carries.**

Road Minutes Davis explained that the meeting minutes from the May 14, 2013 Road Commission meeting are included for your review. As I proposed in an update to you last Friday, I think it would be wise to send meeting minutes to you as they are done. If you wish to bring something up as an agenda item on the minutes, you can amend the agenda. Or contact me and I will add it to the agenda.

Fence at Water Treatment Plant Davis explained that as directed at the April 17, 2013 City Council meeting staff has obtained quotes for a perimeter fence around the Water Treatment Plant and the Water Tower. The perimeter fence layout is shown on Attachment 1. A total of three quotes were requested. A total of two quotes were received. Quotes were received on a total of 4 alternatives. The alternatives considered in the quotes are summarized below:

- Alternative 1** – 6 foot chain link fence and three strands of barb wire on top. The main gate would not have a power operator.
- Alternative 2** – 6 foot chain link fence and three strands of barb wire on top. The main gate would have a power operator.
- Alternative 3** – 8 foot chain link fence without barb wire on top. The main gate would not have a power operator.
- Alternative 4** – 8 foot chain link fence without barb wire on top. The main gate would have a power operator.

The total bids for the four alternatives are summarized below:

Alternate	Century Fence Company	Town & Country Fence
1	\$26,227.50	\$27,978.25
2	\$37,624.50	\$40,778.25
3	\$30,413.91	\$34,167.00
4	\$41,808.91	\$44,967.00

The recommended staff alternative for this project would be Alternate 3 at \$30,413.91. Bond proceeds from the municipal utilities project are available and appropriate for this project.

Staff is requesting approval to award the contract for this project to Century Fence Company in the amount of \$30,413.91.

Lawrence made a motion to approve Century Fence Company Alternative 3 in the amount of \$30,413.91. Ronning seconded. Moegerle, “Why is the recommendation without barb wire?” Davis, “The eight foot fence we think would be appropriate without the barb wire. We could add it.” Moegerle, “Is it a liability issue? Or an effectiveness issue?” Vierling, “Probably more of an effectiveness issue. Three strands of barb wire isn’t going to stop anyone.” DeRoche, “If they want to get in there that bad.” **All in favor, motion carries.**

Johnson Street Service Road Project ROW Davis explained that City staff has prepared the required easement deeds for the Johnson Street and Trunk Highway 65 Improvement Project. The project will include constructing Johnson Street from 215th Avenue to 221st Avenue and eliminating the access and median crossing at 219th Avenue and Trunk Highway 65. The easement deeds are included as Attachments 1 – 3.

As previously discussed with council offers have been made to the individual property owners for the purchase of the easements. Attachment 4 summarizes the offers to each property owner. The total easement cost based on the current proposed offers is \$183,589.16.

The total estimated project cost for the Johnson Street construction project and the Trunk Highway 65 Improvements is \$1,500,000. This project will be financed with Cooperative Agreement Grant Funds and State Aid Construction Funds. Funds are available and appropriate for this project.

Staff recommends that Council approve the easement deeds for this project and authorize staff to execute the documents with the appropriate land owners.

Lawrence made a motion to approve Staff to move forward with the easement deeds and authorize execution of the documents with the appropriate land owners. Koller seconded. DeRoche, "Other than the fact that I have not agreed with spending the money up there all along, I cannot support this." Ronning, "How solid are these? Do you have contingencies with the property owners that these are final numbers?" Jochum, "We have made these tentative offers to them and they have accepted them. Of course, if they don't agree to them, then it would have to come back to Council. These are the offers to them; it would have to come back to Council if they changed."

Ronning, "Some of the costs, 1.5 million. Do we have some documents we could look at? Like what are the increments of the aggregate?" Jochum, "A more detailed estimate?" Ronning, "No just like \$185,000 is being spent on the properties and whereas the other \$1,317,000." Jochum, "I believe \$1,200,000 is construction and the remaining is engineering, overhead, some attorney fees, testing materials." Moegerle, "You already presented this to us in May, didn't you?" Jochum, "We won't award the project until the deeds are signed. So, if someone changes their mind, and wants double, that might kill the project." Ronning, "That is a couple rolls of the dice. It would be responsible to know better what we are doing." Jochum, "We have those numbers and I can get those to Jack to get to you." Lawrence, "This is formatting up to the bids." Jochum, "This has not been bid out yet. We have done an estimate on it." Davis, "We approved these numbers one or two meetings ago. I will forward those numbers to you." Moegerle, "This is huge for opening this up for development. Whether business or residential, this is huge for the Roads. One of the best things they have done." DeRoche, "The Roads Commission kicked it back." **Ronning and DeRoche, nay, Koller, Lawrence and Moegerle, aye; motion carries.**

Resolution
2013-32
Accepting and
Adopting the
2012 City of
East Bethel
Annual
Financial
Report (AFR)

Davis explained that the 2012 Annual Financial Report (AFR) has been prepared, audited and is presented for your review and approval.

Resolution 2013-32 formally accepts and adopts the 2012 Annual Financial Report and directs the submission of the Annual Financial Report to the State Auditor.

Staff recommends adoption of Resolution 2013-32 Accepting the 2012 Annual Financial Report for operations and activities of the City of East Bethel for fiscal year 2012 and direction to submit the report to the state Auditor.

DeRoche made a motion to adopt Resolution 2013-32 Accepting and Adopting the 2012 City of East Bethel Annual Financial Report (AFR). Lawrence seconded; all in favor, motion carries.

Approval of
2013 MNPEA
Contract

Davis explained that The Minnesota Public Employees Association local union group has accepted the City offer as directed by Council on February 6, 2013. We have received confirmation from the Minnesota Public Employees Association that this agreement is acceptable and has been ratified.

This agreement is for year 2013 only. The delays in the approval of this agreement were due to a change in representation for the unit from the Teamsters to the Minnesota Public Employees Association. Negotiations will begin on a proposed three year agreement upon approval of this contract.

The following are the items of amendment to the current 2010-2012 labor agreement:

Wages and Salaries

A 1.5% wage increase will be in effect for 2013 as approved and budgeted by City Council.

Cafeteria Contributions

The City and employees share in the cost of increases and decreases for insurance benefits that affect the amount contributed to the cafeteria plan. For 2012, the amount paid by the City towards the plan was \$919.33 per month. For 2013 only, the City proposed and the Union accepted a cafeteria contribution of \$902.11 that represents a decrease of \$17.22 per month per employee from the 2012 contribution.

Compensatory Time

Compensatory time was increased from 40 hours to 50 hours. This offering is revenue neutral for those employees that do not take comp time or accrue the maximum comp hours. For those that take the comp time, the City actually saves the dollar amount for the overtime differential.

Boot Allowance

The safety boot allowance would be increased to \$150.00 annually. Any unused portion can be accumulated and carried over into the next year but the accumulated balance must be used in a two year period. The City would record and maintain a record of the balances available to the employee. This allowance can only be used for safety boot purchases and any balances in an employee's account at the time of his/her departure from City employment regardless of the reason would revert back to the City.

On Call

The on-call employee will receive an additional hour per day, Monday thru Friday for the week the employee is on-call. Saturday and Sunday on-call compensation will remain the same, one hour straight time and one hour at time and half with any time over two hours being compensated at the time and half rate. As a condition to this proposal, on-call employees will be required to respond to any call initiated by the City during the on-call period within 15 minutes of a placed call by the Public Works Manager or the City Administrator. Should the employee fail to respond to the call, he/she would be subject to a progressive disciplinary action as described in the current labor agreement, Article XII Discipline. Should the employee fail to respond within the specified time, the City would call the next senior member on the on-call list. In the event of an emergency, the Public Works Manager or the City Administrator would be exempt from adherence to waiting for the 15 minute response time and immediately call the next employee in order of seniority should the on-call employee be unavailable to answer the call;

Approval of the one year contract will allow the following:

- Provide the City and the Union ample time to bargain and negotiate a longer term labor agreement to commence in 2014; and
- Address on-call issues that have required attention since 2009.

Staff is recommending adoption of the above amendment to the existing Labor Agreement of 2010-2012 as a one year agreement for the year 2013.

DeRoche made a motion to approve the one year agreement with MNPEA for the year 2013 amending the 2010-2012 existing Teamsters agreement. Lawrence seconded.

DeRoche, "I assume this is in the budget?" Davis, "That is correct, this is in the budget."

DeRoche, "We are going to have to have at least one if not two meetings regarding the budget with the new gentleman in there so he gets a handle of what is going on." Davis, "The new hire will have at least a week for work with Rita. I think a week is adequate, based on his experience, and he will familiarize himself on where things are. He will have an opportunity to work with Rita for a week before her official retirement." Ronning, "The term of the agreement, there is one line that says 2010 to 2012? And another line says 2013." Davis, "We are recommending this as an amendment to the contract we had with the Teamsters." Ronning, "It is an extension of that?" Davis, "Correct." **All in favor, motion carries.**

Joint Powers Agreement - Anoka County Highway Dept. for Paving of Turn Lane

Davis explained that City Council approved a contract with East Bethel Properties, LLC (EBP, LLC) in the amount of \$54,050.00 for the widening a section of CR 22 for the purpose of constructing a future turn lane on February 20, 2013. This work was completed and EBP, LLC reimbursed the City on April 18, 2013 for 95% of the contract, or \$51,347.50, as per the contract agreement. The balance, \$2,702.50 was approved as Item O on tonight's Consent Agenda. EBP, LLC is current on their obligations as specified in the contract that was approved on February 20, 2013.

EBP, LLC is now requesting that the section of CR 22 widened for the turn lane be included in the ACHD's paving contract for the CR 22 Reconstruction Project. The ACHD will not contract with third parties for these services but will allow the City to participate in additions to the work, just as we did with the widening project for the turn lane.

Attached is the proposed JPA for inclusion of the paving of the turn lane as an addition to the County project. As in the previous project, the City would pay the ACHD for the work and EBP, LLC would reimburse the City share of the costs for the amounts billed by the ACHD. There would be no costs to the city and per the contract agreement, should EBP, LLC default, the City's expenses would be assessed to EBP, LLC's property taxes.

City participation and partnership in this request will accomplish the following;

- Continue the City's commitment to enhance economic development and work with developers to support and advance viable projects;
- Provide the means to complete the turn lane project in the least disruptive and most cost effective manner; and
- Expedite the development of property in the Municipal Utilities Service Area.

Staff recommends the JPA and contract be approved.

DeRoche made a motion to approve the Joint Powers Agreement for the turn lane and Contract 2 with East Bethel Properties, LLC as presented. Koller seconded. Lawrence, "For clarification, East Bethel Properties, LLC is not the City of East Bethel, it is a private entity working within the City of East Bethel." **All in favor, motion carries.**

City Hall Improvement Project

Davis explained that the common areas of City Hall, Council Chambers, hallways, foyer, lobby and conference rooms were painted in 2007. These are high use and traffic zones and are in need of drywall repair and repainting. In addition, there is a blackboard in the Booster West Conference that is outdated, is difficult to clean and is recommended to be replaced by a white board.

It is also proposed that a new service counter and a sliding window be installed in the wall on and adjacent to rear door to the City Hall offices. This would provide an improved and controlled entrance for those persons who are seeking building permits or doing business with the Building Department. Our current access to the Building Department is the door to the rear of City Hall offices and the window would eliminate the need for those seeking services to have to enter through the back of City Hall offices to find the appropriate person to address their needs.

The costs for these improvements including tax are \$12,078.66 and would be funded from the Building Capital Improvement Fund. There are amounts in this fund to cover this activity.

This project would address the following issues:

- Improved customer service with immediate access to a Department Official who would be stationed on the office side of the window
- Improved security for City Hall offices and the Audio-Visual Room
- Common Areas of City Hall would be approved in appearance

Staff recommends Council consider the approval of the painting of the common areas of City

Hall, replacement of the blackboard in the Booster West Conference Room and the installation of a new service counter and a sliding window to service the Building Department at a cost not to exceed \$12,078.66.

DeRoche made a motion to approve the City Hall Improvement Project at a cost not to exceed \$12,078.66. Ronning seconded. DeRoche, "This is going to improve security. How does a sliding window keep someone from coming in versus a wall?" Davis, "As it currently stands now if someone comes to get a building permit, they are directed from the front desk to the back door, to enter the building department. If no one is around they ring a bell and sometimes people wander around and if they have kids with them, sometimes the kids wander around and get in the Audio Visual room. It is a real inefficient way to address people who come to get permits or information from them. It will reduce the possibility of people coming in and no one being there and wandering all through City Hall." DeRoche, "I was thinking more about after hours." Davis, "We have the alarm system and the motion detectors on that side of the building." **All in favor, motion carries.**

Staff
Update

Davis, "Just a reminder on Monday at 6:30 p.m. we have the MIDS work meeting. If I could see if we are going to have a quorum. We will have several people from the Planning Commission and a consultant here." Ronning, "Yes, with a request. Leon Mager is very knowledgeable on this and it would be nice to extend an invitation to him. The other two were attending." Davis, "Bob has suggested a work meeting to discuss some missions and some strategic planning things and since we are considering refinancing the bonds for the sewer project, it may be time to sit down and discuss how we are going to pay for that. Hopefully some reduced bond payments will affect our strategies. If you have a time that you would like to have a work meeting let me know so we can get that scheduled as soon as possible."

DeRoche, "I am up for next Wednesday." Moegerle, "I am going to be out of state. Can we do this before the next Council meeting? How long do you think this will take?" Davis, "I look at this as part of our budget meetings too. It will probably be a series of meetings as we address some other issues." Moegerle, "I think strategic planning is important enough that we should have all the Commissions there in attendance and make it a public meeting that is bigger than just sitting here with us. And have all the Commissions here. Strategic Planning is bigger than us. It is not redoing the Comprehensive Plan, but it is a lot of economic development, short term planning, financial planning. I don't think it's something you do briefly. When I was at the Local Government Officials (LGO) meeting the City of Ramsey, [reps] talked at length about their strategic planning and going from their downtown to a new City Hall, new Fire Hall. They talked about strategic planning taking place over a period of time. It is not a simple thing that should be done in isolation. I am all for a Saturday."

DeRoche, "I think the Council should get on the same page themselves with staff and then approach the Commissions." Moegerle, "I don't think that is possible." DeRoche, "Why is that?" Moegerle, "Because of what has happened the last six months." DeRoche, "Well maybe if people come into it with an open mind and not their own agendas, things could get done." Moegerle, "I think that is advice that all of us should take." DeRoche, "Well some of us have been trying. Because I think to do it with all the Commissions when we are not sure where we are going, it is going to muddle things up. I think we need to figure out our own strategy. People voted us in to try to come up with some direction. And then we go and ask the Commissions, 'What do you think? Can we do this? How do we do it?' They are advisory boards and not committed the same way we are." Moegerle, "I think we should encourage them to be engaged. There is so much more that the EDA could be doing." Lawrence, "I don't know when I can commit; a Saturday will not work for me. So we need to have Jack figure out a time that will work." DeRoche, "I would like to have at least Richard and I there. We are going to be holding Finance Committee meetings." Davis, "We can have a Finance Committee meeting anytime you like. Other things are all intertwined together. We have to decide the format you want to have this; either a full Commission thing like a retreat, or get input from their monthly meetings." DeRoche, "I think approaching the Commissions separately would be a better idea and at some point bring everybody together." Davis, "We are required to submit a preliminary budget to the Council by the first meeting in July. We will have to go over some things with the Finance Committee before we do that. We are very far on the way in the process of getting that into a

document and hopefully within a week we will have something to be able to call the Finance Committee together with.” DeRoche, “So all the Departments have pretty much submitted their requests?” Davis, “Yes, and we are going through those now and trying to compile those into a preliminary budget document. Let me go back and propose some ways we can address this and propose some dates and we can see when we want to schedule these meetings.”

Council
Member
Report –
DeRoche

DeRoche, “I went to Local Government Officials (LGO) meeting in Ramsey last Wednesday. A couple senators, some representatives and some commissioners were there. Karen Skepper was there. I met a lot of Council Members and Mayors. Ramsey went through some growing pains. Last Saturday was the Coon Lake Beach Hillbilly Hoe Down. It was a good time, good music and excellent food. It is personally a unique situation when you get a community together to have a good time like that. That community whether it is a wedding, death, whatever, they get involved in it. And, I think that is a good thing.”

Council
Member
Report –
Koller

Koller, “I went to the Fire Department meeting on Monday and they went out and did training. They were in full gear climbing ladders. It looked tough to me.”

Council
Member
Report –
Moegerle

Moegerle, “I want to reemphasize strategic planning from the LGO meeting. The LGO meeting was last Wednesday and what you need to understand about the Local Government Officials meeting is that it is the officials from the County and all the Cities are invited to share and discuss issues. The issue that was most important for you to know is the Governor has posted openings for Metropolitan Council. I was trying to find out who the possible applicants were and what ways we could support any particular applicants that do apply, so that they might be more effective for us and get us more information, get us more of our tax dollars headed back to us instead of being focused downtown.”

“On Monday, there was a meeting with Jeff Corney from the Cedar Creek Ecosystem Science Reserve. They represent 10% of our entire land mass. That meeting included Jack, Colleen and Jeff and myself. It was a discussion about what their plans are for public involvement, and if there is an opportunity for joint development on strategic plans on helping them meet their goals. One of their discussions was that there is no housing for the scientists that may come from around the world to visit the site where cutting-edge and world-renowned ecoscience is being performed and created and the source of all of this research. So, it looks like there will be opportunities for further discussions. There was discussion of the Memorandum of Understanding and issues of horses.”

“I will be unable to attend MIDS discussion on Monday. I think it is critically important that we deal with those issues and it is a good thing. The EDA had a discussion with regard to the survey that has been so controversial. The EDA did a survey that was published on the website and circulated on Booster Day. The discussion was there is valuable information that is to be gotten through an EDA Survey. We wanted to let you know in case there are certain questions you wanted to have on the EDA Survey when that is circulated. The discussion was that a survey be put together and put on the website first and then at Booster Day as a wrap-up. Cedar Creek is also interested in doing a survey of the individuals, the scientists, the birders. That will also be a source of information for the EDA. I want to be clear, the Commissions do a lot of work, but in regard to economic development, there is such a large amount of information, case studies, anecdotes, to be read and reviewed and be considered and weighed that it takes so much more time that was required for me to be an active participant on the Planning Commission. Being on the EDA is a greater time commitment.”

“At the last Council Meeting there were certain allegations about the EDA doing this, that and the other. I asked to get a copy of those allegations that were date and time stamped. I was assured I would get those. I did not get those, so in my opinion that is a ‘no go’ when there are no substantive allegations.”

And finally, with regard to the Road Commission minutes, to say I am appalled by what I found there is an understatement. Last year I became aware that my neighbors were being targeted in a

patrolling kind of way. I am trying to stay away from words like ‘fascists’ and ‘communists.’ But, in any case, they were being targeted and identified about certain conduct which was not true and it was slanderous and I approached that individual and said this needs to come to a stop. I said patrolling is not the responsibility of a City Council person, and I sincerely thought that had come to the end. However, in reading the Roads minutes I find that my neighbors have been publicly slandered. I sadly had to make them aware that they had been slandered. When it comes to the conduct of City Council people, I am a big girl. You can slam me, slight me, it is water off a ducks back. But whenever a City Council Member attacks a Commission member, an Authority member, a staff member, a business owner and a resident, that has gone too far. And I am glad to say that I am going to be a witness in that slander case, should that property owner choose to go forward. They have a hell of a case and it is a sad day for the City of East Bethel. Normally I like to be very optimistic and end on a light note, but not tonight.”

Council
Member
Report –
Ronning

Ronning, “Were those people aware of being slandered before you made them aware?”
Moegerle, “Yes, I think they were. And, I think I have a duty to my residents of false allegations to make them aware. I think all of us have that duty.” Ronning, “On any surveys that come out that we are getting people’s opinions, I think there needs to be a place to be opposed, ‘Don’t count me in’ box. On the Planning Commission agenda, one was for a garage easement. I was out and took a look at the place. The garage easement, if I was him I would like to be able to do it. His neighbors are supportive of him. There was an IUP for a doggie daycare center. Sounded interesting. This lady is pretty active with several areas of pets, it sounds like it will be interesting if it works. The third one was internet sales of firearms from their home. Primarily internet sales, or gun show sales, there was nothing mentioned about security if someone should break in and steal something and nothing about fire protection. There was some discussion about quantity.”

Mayor Report
– Lawrence

Lawrence, “I had a few phone calls from residents. Hopefully we got the truckers under control and the residents can go back to sleep.”

Closed
Meeting –
Attorney/
Client –
Anticipated
Legal Action

Vierling, “For the benefit of the public pursuant to Minnesota Statute 13.D the City Council is going into a closed session at the recommendation of the city attorney and staff to review anticipated legal action to safeguard the City Fire Department Personnel. Because it is under Attorney Client it will not need to be, nor shall it be tape recorded. We will come back into open session to review any action taken in closed session.”

DeRoche made a motion to adjourn to closed session to review anticipated legal action. Lawrence seconded; all in favor, motion carries.

Vierling, “For the benefit of the public and for the record, the Council concluded the closed session at 10:17 PM. Attending the closed session were Council Members DeRoche, Koller, Moegerle, Ronning, Mayor Lawrence, Chief Mark DuCharme and Deputy Chief Arden Anderson, City Administrator Jack Davis and myself. Council reviewed with the city staff their concerns and discussion was held. No particular actions, no motions or directives were issued by the Council at this time.”

Adjourn

DeRoche made a motion to adjourn at 10:20 PM. Koller seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk