

## Minutes of the January 8, 2018 Emergency Services Committee Meeting

The Watab Township Emergency Services Committee Meetings was called to order at 6:30 p.m. on Monday, January 8, 2018 at the Watab Town Hall. Board and Committee Members present were John Olson, Ed Kacures Jr., Jason Krueger, Bob Raveling, Dick Raveling, Craig Gondeck, Lloyd Erdmann, Todd Waytashek, Maureen Graber, and Pat Spence. Audience members present were: Brian & Wendy Erdmann, Juli Popp, Kevin & Janet Maleska, Mike Burton, Stephen Peka, Jerome & Dorothy Nelson, Paul & Lisa Wannigman, Maryan Saldana, Rebecca Brzenski, John Thompson, Tyler Nelson, Ray Thompson, Jessica Storkamp, Jeff Wollak, Sandra & Allen Saldana, Steve Wollak, Paul Jacobs, Roxie & Mark Saldana, Corey Verley, Caleb Allen Voigt, Terry Knapek, Jerry Kostreba, and Steve Janski. Chair Craig Gondeck called the meeting to order and following the Pledge to the Flag, he turned the meeting over to the Committee Chair Todd Waytashek. Todd spelled out ground rules for input that will contribute to solutions stating, "If you call people liars, for example, I will ask you to leave. When you speak, identify yourself the first time for the record. Non-Watab residents will be limited to 3 minutes during the committee meeting unless the chair feels you are contributing."

Chair Todd read Township Mike Couri's Attorney's opinion on the petition that was presented on January 2<sup>nd</sup>. Here is the opinion:

As we discussed today, it is my belief that the powers granted in Minn. Stat. 368.01 are independent of any powers that the Towns electors may grant under the authority of other statutes in Minn. Stat. Chapter 365. An example of this are the powers that electors may grant to the Township to provide fire protection. Minn. Stat. 365.20 provides that the electors in certain towns may authorize the Town Board, at a special election, "to provide for fire protection and apparatus for the Town." Minn. Stat. 365.24 allows the electors of the Town to revoke any authority given under Minn. Stat. 365.20 by a subsequent special election. These statutes provide authority for the Township to provide fire protection to the Town. They do not address the details of how that fire protection is to be provided. Typically, that is done either by contract with a neighboring City or by establishment of a Township fire department. The details of how to provide that fire protection is to be determined by the Town Board, not by the electors. The electors can only provide authority for the Town Board to provide fire protection. A second statute, Minn. Stat. 368.01, provides a second avenue of statutory authority for a Township to provide fire protection. Minn. Stat. 368.01, Subd. 9 states: "The town board may establish a fire department, appoint its officers and members and prescribe their duties, and provide fire apparatus. It may adopt ordinances to prevent, control or extinguish fires." This statute authorizes the Township to establish a fire department completely independent of any authorization from the electors, provided the Town is an urban Town under Minn. Stat. 368.01. Because Watab is an Urban Town, Watab has authority under 368.01 to provide fire protection to the Town and to establish its own fire department. I understand that a petition was presented to the Town Board for a special election to revoke the previous authorization of the electors under Minn. Stat. 365.20 authorizing the Town to provide fire protection. Because the Township is an urban Town under Minn. Stat. 368.01, it has authority independent of Minn. Stat. 365.20 to provide fire service. Accordingly, revocation of elector authorization under Minn. Stat. 365.20 will not strip the Township of its authority under Minn. Stat. 368.01 to establish its own fire department. Any vote to revoke the Town's authority to provide fire protection pursuant to 365.20 will be irrelevant as long as the Township remains an urban Town. In addition, because Minn. Stat. 365.20 authorizes the Town to provide fire protection, revoking this authority would leave the Town without the ability to even contract for fire service (much less start its own fire department) if it did not also have the authority to establish its own fire department under Minn. Stat. 368.01. While the electors can vote call a special election for the purpose of revoking fire protection authority under Minn. Stat. 365.20, such revocation will not prevent the Township from establishing its own fire department under the separate authority of Minn. Stat. 368.01. ---Michael C. Couri, Couri & Ruppe, P.L.L.P., 705 Central Ave. E, St. Michael, MN.

Corey Verley said that this meeting is not noticed on the website. Clerk Spence brought up the township website, and said that it is posted on the Home Page. Corey thought it should be posted on the Meeting Page. Regular meetings are noted on the Meeting Page with the minutes.

Lloyd Erdmann gave background on why the committee was meeting. The electors asked the town board to form a committee to study an alternate to a contract with Rice for emergency services at last year's annual meeting. The committee has been doing its work, came back with a report in November with what we learned, and then all hell broke loose. That's where we're sitting now. I don't know how we are going to solve this, but we must stop picking at each other. We are one of the only townships in the state with a large mobile home park, and they demand the bulk of the services.

Lisa Wannigman asked if the mobile home park would still be here and the problems be the same if the township didn't have a contract with Rice. Todd Waytashek replied that we have many people living in mobile homes, the land is all that is taxed, we have no way to tax them for unpaid bills, they use a lot of the services, and if the township has its own department with a bay for Gold Cross they would station an ambulance here. This was the second most likely place that they would station an ambulance, so we most likely would have one here all the time. Right now, Gold Cross still responds to everything in the Rice service area for medical in addition to the Rice First Responders, and only Gold Cross covers the 2/3 southern part of the township. The City of Rice has forced us to take First Responders as well. The town board was asked to have that removed by the residents, but we were not successful. Rice would not have a contract without it. Lisa Wannigman asked about billing by Gold Cross. Todd Waytashek replied that they bill their customers directly with no township involvement; City of Rice cannot get a medical provider number, since First Responder Service is not a medical provider. The township bills 75% of the cost of the call to the recipient of the service, so the township always assumes 25% of the cost if the service is to a township resident. Many of the people receiving the services have made themselves unattachable, so the township can't get any payment from them.

Corey Verley asked a question about billing. Todd explained that Rice requires the township to take medical calls to get a fire contract, and Gold Cross also responds and does the transport, if needed.

Ray Thompson reported that he and Craig Gondeck had a meeting with Rice this afternoon, and they stated, "If the wheels don't turn on a truck, the township doesn't get a bill."

Caleb Voigt, Rice Fire Department, reacted to a graph from the presentation to the City of Rice in the last contract presentation. He stated that when you look at the graph it looks like something happened with a couple of dips and then sharp increases and asked why that happened. There was discussion about whether the township or the city initiated the change in the contract terms at that time. Pat Spence said that the dip in two of the years was due to the city being late in billing for the second half of the contract year.

Mike Burton asked how long it had been since the township discussed the fire contract with Rice; Todd responded that it was in May when the 2017-18 contract was signed. Mike thought that communication should have been ongoing. Mike asked about the Sauk Rapids contract. Craig Gondeck said that the Sauk Rapids Police Department answers some of the

medical calls in the city, and they activate the Gold Cross Ambulance Service. Watab is not requesting that medical service be provided in Watab by Sauk Rapids, and it is forced on Watab by the City of Rice Council. Mike responded that the township should not have signed the contract with Rice.

Sandy Saldana asked why the township keeps talking about one-third and two-thirds of the township. She asked about population numbers for each service area and the tax base for each area. "In 2016, it looks like we had seventy calls in the Rice area and five calls for the Sauk Rapids area, so we are getting a lot more for our money from Rice." Pat Spence said that the 2016 Net Tax Capacity for the northern third of the township that Rice serves was \$919,594; it was \$2.8 million for the southern two-thirds of the township that Sauk Rapids serves. We don't have population numbers for the sections, because the State Demographer only provides population estimates for the entire township. However, Pat said that in 2014 when surveys were mailed to each household in the northern third of the township, they were sent to about 680 households, which includes the mobile home park. She will check on the total number of households in the township from the last newsletter mailing and report back. Pat added that the five calls for Sauk Rapids were the ones that they forwarded to the township for non-payment. That is not the total number of calls. Someone asked why the township was divided into two fire districts. The response was that it was by a ballot question in an annual election.

Brian Erdmann wondered how many of the seventy calls were fire calls. He added that if the township didn't have to take medical calls from Rice, we wouldn't have problems.

Caleb Voigt asked what constitutes the difference between a rescue and medical call. Corey Verley asked why the township can't get any money for unpaid bills from the conciliation court. Juli Popp said that she wanted to back up Caleb Voigt, because five years ago she had serious bee stings that put her in convulsions, and she wasn't breathing. Rice First Responders came before Gold Cross, and I paid my bill. She added that she doesn't want to lose Rice First Responder service.

Jerry Kostreba asked if the mobile homes pay property tax. Todd answered that they pay personal property tax, not residential property tax; and bills cannot be assessed to personal property.

Lisa Wannigman summarized what she had heard by stating that the Rice Fire Department wants to provide medical service, and they have been there for the citizens; but any business arrangement needs to be a win-win. She suggested having a mediator. "Rice is trying to provide a service, yet Watab has to pay for it."

Caleb Voigt said that the contract used to be based on an average number of calls to alleviate a high amount in one year. He said that Watab requested that Rice charge the township the same way as Sauk Rapids does. Todd said that this difficulty has been going on for forty years. We have a lot of sharp people in the township that can help us solve this. Ray Thompson added that the Rice Mayor and Council Members have changed, but the Watab board hasn't, so maybe that is the problem.

Sandy Saldana said that she has had conversations with the Rice Fire Chief and some council members; they are willing to meet with citizens, but not the board, and asked why the board wouldn't consider that approach. Lloyd Erdmann answered that the board had never been approached with that offer. Todd responded that he would need time to think about the idea. Lloyd added that there have always been problems with Rice no matter who was

negotiating. Craig Gondeck said that the contract is due at the end of this year; negotiations should start this summer, and the board could consider it at that time. Steve Janski, Langola Township, said that he was Mayor of Rice from 1995 to 2000, and during that time there were no Watab communications with Rice. He added that Pat Spence was wrong in saying that Mayor Fiedler dissolved the Fire Board. He said that moving to the current contract form ended the need for a Fire Board. Pat Spence said that the model contract from the League of Cities and Minnesota Association of Townships calls for an annual meeting of both parties in the contract.

Paul Wannigman suggested that everyone should stop dwelling on the past. Todd responded that was the reason the committee was formed, so that the township could come up with solutions. Courses of action the committee determined were: 1. Stay with contracts; 2. Substation; or 3. Form own department. The committee felt it is most cost effective to form a Watab Fire Department.

Maureen Graber responded to Sandy Saldana's earlier question. She said that in December 2016, before she was on the town board, she and Pat Spence were appointed by the supervisors to negotiate for the township. "The two of us had a meeting with the Mayor and Fire Chief to informally discuss how the fire department works. We did not give them an ultimatum. One of the things we asked for was annual meetings with the City to discuss the contract. Another was to see if they would determine the actual cost for a medical or cancelled call to perhaps reduce the township cost. The Mayor asked the Fire Chief to figure that out, and the Fire Chief said that the cost of the calls might be quite a bit less than \$350, since during daytime hours only three First Responders are available. Then, the Mayor asked us to make the same presentation to the Rice City Council. I was a citizen at the time volunteering my time. At the council meeting, the Chief was asked again for the cost. He has not provided it."

Jason Krueger reminded the chairman that the committee has been here for an hour and hasn't addressed one agenda item. He added, "I am tired of this, we aren't getting anywhere. If this committee has the power to create a sub-committee to try to negotiate with Rice, I would be in favor of that with a time limit." John Olson explained that the committee can recommend to the board but doesn't have the authority to make decisions. He felt that one of the options is to establish a committee to negotiate with the City of Rice, but the committee also needs to continue to explore the stand-alone department, the substation arrangement with Rice, and a substation with Sauk Rapids. I am on this committee, because I want to do what is best for this township. We are not in a good place financially. Let's move on and look at other options. He added that at the November 14<sup>th</sup> morning Information Meeting, the SR Fire Chief and City Administrator offered to sit down and talk with us about a substation.

Steve Peka asked how building a substation or a Watab Fire Department would resolve the cost issue with the trailer park. Todd explained that it would be less expensive to serve Watab residents with an ambulance stationed at our fire hall and perhaps Watab First Responders.

Lloyd Erdmann stated that there was no limit put on the size of the committee when it was formed and invited others to join.

Paul Wannigman asked the committee to consider building a bay for Gold Cross near the town hall instead of an entire fire department and suggested that if the township did that it could be a negotiating position for Watab to not have their First Responders.

Brian Erdmann said that he doesn't like paying for the high cost of the medical calls.

Mark Saldana asked about the dispatching process. When someone calls 911, the dispatcher knows which department to contact and contacts them.

Craig Gondeck said that the town board should move forward with passing an ordinance to make owners of rental property responsible to cover unpaid emergency call bills by their renters. Corey Verley responded that the City of Sauk Rapids bills apartment building owners for unpaid fire and rescue bills.

Lloyd Erdmann said that he would like to push his idea forward to have a committee negotiate with Rice and asked for a show of hands. Support was strong for his suggestion, and the following volunteered to be on the negotiating committee: Sandy Saldana, Mike Burton, Juli Popp, Steve Wollak, and Ray Thompson. Lloyd announced that they were now members of the committee. Lloyd made a motion that these five people be assigned to go to Rice to negotiate a better contract. There was no second or vote by committee members.

Ray Thompson reiterated that Joe Janski told him and Craig that there were no charges for calls, if the wheels didn't turn on the truck.

Lloyd Erdmann told Paul Wannigman that he liked his idea for putting up a small building for an ambulance and space for the Benton County Sheriff. That gives us another option, but we would still need to get out of the medical calls by Rice.

Jerry Kostreba said that he wants to abolish the two fire districts. Bring it up at the annual meeting for a vote on the ballot the following year. Others said that people in the southern part of the township wouldn't vote to pay for a service they don't get.

There was further discussion about a timeline for the sub-committee to negotiate. Lloyd wanted to delay considering a substation, but Mike Burton said the committee should move forward with negotiations with Rice and talking to Sauk Rapids about a substation. Other committee members nodded in agreement with Mike.

Todd suggested that another committee meeting should be scheduled to define goals for the negotiations. Corey Verley asked why Rice doesn't have to negotiate in good faith.

Maureen Graber made copies for the new committee members: fire contracts and 2014 negotiation process.

Lisa Wannigman suggested that it appears there is a disconnect between the Rice Fire Department and the Council and hoped that they would be more agreeable.

Terry Knapek asked why Watab would build a space for Gold Cross if they don't commit to having an ambulance here always. Craig Gondeck explained that they don't contract for any of the 80 sites. Todd added that Watab came up as the second-best site of the 80 for stationing an ambulance when they did their analysis. He also believes that everyone's insurance will increase. Dick Raveling gave an explanation on how companies determine policy costs using different factors: credit rating, ISO rating, proximity to water, etc. He added that if Watab is a substation of Sauk Rapids, we would pick up their ISO rating with is four. Finally, Dick said that the committee was assigned to gather information, and now are being nitpicked.

Todd asked the committee to find out what amount the City of Rice is levying for their emergency services. He said he read in former township minutes that the Mayor said excess funds from the townships go into the city's General Fund, which is legal.

Caleb Voigt said that Watab should consider being a substation of Rice.

Maureen came back to the meeting room and asked if the committee was considering the request to Sauk Rapids for a substation. John Olson suggested that the committee discuss what the relationship would look like, what it would cost the township, and what are the expectations. Lloyd suggested that the negotiating committee also ask Rice about having Watab as a substation. Lee Johnstone said that he doesn't understand why the township would build a fire department, when it won't solve the medical call problem. The response was that it gets us away from the contract for it with Rice.

Mike Burton asked if Sauk Rapids would serve the entire township if it didn't have a substation. Pat Spence responded that they would not in the past. Todd answered that the committee needs to look at potential benefits for both the township and the City of Sauk Rapids before approaching them to be a substation. He asked the question, "What would Watab be bringing to them that might benefit Sauk Rapids?"

Juli Popp didn't think Watab could get enough fire fighters. Others added that they shared that concern. The town board said it hasn't advertised yet to see if there is interest.

Paul Jacobs said that having a substation with Rice would make matters worse, because then everyone in the township would have them for First Responder Service. Now, only the Rice service area has them.

Jeff Wollak asked if there is a point where the committee would eliminate options and the scope of its work. He feels there is minimal support for starting a fire department from scratch. John Olson said that the committee would present their findings to the town board and suggested that the committee also see if any surrounding townships would want to join us. Steve Wollak asked how much money the committee has spent. "It is our money, so we deserve to know." Pat Spence said that she would get the information for him.

Lloyd Erdmann said that when he came on the town board many years ago, he was appointed to go to Rice to negotiate. He suggested that the City and Townships form a fire department, but the City turned the idea down. Someone questioned with the analogy, "Do you want to keep paying rent of \$1,000 for a house or own if for \$1,200 a month?"

Sandy Saldana asked each board member for their opinion on next steps. Craig said that the report should go back to the Annual Meeting and that the township should bill owners of rental property for unpaid bills. Lloyd said that being the Annual Meeting is where the study originated, that is the place the study can be ended. Pat Spence said that Town Boards need to study issues and use their best judgment to make decisions. John Olson hoped that the board would make a good, informed decision; and he reminded everyone that Watab is 33% of Rice's Fire Budget.

Todd returned to the agenda item regarding a substation of Sauk Rapids and asked, "What benefits could Watab bring to the table?" Ideas generated were Sauk Rapids would have the entire township, response time would be better, and there would be more fire fighters to help with fire and rescue. John Olson asked what Sauk Rapids might expect? Lloyd thought it would be a good idea to have the ambulance and sheriff stationed here, but that doesn't benefit Sauk Rapids.

The conversation returned to Lloyd suggesting that the township delay approaching Sauk Rapids about a substation until the committee has finished negotiating. Mike Burton and Lisa Wannigman replied that the township should not wait, move forward, and see what's most beneficial.

Finally, the committee discussed what information about Emergency Services should be on the township website. It was agreed that information should be constructive, identify why the committee has been studying the issue, fire departments visited, fire department budgets, presentations from April 2014 and December 2016 and February 2017, and November 2017. Also, the contracts with Rice and Sauk Rapids should be posted.

John Olson expressed his concern about rising contract costs with little control over costs. Lloyd agreed that there is uncertainty over future contract costs. Dick Raveling said that the township needs to consider at least a four per cent increase. Pat Spence said that the contract costs will go up because both use Net Tax Capacity, and the township NTC is growing rapidly.

Ray Thompson said he was told that the township was trying to make money with the contract and said the board is telling us all a bunch of propaganda. Mark Saldana suggested that Ray should go to Rice and straighten everything out.

Pat Spence was asked to add items to the website following discussion on a list of potential topics presented by Todd.

Ray Thompson suggested that the northern third of the township be annexed to the City of Rice.

Mike Burton asked for time to review the information, have another committee meeting, and then go to negotiate with Rice. Craig responded that they may not want to discuss the next fire contract until later in the fall as in the past.

The next meeting was scheduled for January 29<sup>th</sup> at 6:30 p.m. The meeting adjourned at 9:45 p.m.

Respectfully submitted by Clerk Pat Spence