



**CITY OF RIDGECREST**

**CITY COUNCIL  
RIDGECREST REDEVELOPMENT AGENCY  
FINANCING AUTHORITY**

**MINUTES**

Special Council/Agency/Authority Meeting  
Thursday July 29, 2010

**CITY COUNCIL CHAMBERS CITY HALL**

100 West California Avenue  
Ridgecrest, CA 93555

**Special Session – 5:00 p.m.**

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

In compliance with SB 343. City Council/Ridgecrest Redevelopment Agency Agenda and corresponding writings of open session items are available for public inspection at the following locations:

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Avenue, Ridgecrest, CA 93555

City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

**CALL TO ORDER**

**ROLL CALL**

Council Present: Mayor Morgan, Council Members Carter, Wiknich, Holloway, Taylor (Council Member Taylor attended via teleconference and location has been duly posted with Notice and Call of Special Meeting and Agenda.)

Council Absent: None

Staff Present: Interim City Manager Harvey M. Rose; City Clerk Rachel Ford; Director of Finance Tyrell Staheli; and other staff

**APPROVAL OF AGENDA**

- Community member Michael Neel brought to the attention of council that the government code noted in the agenda is incorrect and attorney is directed to find the correct code number for future agendas.

Motion To Approve The Agenda Was Made By Council Member Carter, Second By Council Member Wiknich, Motion Carried By Voice Call Vote Of 5 Ayes, 0 Noes, 0 Abstain, 0 Absent.

**SPECIAL SESSION – 5:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PUBLIC COMMENT**

- Robert Eierman – start off by saying that certainly perception of self and public is council do not view what public has to say in general especially if coming from particular group you dislike. You take what is said as trying to harass, impugn or degrade instead of taking what is said as helpful. Many things attitude could be taken as thanks for discovering and now can fix the way we thought it was or should be. Instead council reaction is we are trying to harass and ignore. Encourage attitude be adjusted toward those who are here to help you. Resolution 09-57 in section 7, rates, fees and charges item (A) read of 5% fee of actual monies collected on residential billings. They don't owe 5% on commercial accounts. Since document only addresses recycling, would say they do not owe 5% on residential trash. Previous trash contract is 3% - 4%. May not have been what you felt was in it, but what is in the agreement is not what was intended. Needs to be corrected. What the intention of in document and what you want it to be doesn't carry any weight. Ludicrous example, if someone says 'only intended to scare but killed' would court say never mind. Or I intended to pay recycling bill. Need to have paperwork in order. Nobody noticed these errors, but when noticed should be fixed and have attitude that people are trying to be helpful.
  - Mayor Morgan – does take seriously; try to make changes as found.
- Ron Cramm – received letter, don't understand that when he asked if would receive these letter was told no because I do not receive the service. This is extortion. Do not have contract with Benz, you are going to try to take money for services I did not ask for or use. How are you going to threaten my livelihood? This is extortion. You are threatening my land and credit. This is dated thru February. You said I could have Benz pick up my cans. Not once did Benz do anything for me and you want me to pay 60.00 per month to watch them drive by my house while I take my trash to the dump. You said no when I asked.
  - Mayor Morgan – that was stated about commercial
  - Ron Cramm – that doesn't matter. You are saying that if I do not pay you, you will come after my property and credit. That is extortion.

- Mayor Morgan – at this time yes.
  - Ron Cramm – isn't right, how can you do this when I do not have a contract with Benz. Violates some terms of the law and I am going to fight this.
  
- Jim Rachels – share two previous speakers' frustrations because of council's negligence, ineptitude. Council has shown repeatedly that laws are played fast and loose and means very little to the council. Dozens of examples. Recently few months back when trash initiative was to be put on ballot or adopted, council chose not to do this. Council promised to put on ballot should council agree. Mayor's vote was deciding vote that chose to not put on the ballot. Have said for months that ordinance does not mandate recycle collection. You have said it does. Show me the part that mandates collections. Is not there, cannot do it. Green cans have no legal rate. Show me where it is, received letter from attorney that is laughable. Encourage public to contact me to see the letter. Admits the resolution is ambiguous. Tonight council member Taylor appearing telephonically, check out code and it is about bonds. Last council after speaking about ordinance not requiring payment to Benz of unpaid commercial accounts. Mayor stated attorney has reviewed and says it does. Read attorney opinion addressing rate and intent of resolution. Has nothing to do with paying Benz for unpaid services. Do the homework, read the law and read your own resolution.
  - Mayor Morgan – thank you for the opinion, acting legally on this manner according to the attorney.
  
- Brian Waterman – referred to same attorney opinion. Statements made regarding adopting monthly charge in resolution 09-57. Difference in amount noted. Statement concerning customer rates quotes from resolution proposed by resolution of July 15, 2009. Section of resolution outlines rates. This was quoted to make you assume that it is in 09-57, but it wasn't, was only proposed in a previous resolution that was not adopted. Not here to insult you, but don't understand when I read something and receive conflicting information from what is said on the dais. Just trying to get things corrected.
  
- Steven Sears – holder of delinquent residential account and have communicated with city manager. Been ongoing since November. Per ordinance, receiver of service can decide what type of service we needed. Called Kelly at Benz and then followed up two days later about cancellations. First bill was received along with each homeowner receiving bills. Bills have been disputed repeatedly, then received city letter which we responded to. Last week another demand letter and have responded via mail and email to both city and Benz. Until this week had received no response from anyone. City response this week was nothing could be done as account was still open. Until November account was paid up. Need this solved. Would like to sit down with representatives of Benz and city as homeowner association representative.

- Mayor Morgan – will be looked in to. Mr. Parsons is working on this but is on vacation and may not be able to do anything until his return, but need to solve this and all specific problems.
- Steven Sears – in meantime do not want collection action.
- Steve Cownan – want a draft of proposal for drop off facility.
  - Mayor Morgan – give email address to clerk
- Gwynn Jensen – have contracted for trash collection from time we had to stop burning trash. Benz gave senior citizen discount. Attend senior center a lot and seems each senior has different amount for discount. Live alone and 90 years old. Big cans are hard to handle. One night spoke with some Benz people and they brought a smaller can. Very nice and appreciate their assistance. Told them about the house next door that was vacant. In November a can was put on sidewalk, wind blew it over, kids played with it. When they came with smaller can, they put can in back yard. Place has been empty since before first of November. Another place on 400 Alvord, lawn and trees dying, green can on one side of street. Benz brought blue can and threw into front gate on side and laid there until January. Did not check by Benz. Picked up in January and put beside the green can. Is city getting bill for these? Spoke with Mr. Parsons about both of these. Do not like paying for empty places and how many others are you having to pay for?
  - Mayor Morgan – we are working on that issue.

## DISCUSSION AND OTHER ACTION ITEMS

1. **Resolution No. 10-, Resolution No. 10-, A Resolution Of The Ridgecrest City Council Authorizing Payment To Benz Sanitation Inc. For The Delinquent Accounts For May-June 2010 Mandatory Trash And Recycling Services**

**Staheli**

This is a discussion and possible action item for Council to review the billing of delinquent accounts after the Finance Department has audited the billing information.

- Tyrell Staheli – gave staff report power point, copies available for the public. July 1<sup>st</sup> bill invoice was \$178,756.71. Process used was combine July bill and previous outstanding bills, Mr. Wiknich list of address compared to addresses in bill. Anything found not on the list was then run thru database and those not in the database were removed as invalid. Total found was \$1515.52. Reviewed previous billings from March to December. Also during reconciliation found possible duplicate bills. Request no action be taken until these can be verified.
  - Mayor Morgan – recommendation again
  - Tyrell Staheli – Pay amount adjusted to day of \$136,313.75
- Council Member Wiknich – to audience, I have two delinquent notices also, being threatened to collect on myself. I have firsthand knowledge of problems with

billing and thought they were worked out. More work to do. When you inform Benz of \$40,000 adjustment, would that be assumption that those addresses not be on the list?

- Tyrell Staheli – correct, they have already removed those identified earlier.
- Council Member Taylor – less than 1%

**PUBLIC COMMENT:**

- Jim Rachels – please repeat amount. You obligation when recommending to council to convince yourself that obligation actually exists. There is a lot of reconciling so you can make recommendation for appropriate billing to council. If I sent a bill at random could you make recommendation to pay?
  - Tyrell Staheli – would compare against if I had ordered anything.
  - Jim Rachels – when you recommendation to pay, where did you get the obligation from, contract in resolution 09-57. Is there a specific part that says to pay unpaid commercial bills?
  - Tyrell Staheli – have to rely on the attorney.
  - Jim Rachels – point made tonight, how you understand if bill is legitimate, answer is attorney. Council response is the same. I did not vote for attorney. Who holds attorney accountable. City follows him like a pied piper. Don't want a council who does only what attorney says, want one who can listen to attorney advice but decision is yours. When it becomes apparent this payment is inappropriate will be your responsibility.
- Brian Waterman – was under impression there would be an independent audit.
  - Mayor Morgan – will be an independent contractor
  - Brian Waterman – so are moving forward without audit?
  - Mayor Morgan – if found that they have been overpaid, Benz will refund money to city.
  - Brian Waterman – outline from March 09 when resolution was passed. Would like to give history on this. Read excerpts from ordinance passed in March 2009. Read penalties section. July 1 public hearing of fee proposed for property tax. July 15 resolution to place on property tax roll was rejected, resolution to implement was passed, resolution setting residential rates was rejected, September 10, 2009 passed resolution 90-57 regarding recycling with agreement for Benz. Read sections from agreement pertaining to fees, monies collected and rates. October 2009 Benz delivers containers to all residents who did not have green containers. November 2009 billing to all residential accounts before service was performed and supposedly after containers was provided. Received containers and service that people never subscribed for and billing for service that had not been performed. Read section of ordinance 09-01. Did Benz report to city those residents who did not subscribe? Did city notify and issue infraction? Read again from ordinance 09-01 pertaining to violating the code. February Benz turned over delinquent bill, did city verify with Benz those who had not subscribed and were those

residents given infraction? Why did city pay Benz for accounts where no contractual relationship was established for extension of credit to Benz? Illegal for city to collect. Read California fair credit collection act. A debt arising from consumer where payment is deferred. Who is original creditor in this issue?

- Ray Taylor – are you authorizing payment of all residents? What about unoccupied residences?
  - Mayor Morgan – at moment yes, but trying to verify.
  - Ray Taylor – can all list people who have passed away?
  - Mayor Morgan – never intent to bill those unoccupied residences.
  - Ray Taylor – as time goes by information will get lost. Buildings could be occupied later. Has everyone read the contract?
  
- Steven Sears – if this was on the tax bill this meeting would not have been heard
  - Council Member Wiknich – did note some houses that were boarded up but does not address others.
  
- Ray Taylor – have notified Benz of several residences where people have died but cans are still there.
  
- Robert Eierman – glad you all said you have read the contract and glad Mr. Taylor said there is only one version. I am going to find out exactly what it says and test you all. Agreement has section 5 for residential and section 6 for commercial. Each section has heading of contract or city shall. Items A-G exactly same except for A which was modified. Residential section items A-F and commercial items A-D. Sections a-d for commercial is exactly same as c-f for residential. Additional items in residential is items a-b. Item (a) is requirement for billing information to Benz. Item b is remitting payment for customers 60 days overdue. That item is not in the commercial section, only appears in residential section. Unless you pretend it bounces from section to section, there is no reason to pay for delinquent commercial accounts. Section 9 is an event of default, first item listed is failure to remit payment for billings for residential curbside service for recycling service. No mention of commercial. Contend and agree with council member Taylor that city has to honor its contract, but contend that if you authorize payment of commercial accounts you are committing fraud and misappropriation of government funds. You should not have been paying previous bills. Since familiar with contract, should know this. You shouldn't be doing this, need to follow the contract and do what is legal. You are proposing something that is illegal.
  
- Manny Farmer – received list Mr. Wiknich made of addresses. Spent 30 minutes looking thru list. Last night's comment was 95% correct. Beg to differ. No mobile home parks, Las Mirage, the ridge. On Commercial Street there are seven addresses, believe there are more than that.

- Council Member Wiknich – only single family listed and may have some missing.
- Manny Farmer – went up and down street same as you, not easy. Addresses jump all over. Wouldn't say this list is 95% accurate.
- Tyrell Staheli – also check with in-house building list.
  
- Unknown speaker – part of problem is people think rates are too high. Spoke with lady in Palm Springs. Trash people take bins to truck from storage and replace, charge for service for 3 months was \$65.88. Called them and their charge for 4 months was \$66.92. For same amount of time here is \$102.88. Mr. Benz doesn't want to do this, perhaps find someone else to do it. Buy his truck and give haulers a raise. Not the haulers fault.
  
- Mike Neel – clarification on possible duplicates page, no time frame?
  - Tyrell Staheli – November thru June
  - Mike Neel – confused on last 2 columns?
  - Tyrell Staheli – balance would include valid addresses. Proposed represent the corrected amount. Difference is the valid addresses.
  - Mike Neel – confident in that number?
  - Tyrell Staheli – no sure if some of these are apartment buildings and would prefer to discuss with Benz.
  - Mike Neel – that is why you are waiting? Would like to point out, on Windy Lynn there are two known addresses that did not get green trash can. One received it last week. City has been paying it all along. Somebody sends me something that is incorrect, if not corrected then doesn't pay. You have a problem with what you owe. Seems not paying provides incentive to get it right.
  
- Brian Waterman – recommendation that council investigate more before paying.

COUNCIL COMMENTS:

- Mayor Morgan – a lot of inferences in comments this evening, have every confidence contract is correct, ordinance is legal and resolution is correct. Believe because city staff and city manager in discussions with attorney and looking thru law thru eyes of attorney and in looking at what others have said, there has been no legal challenge that has overturned any of it. Doesn't mean it is right, nice or I'm a good or bad guy. Just means we move forward in legal fashion. Try to correct mistakes. We have gone after infractions. I believe that shows compassion from council. For individuals who will dispute this to the end, would be nice to sit down and negotiate this issue before going to a court of law. Other items, we have not been unaware, certain addresses received thru public comment are on Mr. Parson's list. Those are individuals who from the beginning have told us are vacant. There is a disagreement with Benz sanitation. Believe we will go to court with Benz. Try to move forward and correct issues that are wrong will never be able to make everyone happy. Members of community

believe trash collection is not appropriate. Unfortunately state does not agree. Council has tried to do best it could using information it has and tried to move forward with this so we can move on. Issue tonight is whether we believe this payment is appropriate. I still contend we owe this money in the adjusted format and believe will be further adjustments. Whether we eventually come to agreement with Benz to end, modify contract, we still owe this payment.

- Council Member Taylor – mayor covered most points I wanted to cover. Believe we made progress, attorney met with Benz to implement opt out. Have to hold up our end of the bargain. LAP is something we don't want but have bills we have to pay. Money is going to implement state regulation. Appreciate staff looking at this and appreciate Benz willing to make corrections.
- Council Member Holloway – last time this came before council I voted no for different reasons than tonight. Wanted provision beginning august 1 for Benz to stop collecting delinquent accounts. Any movement?
  - Harvey Rose – forms are near completion and resolution august 4 to set new rates. Will include in resolution direction to Benz to remove delinquent accounts. Number of other provision so you will be ready to implement ordinance.
  - Council Member Holloway – what changes?
  - Harvey Rose – Benz interprets contract in particular fashion. Attorney has drafted in fashion to be clear these are directive they must do, if they refuse they will be in violation of contract.
  - Council Member Holloway – is it true that in spite of ordinance, will people still be responsible for bill. Who is responsible if they don't pay?
  - Harvey Rose – we would tell Benz to stop serving them which is the way it used to be.
  - Council Member Holloway – based on that we are still on the hook for past bills.
  - Harvey Rose – correct
  - Council Member Holloway - I am sure Benz has no desire to go to opt-out. We still make mistakes on top of mistakes. I have read contract 4 times and if lawyer said one thing would agree with the public. Reasonable man assumption. Could make argument not to pay commercial. If so would have credit with Benz. Benz has been fantastic vendor for this community, never received complaint in past. Thursday after last meeting they had pictures of over 300 cans that violated the over the top status. We had a pass for 9 months; boogie man in Sacramento was CIWMB. Confident after 4 meetings with CALRecycle they are no longer the boogie man. Our box has changed throughout the process. Until we get a contract with Benz they can live with, we are destroying revenue flow every time we make a move here. We are close to passing this ordinance and Benz will go along with if we give him his money, but they can't based on their business motto. Spoke with two attorneys who stated this ordinance could be legally argued in either direction. Will be based on all

conversations. There is potential in spite of attorney legal opinion, likelihood could lose and ordinance was improperly written and no legal ability to collect our money. If ultimately have to go to court, should stockpile our funds and not throw at Benz. If keep taking steps that poke Benz in the eye, will go to court. Begging for meeting with council and Benz equivalent to labor negotiations. No way can everybody be made whole. Both sides will have to take a loss, but still a way to make profitable and fair. Fair and equitable rate, may be but have done a poor job of proving it. Rate analysis. Once public accepts what is a fair and equitable rate, can stop this movie going over and over. Not willing to pay anybody until we can sit across a table with Benz and try to get a clear contract. From the second we signed the last ordinance, we started to change things up here but contract did not change. The second we said those things, company had to hold tight to follow this ordinance to protect their contract. Cart is before the horse. Have to get the contract fixed. Know Benz is upset with me but would rather have that than the community. Direction given initially is different from now.

- Council Member Carter – difficult when agree with almost everything said. We are down to nitty gritty now. Benz and city have to come to agreement. Stop fighting each other and having feet in cement. Everybody has to compromise. State has and is working with us. County is working with us. Time for Benz and city to get contract that will work for this community, not as a council member. This council has been trying to move in different direction from state, the direction the community wants. Time for Benz to make decision to shift gears and give community what they want or keep fighting. I'm willing to compromise. Either going to end up in court, or we can meet as citizens, community members and solve this problem. I'm willing to compromise, want the problem solved. Down to negotiating with Benz, that's what we need to do. If we aren't going to compromise and solve this, I'm tired of wasting time, just go to court and get it settled. Would prefer to sit down and solve this. Will vote to pay this bill because I don't want to take anything away from Benz. Think we can get this done.
- Mayor Morgan – mentioned by Mr. Holloway that came out last night at town hall meeting, city has found a rate analysis firm
  - Harvey Rose – firm does rate analysis for solid waste, respected by CALRecycle, done number of jobs in kern county and we have already presented them with some documents. They are going to give written proposal this week that can be executed by city manager and begin work immediately. Some data already in place as it applies to industry standards with necessary documents they can provide what you want.
- Council Member Wiknich – Need a new contract, needed it yesterday. The one we have is not working. Entered into by all parties with information available at the time. All admitted contract should have been written better. Errors in it. Need a new good contract that parties all agree to. Need that to move forward.

Time to move on and get the contract. Listened to comments and agree with some of what has been said. Recommend adjustment by not paying the commercial part until legal opinion is received. Think it should be backed out. Remove the 26k plus and also notice put out that we aren't going to pay any more until we have a new contract. Full reconciliation and verification of billing. Need to move forward in august meeting to get auditor on board.

- Taylor – what is surprising to me is what's before us is our responsibility in contract. Hear council members want to come to table. If we decide to break contract, Benz could be justified in saying they will stop picking up. Entire issue began because of our lack of compliance. Benz met with attorney yesterday, fully confused that we are willing to jeopardize this.
- Mayor Morgan – Mr. Staheli, what is amount without commercial?
  - Tyrell Staheli - \$109818.99
- Mayor Morgan – question to board depending on motions if any, if we find out we are obligated for commercial will ask for that amount to be put back on the agenda depending on what attorney says.

**Motion To Approve Resolution No. 10-, Resolution No. 10-, A Resolution Of The Ridgecrest City Council Authorizing Payment To Benz Sanitation Inc. For The Delinquent Accounts For May-June 2010 Mandatory Trash And Recycling Services In The Amount Of \$136,313.75 Was Made By Council Member Carter, Second By Taylor. Roll Call Vote Of 3 Ayes (Council Members Taylor, Carter And Mayor Morgan), 2 Noes (Council Members Holloway And Wiknich)**

## **PUBLIC COMMENT**

Opened at 6:43

- Ron Cramm – Mr. Carter doesn't want to take something from Benz but don't have problem taking something from me. Do I have any recourse?
  - Mayor Morgan – would prefer we sit down and discuss, if not successful you can always take to court.
  - Ron Cramm – residents not commercial can opt-out; will be first one to sign up. Would be very interested in negotiating. Do you understand where I'm coming from? Do not utilize the service, cans are upside down. tell me what I need to do, would be happy to discuss it. Have 14 days before going to collections.
  - Mayor Morgan – please make appointment with Mr. McRea or Mr. Parsons.
  - Ron Cramm – during the day?
  - Mayor Morgan – during work hours.
  - Ron Cramm – have to work too, this is the first letter I've got, if I write a check to you am I now entering into a contract with you? Don't understand how you can do this.

- Council Member Holloway – 499-5061
  
- Jim Rachels – had progress tonight, two questions fact of commercial account reimbursement and mayor concedes it's a possibility. With those doubts in mind and allegations made, how could you have voted for another payment? Irresponsible possibly criminal. If council doesn't believe this debt is owed, no excuse for payment. If question of commercial accounts, then Benz would be in debt to city which exceeds payment made today. Frustrated that council doesn't think they can read contract. Written in simple English. Nothing in there for green cans yet made payment anyway. Ignoring allegation is irresponsible. Feel payment cannot be made because council member tailors vote cannot be made in his absence. Is council member Taylors vote valid? City has published government code they say is valid for him to appear telephonically, that section listed is about bonds. If so, then not properly noticed. You are making same mistakes and insulting public each time.
  
- Unknown speaker – isn't state going to check our totals again? What happens if we don't pass the 50%? Are we obligated to go back to mandatory?
  - Mayor Morgan – at some point if we don't make 50% are obligated based on effort we put into it.
  - Speaker – how are we continuing to show we are improving our recycling?
  - Mayor Morgan – one way is the site at the dump.
  - Speaker – need to advertise, not doing anything.
  - Mayor Morgan – going to be doing this, have documentation that will be mailed out. Trying to get more out than we had in the past. Website, papers, library, public places.
  - Speaker – where is the trash coming from, mostly commercial? seen trash cans that are not recycle full of cardboard. This messes up our numbers. If worried about the contract, why not hire a good contract attorney to review it.
  - Mayor Morgan – we had a Sacramento attorney who deemed it legal.
  - Speaker – bills keep coming as we go on discussing.
  
- Mike Neel – interesting to see as it progresses, almost 1 ½ years since start. 3 members did not honor cities initiative; now get to go to court with Benz. Now potential of each individual going to court. City may be in 3000 separate court actions. City is in deeper than ever thought originally. All willing to take to court on collection actions. How can you get your money back? Ridgecrest has proven to be a town of people who understand right from wrong and willing to stand up.
  
- Joe Conway – still confused, you are going to start opt-out next week? However still haven't resolved contract issues with Benz. As a guy who has been paying the bill but doesn't use the service, I am at a quandary. Now I go down to opt-out, I run a risk doing that because you haven't resolved problem with Benz and

I get caught up in you negotiations and I receive letters from Benz for not paying. what do I do?

- Council Member Taylor – you fill out the form as documentation.
  - Joe Conway – so I can come back to you and won't have problem?
  - Mayor Morgan – yes, from that point on.
- 
- Brian Waterman – referred to ordinance 10-04. Community members concerned about the term application being in the ordinance. Mr. Wiknich didn't like that word, received a copy of the ordinance and it is still in there. A lot of people objected because you waived the reading.
    - Harvey Rose – true the vice mayor objected to the use but we need a paper trail. The application remained in the ordinance and the form will be provided either hard copy or online. Application is simple, just check off boxes, address.
    - Brian Waterman – implication is we have to apply and it can be approved or disapproved. Answer that it needed to be in there is counterproductive to what was listed. You indicated these changes would be there and they aren't. you've lost my trust. Really frustrated with this whole thing.
- 
- Joe Conway – clarify more, city can say, here is piece of paper but what about Benz? What's to keep them from coming after me?
    - Mayor Morgan – they will come after the city.
- 
- Robert Eierman – remember our conversation last night mentioned that letter went out was not signed? Don't you find that non-professional? How come Mr. Staheli didn't sign or city manager didn't sign? Can we ask that future be signed?
    - Mayor Morgan – certainly, I will ask city manager that all further correspondence is signed.

## MAYOR AND COUNCIL COMMENTS

- Council Member Holloway – Mr Rose said resolution coming at next council meeting with language that will force Benz to honor it. Forewarn staff, we have list of approximately 2800 people in city that have already, want letter to go to those individuals that city has opted you out. About 80% of people who are not paying bills are using the service. The day that resolution is passed, want them automatically opted out. If someone opts in and they don't pay the bill, need to address our obligation. We should not be obligated.
- Council Member Wiknich – agree with that statement, also pertaining to the gentleman concerned about this going to collections. Would like a discussion item on agenda that we will not go to collections until this is settled. Looked over the information and applaud staff for their work. Good point from Chip that delinquent bills are opted out right now.

July 29, 2010

Page 13

- Mayor Morgan – think more progress was made as we continue to work on these issues. Maintain council has been legal. Apologize for interrupting Mr. Neel. Group of attorneys for DTOM has filed papers that they are withdrawing because invalid public needs to know that.
- Council Member Taylor – interesting night, appreciate option of dialing in. frustrating part is comments and accusations made at podium. A lot of opinions. We lean on attorney who has law degree, have we read yes, do we have them memorized, no. appreciate staff and hope Benz will stay at the table with us. Think the suggested agenda item would like some thresholds considered. Need to have as a toolkit to get out of this debt. Education is vital, radio, newspaper. Need to get diversion up.
- Council Member Carter – thank you Peggy for our conversation. Up to city and Benz to step up to the plate and move forward. At some point doesn't do any good to nitpick words or sentences. We want to give citizens option and are almost there.

## **ADJOURNMENT**

Adjourned at 7:15pm

  
Rachel J. Ford, CMC - City Clerk