

ST. FRANCIS ISD #15 PLAGIARISM CONTROVERSY

RUSTAD THROWN OFF SCHOOL BOARD

by Bryan Olson

The three-month controversy that embroiled the St. Francis School Board came to a conclusion December 10th as four school board members voted to remove Matthew Rustad from office.

Rustad had plagiarized a column found on a website and submitted it for publication in the school district's general distribution monthly newspaper, *The Courier*.

The plagiarism was brought to the attention of Superintendent Ed Saxton and a private meeting was held Sept. 10 with School Board chair Marsha Van Denburgh, Human Resources Director David Lindberg, Superintendent Saxton, Assistant Director of Community Education and Services Troy Ferguson (publisher of the *Courier* newspaper and a former chair of the School Board) and Rustad.

Rustad stated that the Sept. 10 meeting was held to discuss whether he would be censured by the School Board for his actions.

He presented to the School Board copies of the Opinion signed Dec. 5 by the Commissioner of Administration Spencer Cronk. Rustad had explained to the Commissioner that the e-mail reply of David Lindberg, the Human Resources Director and Responsible Authority for St. Francis ISD #15, to a citizen's e-mail Sept. 11, revealed private data about him. The same citizen later wrote another inquiry about whether school board members are considered employees. Lindberg answered that they are, for life insurance benefit and Minnesota Data Practices Act purposes.

Commissioner Cronk's Opinion stated that the school district had violated Rustad's rights by releasing private personnel data about him because Lindberg, as its Human Resources Director, considered the school board members as employees.



Matthew Rustad

School Board member Amy Kelly asked who Commissioner Cronk is and by what authority was the Opinion being given. Chair Van Denburgh explained that the Opinion was coming from the Minnesota Department of Administration's IPAD division.

Lindberg expanded on IPAD's Opinion by stating he made a "procedural error" by classifying school board members as

employees. Ordinarily a personnel matter involving a government employee falls under state statute 13.43 which makes that information non-public until disciplinary action has been taken. Such action took place at the Sept. 24 school board meeting in the form of a unanimous censure of Rustad.

Rustad has argued that the censure was the final disposition of disciplinary action, yet the call for his voluntary resignation afterwards, and then an effort to remove him by a majority of the school board, borders on witch hunt tactics in his opinion.

According to the 13.43 statute, all information the school district had regarding the matter would have become public data after the censure.

The School Board at its Oct. 22 meeting passed a resolution that said school board members are elected officials, not employees. Rustad noted that this occurred many weeks after Lindberg's e-mails to a citizen.

Lindberg said, "it was my error in understanding that since school board directors received life insurance...that we would classify school board members as District employees. The Commissioner of Administration relied on my statement to form this Opinion. Even though for decades, school board members might not have been considered employees, but since I said it once in an e-mail, that's what they relied on. The Opinions from IPAD are instructive to other government agencies and responsible authorities on how to process requests like this. An Opinion that the District has violated the rights of Mr. Rustad carries with it no penalties."

A one-page resolution to remove Rustad was developed after receiving a recommendation to do so by the hearing officer the school district had hired, James Martin. The resolution was read by Chair Van Denburgh and the floor was opened to discussion.

Rustad said the Nov. 14 school board meeting where the independent hearing officer took evidence and legal arguments from both sides "was not a legal court and was strictly opinion — the hearing was not impartial." Rustad restated his previous complaints that he should have been provided counsel being that he was still a school board member. He also said he should have received the same District resources as the school board majority received.

Board member David Anderson said "there are a lot of students and a lot of staff that will [be watching] the decision this board makes."

Board member Suzanne Erkel pointed out that Rustad would be able to run for the seat again, and that taxpayers' money was being wasted by pursuing Rustad after the censure. Erkel said she agreed that the Nov. 14 hearing was not fair — that Rustad's legal counsel had not been told that witnesses could be called nor that the hearing would be conducted in a trial format.

Erkel also said she felt Rustad should have been allowed input in the selection of the hearing officer.

Erkel asked if she would be next. Speaking to the majority wanting to oust Rustad, she said "you've taken your nitpicks against me, and Ms. Van Denburgh... if I get a speeding ticket or write some bad checks am I going to be voted off?"

Board member and Treasurer Harry Grams said "we have lost focus" and emphasized that plagiarism has occurred and that is the only issue at hand. Grams was emphatic that he was not taking a vindictive course and that he has nothing personal against Rustad.

Speaking to Rustad, Grams said that he may have been more accepting of Rustad's plagiarism if he had been more forthright about it immediately.

Chair Marsha Van Denburgh then made comments that Rustad should have been given equal representation as he was still a school board member. She was not convinced by the evidence presented and by the findings of the hearing officer that there was proper cause to remove Rustad. Amplifying Erkel's comments that Rustad was at a financial disadvantage to defend himself, Van Denburgh asked Rustad about the quote he received from the court reporter for a copy of the Nov. 14 hearing transcripts.

"\$800 to \$1,500," Rustad replied, adding that he didn't have the wherewithal to make the purchase at the time.

Van Denburgh questioned whether Rustad's due process rights had been exhausted by the hearing. She also pointed a finger at the *Courier* newspaper and asked why no one representing the paper was called as a witness during the hearing.

Van Denburgh said she believed the *Courier* newspaper bears some culpability for not checking the article for plagiarism before publishing it.

Rustad: "in this particular matter we are on opposing sides, so who would ask an enemy for aid?"

Lindberg: "I'm not your enemy. I'm providing technical support for both sides."

Her critique of the Nov. 14 hearing moved to the "proper cause" point:

"Proper cause is almost always malfeasance, nonfeasance or conflict of interest... state statute does not define 'proper cause.'" The chair said she had researched other cases and didn't feel the plagiarism matter rose to the level of proper cause found in those other cases.

One of the points that has been often made in Rustad's defense is that the school board voted unanimously to censure him — disciplinary action that normally would have closed such a matter.

Van Denburgh pointed this out again during discussion of the resolution to remove. She emphasized that no board member at the time said anything about wanting to wait for more information or take a vote later.

Lindberg asked Rustad if he was aware that he could have asked him for an electronic PDF file of the court reporter's transcript, and that the District was not involved in setting any price quotes that Rustad said he had been given. "All you had to do was ask," adding that he thought the Rustad defense had the document.

Rustad then asked Lindberg a rhetorical question, "in this particular matter we are on opposing sides, so who would ask an enemy for aid?"

Lindberg responded, "I'm not your enemy. I'm providing technical support for both sides."

School Board Chair Van Denburgh reiterated that she felt the defense was hampered by not having the same documents and findings that the school district's attorneys had.

Lindberg, the Responsible Authority and Human Resources Director of the school district, defended his position by making it clear "we have no control over the capacity and ability of Mr. Rustad's attorney, (who) should have known that under Chapter 13 of the Minnesota Government Data Practices Act anything that refers to Mr. Rustad by name, I have ten days to provide to him." Lindberg assured that whenever he has the requested data in electronic form, it would be provided immediately.

"We have no control over the skill level and abilities of the attorney Mr. Rustad hired," said Lindberg.

RUSTAD THROWN OFF SCHOOL BOARD

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Board member Amy Kelly asked Lindberg how the hearing officer was chosen. He said the school district's attorney made the choice, after submitting three names to him and Superintendent Ed Saxton. They said none of the names were familiar to them, had no preference, and directed the school district's attorney to make the selection in the interests of the short time available to set the hearing date. Lindberg said "typically the opposing counsel would have contacted the district's counsel to collaborate on (the selection process), but the district's attorney never heard from Mr. Rustad or his attorney."

Kelly complained that board member Janet Glover had not yet spoken and that the chair was taking up time by making comments on other members' comments.

Glover, with some exasperation in her voice, said "I'm tired of this. I'm ready to move on. I'm ready to be about the school district; I'm ready to be about the kids; I feel everything we did was done correctly."

Grams asked Lindberg what the next steps would be if Rustad were removed. The seat would be appointed and then put to election at the next scheduled general election in November 2013, when three other school board seats are up for their normal four-year term election. The Rustad seat would be a special election to fill the remaining two years on the term.

With that, the vote was called: 4-3 to remove Rustad. Voting against were Van Denburgh, Erkel and Rustad.

Kelly reminded the body of what had been said earlier in the meeting as to whether Rustad was eligible to vote on certain motions that involved himself. Robert's Rules of Order had to be consulted.

After the vote was taken, board chair Van Denburgh returned to Robert's Rules and cited the passage, "the Right of Abstention", which says that a person cannot be compelled to vote nor compelled to abstain, however "no person shall vote on a question in which he has a direct personal interest . . ."

Rustad then asked Lindberg why he advised him to vote to censure himself during the Sept. 24 school board meeting and now there was a question of him being able to cast the third vote against his own removal.

Lindberg said "the agenda is completed. I think this is a moot point," and the meeting was adjourned.

The following day a news release was posted on the school district's web site, describing the vote as 4-2, with Rustad abstaining.

The next meetings of the ISD 15 school board will be January 14 and 28th.

Rustad won his seat in the 2011 election with a turnout of 1165 voters (6.7%). Elections in the previous decade had numerous levy questions and turnouts were in the 30-35% range. The 2011 ISD 15 school board election was for four seats, and there were no questions on the ballot.

IPAD ISSUES OPINION ON RUSTAD CASE

Ed. Note: The following Opinion made by the Commissioner of the Minnesota Department of Administration was distributed to the ISD #15 school board members. The complaint was made by Matthew Rustad, asserting that non-public data about him was released to the public before any disciplinary action was taken against him. Rustad's complaint was inspired by statements made by David Lindberg, Human Resources Director and Responsible Authority for the school district. Lindberg had said that he believed school board members were classified as employees because they received insurance benefits from the school district. Rustad's argument was that if he was an employee, then the state statutes that protect personnel data as non-public should have been followed. Local governments are required to designate annually a "Responsible Authority," who is charged with the handling of Data Practices Act requests for public information. Below is the Opinion published in its entirety:

Minnesota Department of Administration Advisory Opinion 12-018

This is an opinion of the Commissioner of Administration issued pursuant to Minnesota Statutes, section 13.072 (2012). It is based on the facts and information available to the Commissioner as described below.

Facts and Procedural History:

On October 19, 2012, the Information Policy Analysis Division (IPAD) received an email dated October 10, 2012, from Matthew Rustad, in which he asked the Commissioner to issue an advisory opinion about his rights as a subject of data Independent School District 15, St. Francis, maintains. IPAD asked for additional information/clarification, which Mr. Rustad provided on October 25, 2012.

IPAD, on behalf of the Commissioner, wrote to David Lindberg, the District's Human Resources Director and Responsible Authority, in response to Mr. Rustad's request. The purposes of this letter, dated October 29, 2012, were to inform him of Mr. Rustad's request and to ask him to provide information or support for the District's position. On November 14, 2012, IPAD received a response, dated same, from Amy E. Mace and Courtney R. Sebo, attorneys for the District. Ms. Mace and Ms. Sebo provided additional information on November 19, 2012, in response to a request from IPAD.

A summary of the facts as Mr. Rustad provided them follows. Mr. Rustad is a member of the District school board. On September 10, 2012, he met with Mr. Lindberg, the board chair, the superintendent, and the editor of the newspaper, "to discuss the issue of censure" of Mr. Rustad in response to a complaint against him.

On September 11, 2012, Mr. Lindberg sent an email to a member of the public, in which he discussed the specific nature of that complaint. In his email, Mr. Lindberg wrote about the September 10 meeting:

Administration felt that it was important for the board members to be aware of the issue in a timely manner and give the board member involved in the issue an opportunity to discuss the situation in an appropriate context. The group ... arrived at a consensus decision to place an agenda item on the next school board meeting to censure... Matt Rustad. The consensus of the group for the censure agenda item will be regarded as the "final disposition" of this matter in relation the the [sic] MN Govt. data practices act. That same member of the public then asked Mr. Lindberg if school board members were employees of the District, to which Mr. Lindberg replied, in a September 19, 2012, email, "[y]es they are considered employees for specific contexts such as the purpose of that [life insurance] benefit and for MN Data Practices Act purposes."

Mr. Rustad wrote to the Commissioner that the board met on September 24, 2012, "to vote on the censure as the final disposition." He asked whether Mr. Lindberg had the authority to release the details of the complaint against him to the public, "before the authorized authority (School Board)" made a final decision, and whether the District violated Minnesota Statutes, section 13.43, "by stating that a final disposition had been made" prior to the board's vote. He also asked whether the District had violated his rights "by allowing the editor of the newspaper to be present at the private meeting."

Issue:

Based on Mr. Rustad's opinion request, the Commissioner agreed to address the following issue: Pursuant to Minnesota Statutes, Chapter 13, did Independent School District 15, St. Francis, violate a school board member's rights when it released certain data about him to the public?

Discussion:

Pursuant to Minnesota Statutes, Chapter 13, government data are public unless otherwise classified. (Minnesota Statutes, section 13.03, subdivision 1.) Minnesota Statutes, section 13.43, classifies data on individuals who are current or former employees of a government entity. Subdivision 2 lists the types of personnel data that are public and subdivision 4 classifies most other types of personnel data as private. The existence and status of a complaint or charge against an employee are public. If an entity disciplines an employee, the final disposition, the specific reasons for and data documenting the basis of the discipline become public. (See section 13.43, subdivision 2(a) (4) and (5).) Subdivision 2(b) provides when disciplinary action is final for purposes of section 13.43.

(Not of relevance here, Minnesota Statutes, section 13.601, subdivision 2, classifies certain data on elected officials as not public.)

In his September 19, 2012, email to the member of the public, Mr. Lindberg stated that board members were District employees "for MN Data Practices Act purposes." Ms. Mace and Ms. Sebo correctly stated that the Commissioner has consistently opined that it is up to an entity to determine whether its elected officials, such as school board members, are employees for purposes of Chapter 13. (See, for example, [Advisory Opinion 03-011](#).) They wrote:

[T]he District does not consider its School Board members to be employees; rather, it considers them to be elected officials. The School Board has never passed a resolution finding that School Board members are employees. In fact, the School Board has adopted a resolution finding that School Board members are *not* employees of the District. As such, the provisions of Section 13.43 do not apply to Mr. Rustad as an elected official, and all data maintained by the District about him, including the data in the email sent by Mr. Lindberg to the citizen, are public pursuant to Section 13.03, subdivision 1. [Emphasis provided.]

Ms. Mace and Ms. Sebo provided an undated copy of the resolution to which they refer. However, they provided supplemental documentation that the board adopted the resolution at its October 22, 2012, board meeting.

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AVERAGE FREQUENCY: BI-WEEKLY CIRCULATION: OCTOBER 1, 2011 - SEPTEMBER 30, 2012

QUALIFIED CIRCULATION	Non-Paid	Paid	Total
Individual Subscription	303	-	303
Association/Group/Directory Lists	-	-	-
Rotated	-	-	-
Bulk Distribution	116	-	116
Single Copy Sales	-	-	-
TOTAL QUALIFIED CIRCULATION	419	-	419
TOTAL NON-QUALIFIED CIRCULATION			4
TOTAL PRINTED			423

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THE CURIOUS CASE OF MATT RUSTAD

The fuss in the St. Francis school district is a reminder why the world needs good defense attorneys. People screw up sometimes. A defense attorney helps ensure that the consequences are in proportion. The accused individual, depending on what he did, needn't have an anvil come down on him as if he were Wile E. Coyote from "Road Runner."

Opinion
Brian Williams

Based on what I've read, I'm not sure Matthew Rustad's attorney is up to the task. Now it's necessary for a high-powered attorney to come on the scene, lest a disturbing precedent be set.

Rustad is nursing a bump on his head, figuratively speaking, caused by that anvil. What kind of indiscretion would cause removal from a school board? Can a school board member be judged by the same standards applied to students? Aren't board members elected on the basis of their views and priorities, and not on the basis of whether they'd ace a sophomore-level English class?

We had a member of our Morris Area school board stay in his position quite long after he probably should have been induced to resign. And that was a serious legal matter. We don't demand that our elected public officials be free of indiscretions. It would be nice if they were, but human beings make missteps and have peccadilloes and the like. Surely you remember Bill Clinton?

The curious case of Matt Rustad came to my attention thanks to the state news section of the Star Tribune.

If you're not familiar with the story, you might be thinking at this point he must have done some egregious or heinous thing. Well, his critics might indeed claim it was egregious, in the same sense the critics of Susan Rice would make such a claim. I'm not aware of any charges, criminal or civil, being aimed at Mr. Rustad. Now, I don't know the person and have no idea if he's the kind of person I'd vote for. But it clearly appears his critics are trying to kill an ant with a sledgehammer.

These are precisely the kind of circumstances that call for an advocate who thinks like a defense attorney.

Will anyone even want to run for school board if they are put under this kind of microscope? No one does this seeking fame or fortune. It can almost be seen as a sacrifice. Board members are mature adults who have learned how to navigate in the real world and have found a niche for themselves. We don't judge them in the same way as if they were schoolchildren.

I have never watched *Are You Smarter Than a Fifth Grader?* but I assume it's about the irony of adults having trouble mastering the same lessons as kids. I really don't see any irony. We all go through passages in life. An elementary school child is "wired," as it were, to learn certain things in certain ways. It comes naturally. Adults are done with that. They focus on priorities that enable them to be responsible in life. They have left such things as "social studies" far behind them.

I'm amazed at the stamina of young people who can be in class 7-8 hours a day, perhaps be in extracurricular and still have some "homework" to do. I couldn't cut it.

Rustad has been found to have "plagiarized." I put the word in quotes because I'm not sure this is what you'd call full-bore plagiarism. OK, what did he do? Matt Rustad lifted an item he found online (presumably online-only, a blog post in fact) and submitted it for the school district's monthly newsletter, called *The Courier*.

As a matter of pure principle it's of course always best to use your own words. We should also understand that the concept of plagiarism developed in the pre-Internet age. Way back when, to "publish" something was really a big deal. You almost had to have economic incentives. You needed access to a printing press. Either you printed something on your own dime (rare) or you sought some sort of commercial reward. Economic incentives always color a particular matter. The law gets involved when money changes hands.

You don't need me to tell you the online world has turned everything upside down. Today to "publish" means simply clicking on a little symbol on your computer screen, and spending no money to do so. The incentive is to simply share or opine. It's ubiquitous. We are saturated with information, unlike the "old days." How quickly we forget.

Today's young people have a much more loose understanding of "intellectual property" than older generations. This is why we saw the proposed SOPA and PIPA legislation shot down. On the basis of pure principle, SOPA and PIPA seemed perfectly reasonable. But young people saw through this, readily, and saw the dangers. They know that in our online wired world, people will frequently "share" in a manner that might technically cross a line.

Here's the deal: Sharing is what the Internet is all about.

With that as a backdrop, the strict and traditional understanding of "intellectual property" isn't practical. This is why we have the "Copyright Reform Act" on the drawing board, which actually goes in the opposite direction of SOPA and PIPA. The Reform Act is a new model statute for the digital age. It's a new project from Public Knowledge. It seeks to clarify the "fair use" principle and give people with innocent (non-commercial) purposes a little more breathing room.

While using someone else's words is never defensible, the small-time stuff should probably just be governed by a code of ethics, which young people in their good sense could easily adopt. They already are.

Ouster from a school board for borrowing some paragraphs found online, with no commercial motivation, doesn't pass the smell test. Again, where is this guy's attorney? It would appear the original writer had no commercial motivation. I'm not even sure a censure motion was needed, I just think a verbal apology and subsequent correction in this newsletter would be fine. Perhaps we could just call this "failure to attribute" rather than the "p" word of plagiarism.

The language being directed at Mr. Rustad has hyperbole. There was a petition with sanctimonious sounding language.

Surely "plagiarism" is an unforgivable act, right? Surely you should be pushed out of whatever position you held in which you committed such a dastardly act, right?

Well. . .

We're just talking a stupid school district newsletter here. It's the equivalent of putting some sheets of paper on a copy machine, stapling groups of them together, and maybe it's even done this way. But let's call it a "publication" if we're out to smear Mr. Rustad. And that's what it is, a smear, making any reasonable person think there are other issues in the background here. What? On a board of education? I'm shocked there's gambling in this establishment.

I'm 57 years old and have a pretty long memory of events in our state. Probing my memory banks, I remember an interim president of the University of Minnesota, surely an august institution, who was caught lifting material in the late 1980s. He had to apologize to the Regents' head. He felt he had to withdraw as candidate for president of another university. This individual's name: Richard Sauer.

An old AP report says "Richard Sauer admitted lifting part of a presentation for the North Dakota State University job from a magazine article without attribution." More: "Sauer has acknowledged that in a speech he has given several times in the past six weeks, he failed to credit the article." He told Regents' head David Lebedoff he'd made a "bad mistake." He called his failure to attribute "a dumb thing to do." He said "I made a mistake of poor judgment."

Surely Mr. Sauer was drummed out of the corps, then.

Surely the Regents took some sort of prompt action booting him out of academia, because after all, "plagiarism" is an egregious thing that would make you ineligible to serve on a school board, right?

Well. . .

Lebedoff was asked by the AP reporter if the incident might lead to a call for Sauer to "step down" (not be forcibly removed) as interim president. Lebedoff answered: "I don't want to speculate on that." The AP report stated "Regents and lawmakers interviewed by the AP said they had heard no calls for Sauer's resignation, and expressed support for him."

"Expressed support?" You have got to be shittin' me. Not that I'd care about joining any lynch mob vs. Mr. Sauer who I'm quite sure is a decent human being, but how on earth would anyone square what the St. Francis school board is doing vs. past incidents that drew no drastic action?

We learn that Rustad actually "added and removed (only) a few phrases to the original text." So it's not even pure plagiarism, rather it's somewhat similar to what Fareed Zakaria of CNN was caught doing recently. Zakaria was suspended for his actions but he's back on the air now, in full glory. And this is a media professional.

Did Zakaria plagiarize? Like so many alleged incidents that are going to come about in our Internet age, there's a gaping gray area. Zakaria re-wrote some material he found elsewhere but didn't re-write it enough. He left footprints.

Do you remember the trouble that Doris Kearns Goodwin got in? I suppose I'm showing my age again. The well-known author got in serious trouble for committing non-gray area plagiarism. This surfaced in her book *The Fitzgeralds and the Kennedys*. We learn from Wikipedia "she used without attribution many phrases and sentences from three other books."

Kearns Goodwin admitted she reached a large private settlement with author Lynne McTaggart. Slate Magazine discovered problems with the Kearns Goodwin book *No Ordinary Time*, in which many passages were taken from *Eleanor and Franklin*, *FDR's Splendid Deception* and other books. Kearns Goodwin has not disappeared as a result of all this. Although she did depart as guest pundit on a PBS show, she appears on TV today with some regularity offering her views. Would she be unqualified on the face of it to serve on a stupid little school board?

Rustad wanted to share about "paperless classrooms" in the district newsletter. Not even a controversial subject. Actually "paperless" is something I advocate so maybe I would be inclined to vote for Mr. Rustad. He found material from the International Society for Technology in Education. The piece he tapped was a lengthy comment on a blog. Just a "comment" and not the blog itself? I'm going by wording in an October Strib article. The item is still online "and is not identical to Rustad's column, but nearly so."

If this is grounds for being removed from a school board, heaven help us all. A majority on any public board could seek removal

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of adversaries just by doing your basic "opposition research." I'm sure our system of governance guards against this. It had better. Blogger John Hoff had to be rescued by our legal appeals system after he initially was in a courtroom where the judge didn't understand the First Amendment. That's not an exaggeration; she literally didn't understand it.

It's a shame the legal system might have to come to the rescue of Mr. Rustad too, not because he's an exemplary school board member but because our system of government is to be cherished and protected with vigilance.

In the case of Richard Sauer, he called William C. Nelson, chairman of NDSU's presidential search committee, to say he was withdrawing from consideration. Nelson told the AP that "he unsuccessfully tried to get Sauer to remain" a candidate.

Huh? We're talking a very high-level, important university administrator associated with "name" institutions, obviously with a resume nothing short of sparkling. And he's asked to reconsider his decision to withdraw? And Mr. Rustad, a small-time no-name school board member with a small-time and apparently very petty school board, is ousted?

And, Mr. Rustad is subjected to an "administrative hearing" on November 14, in which he had to answer questions "under oath" under "cross examination" by School District 15's attorney Amy Mace? We learn all this from an ABC Newspapers article.

Shouldn't his attorney at some point have advised him to just quit talking? Mr. Rustad is an elected public official who to my knowledge hasn't been the target of any legal action for anything he's done. We had a school board member here, initials V.G., who actually was the target of legal proceedings, remember? Eventually he resigned but it was very belated and it appeared not to be forced.

We learned that Rustad wasn't forthcoming when first confronted with the "accusation." What would you expect him to say? "Yeah, I plagiarized." He felt awkward, on the spot and knew he had done something not according to Hoyle, to be sure. But he didn't want to be that ant killed by a sledgehammer. In this sense he's like Mark Fuhrman, the detective in the O.J. Simpson case, who denied under oath ever using the word "nigger." Vince Bugliosi eventually defended Fuhrman's conduct in this matter.

There are probably other issues in the background of the Rustad case. He looks like a young guy and is maybe viewed as some uppity young individual who subscribes to some different ideas, like "paperless schools."

"Paperless schools" certainly threatens the book publishing industry.

Based on what I've read, the naivete and pettiness of St. Francis school board members should cause them, and not Mr. Rustad, to leave the board.

Brian Williams is a former newspaper reporter for the Morris Sun Tribune in Morris, Minnesota. He wrote this editorial for his blog, www.morrisofcourse.blogspot.com. Published with permission.

BEWARE "TAX REFORM"

Ugh. It looks like one of the top agenda items for the newly-minted DFL Juggernaut will be what is labeled "tax reform."

At the outset, note that the rationale for examining and revamping the tax system is all about the government budget.

The talk is all centered on making the government budget more stable; it's all about making the government budget more predictable; and, of course, it's all about getting more money in the door to make government bigger.

It looks like the Juggernaut is intent on going in exactly the wrong direction on all three legs of the Minnesota tax stool (property taxes, income taxes, and sales taxes).

Let's start with the property tax. The Juggernaut has co-opted friendly and reassuring labels about "buying down" property taxes and making government "less reliant" on property taxes.

What this really means is that the state is looking for ways to ship more money down to local units of government to spend as they see fit. PERHAPS there will be some buy down of property taxes, but there may also be some spending increases (and perhaps big ones at that).

This is because the property tax is a LOCAL tax, levied by independently-elected politicians. In short, these folks decide how the money gets spent. There are a couple of state-imposed property taxes (commercial/industrial and recreational property), but the vast majority of property taxes are local in nature.

Money is filtered down to LUGs (local units of government) through a variety of means, but when it comes to property taxes, the primary means is local government aid (LGA) and other programs like the market value homestead credit (MVHC).

These programs are horrible public policy for a number of reasons.

First, they harm accountability by decoupling the taxing authority from the spending authority. The state taxes the money and then the LUG gets to spend it.

It is human nature to be less responsible with someone else's money than with your own.

Second, these programs lack meaningful transparency. All too often, local elected officials raise property taxes or undertake other unpopular measures and then turn around and blame the state for "cutting" aid programs.

Taxpayers have great difficulty in separating fact from fiction. Property taxes are difficult enough to understand without also getting a graduate degree in LGA MVHC, the Green Acres program, the "circuit breaker," and the myriad other programs that allow LUGs to spew acronyms and evade accountability through a decidedly opaque property tax system.

Third, these programs often don't do what they're supposed to do — reduce property taxes. Again, the decision lies in the hands of local officials. The state can try all sorts of means to control the aid (e.g. levy limits and restrictions on spending). But these measures are ineffective because local governments find loopholes and other ways to raise and spend money.

Finally, and perhaps most importantly, LGA and other programs discourage needed reforms and innovations at the local level.

As we all know, organizations often delay or defer needed reforms until a financial crisis hits. The crisis forces the tough decisions.

Think of LGA as a form of welfare for cities.

It's money that is specifically designated to help cities that are deemed unable to help themselves.

Yet, unlike welfare for people, LGA comes with no real strings attached. There is no time limit, no requirement to cut spending or reform the local budget, and no requirement to do anything to reduce reliance on LGA.

In fact, much like the welfare programs of old, there is a perverse incentive, a moral hazard, to do nothing, as reforms jeopardize the amount of LGA coming in.

Cities that take LGA (and lots of it), for example own golf courses, swimming pools, community centers, and there is even a city that owns a green house as well as one that owns a movie theater (Netflix, anyone?).

Isn't that like someone on welfare owning a Porsche or having a membership at a country club?

Where is the similar outrage? Where are the restrictions and requirements?

The simple fact is that many legislators, DFL and GOP, are afraid of local elected officials and their lobbying arms that roam the Capitol.

Minnesota has 87 counties and 853 cities. There is really no logical basis for their boundaries, which were often formed many, many years ago in an era far different from what society looks like today.

State aid programs stifle needed reforms, mergers, and yes, dissolutions by staving off tough decisions driven by fiscal woes.

Yes, some LUGs take responsibility and have merged services with adjoining jurisdictions. And, yes, some have lowered property taxes. But this is the exception and not the rule.

Let's undertake an examination of sales tax "reform" proposals.

These reforms have centered on expanding the sales tax and, hopefully, reducing the rate, but sales taxes are regressive and therefore contrary to the Juggernaut's stated intent to make taxes more PROgressive and rich-soaking.

Think about what happens when the sales tax is expanded.

When a family goes to Wal Mart to buy underwear or a winter coat for the kids, government will get a cut.

When a new mom goes to buy diapers or baby formula, government will tax it.

Food could be taxed as well. A tax on milk and butter? Could be.

And don't forget that the sales tax would very likely be extended to business services.

A haircut for the kids. Taxed.

Need a lawyer because your spouse has abandoned you and a divorce has become necessary? Taxed.

Need to drop a new tranny in your Chevy? The mechanic will have to tax you for his services.

Sound fair? Sound like making the "rich pay their fair share?"

You tell us.

Oh, and don't forget that another aspect of tax reform is "closing loopholes" by taking away tax deductions.

The home mortgage interest deduction could be gone.

How about deductions for charitable contributions to your church or the local homeless shelter? That could be gone.

Even the deduction for helping defray the costs of donating an organ could be gone.

Finally, there is one other aspect of "sales tax reform" that could become law should the Juggernaut wish it to be so.

Sales taxes also apply when a business does business with another business.

For example, if lawyer services are taxed, whenever a business hires a law firm (oh, say to defend against a trumped up personal injury claim), the defending business would pay.

Or whenever a business receives services from an accountant (oh, say to navigate the all the complex and conflicting provisions of the state and federal tax code), that business would pay the sales tax for the service.

And guess who really pays for that? If you said that the cost gets passed on to the consumer, you would be correct.

Such is the magic of sales tax "reform."

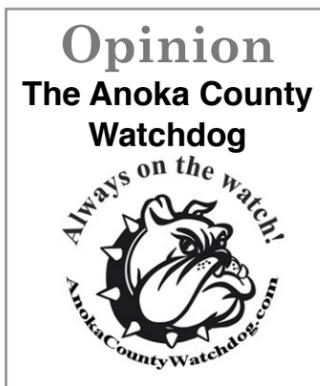
The Watchdog will be watching with great interest to see how the DFL manages to construct a sales tax scheme that doesn't hammer the middle class in exactly the way we have described.

Finally, let's take a look at the income tax. To be honest, the income tax is the one tax that can truly be progressive.

Government just simply singles out successful people and smashes them with higher and higher taxes in the name of "fairness."

It can be done. If we all go over the fiscal cliff, it has been calculated that California will have a marginal income tax rate at the top bracket of over 50%, combined state and federal.

WATCHDOG *continued on page C-2*



ANOKA COUNTY

Anoka County Govt. Center
2100 3rd Ave.
Anoka MN 55303-5024
Ph.: 763-323-5700
www.co.anoka.mn.us

Thurs. Dec. 20

Community Corrections Advisory Bd, Noon, Rm 710, ACGC
Public Safety Cmte, 3 pm, Rm 1140, AC Public Safety Ctr, Andover

Tues. Jan. 8

County Board Statutory & Organizational Mtg, 8:30 am, Rm 705, ACGC
County Board, 9:30 am, Rm 705, ACGC
Management Cmte, 10:30 am, Rm 772, ACGC

ANDOVER

Andover City Hall
1685 Crosstown Blvd NW
Andover, MN 55304
Ph: 763-755-5100
www.ci.andover.mn.us

Thurs. Dec. 20

Parks Comm., 7 pm

Wed. Jan. 2

City Council, 7 pm

Thurs. Jan. 3

Parks Comm., 7 pm

Tues. Jan. 8

Planning Comm., 7 pm

Wed, Jan. 9

Open Space Advisory Comm., 7 pm

ANOKA

Anoka City Hall
2015 1st Ave. N.
Anoka, MN 55303-2270
Ph: 763-576-2700
www.ci.anoka.mn.us

Wed. Jan. 2

Planning Comm, 7 pm

Mon. Jan. 7

City Council, 7 pm

Wed. Jan. 9

Waste Reduction & Recycling Bd, 5 pm

Thurs. Jan. 10

Economic Development Comm., 7:30 am

Mon. Jan. 14

HRA, 5 pm

Tues, Jan. 15

Heritage Preserv. Comm., 5 pm

Planning Comm. "work session", 6 pm

Wed. Jan. 16

Parking Advisory Bd, 7:30 am, Public Safety Ctr, 275 Harrison St

Tues. Jan. 22

City Council, 7 pm

Mon. Jan. 28

City Council "work session", 5 pm

Mon. Dec. 17

City Council, 7 pm

Wed. Jan. 2

Planning Comm., 7 pm

Wed. Jan. 16

Parking Advisory Bd, 7:30 am, Anoka Public Safety Ctr, 275 Harrison St

Tues. Feb. 5

Planning Comm., 7 pm

BETHEL

Bethel City Hall
23820 Dewey St. / PO Box 64
Bethel, MN 55005
Ph: 763-434-4366
www.bethelmn.govoffice2.com

1st & 3rd Thursdays

City Council — 7 pm

BLAINE

Blaine City Hall
10801 Town Square Dr NE
Blaine, MN 55449
Ph: 763-784-6700
www.ci.blaine.mn.us

Thurs. Dec. 20 & Jan. 3

City Council "workshop", 6:30 pm; meeting 7:30 pm

Tues. Jan. 8

Blaine Arts Council, 5:30 pm

Planning Comm., 7 pm

Thurs. Jan. 10

City Council "workshop", 6:30 pm

Tues. Jan. 15

Natural Resource Conservation Bd, 7:30 pm

CENTERVILLE

Centerville City Hall
1880 Main St
Centerville, MN 55038
Ph: 651-429-3232
centervillemn.com

Wed. Jan. 2 & Feb. 6

Parks & Rec. Comm., 6:30 pm

Tues. Jan. 8 & Feb. 5

Planning Comm., 6:30 pm

Wed. Jan. 9 & 23

City Council, 6:30 pm

CIRCLE PINES

Circle Pines City Hall
200 Civic Heights Circle
Circle Pines, MN 55014
Ph: 763-784-5898
circlepines.govoffice2.com

Wed. Dec. 26

City Council, 7 pm

Tues. Jan. 8

Park Board, 6 pm

City Council, 7 pm

Mon. Jan. 14

Planning Comm., 7 pm

Wed. Jan. 16

Utilities Comm., 4 pm

Tues. Jan. 22

City Council, 7 pm

COLUMBIA HEIGHTS

Columbia Heights City Hall
590 40th Ave NE
Columbia Heights, MN 55421
Ph: 763-706-3600
ci.columbia-heights.mn.us

Wed. Dec. 26

Parks Comm., 5:30 pm, Murzyn Hall

Wed. Jan. 2

Planning & Zoning Comm., 7 pm

Library Board, 6:30 pm, Library

Mon. Jan. 7

EDA, 6:30 pm; City Council "work session", 7 pm

Library Task Force, 6:30 pm, City Hall

Mon. Jan. 14 & 28

City Council, 7 pm

Tues. Jan. 22

HRA, 7 pm

COLUMBUS

Columbus City Hall
16319 Kettle River Blvd.
Columbus, MN 55025
Ph: 651-464-3120
www.ci.columbus.mn.us

Thurs. Dec. 20

Parks Comm., 6:30 pm

Wed. Dec. 26

City Council, 7 pm

Wed. Jan. 2

Planning Comm., 7 pm

Wed. Jan. 9

EDA, 6 pm; City Council, 7 pm

Thurs. Dec. 20

Parks Comm., 6:30 pm

Wed. Dec. 26

City Council, 7 pm

Wed. Jan. 2

Planning Comm., 7 pm

Wed. Jan. 9

EDA, 6 pm; City Council, 7 pm

COON RAPIDS

Coon Rapids City Hall
11155 Robinson Dr.
Coon Rapids, MN 55433
Ph: 763-755-2880
www.coonrapidsmn.gov

Thurs. Dec. 20

Planning Comm., 6:30 pm followed by "work session"

Sustainability Comm., 6:30 pm

Thurs. Jan. 3

Bd of Adjustmt & Appeals, 6:30 pm

Mon. Jan. 7

City Council, 7 pm

Parks & Rec. Comm., 6:30 pm, Public Works Garage

Tues. Jan. 8

City Council "work session", 6:30 pm

Thurs. Jan. 10

Safety Comm., 7 pm

Tues. Jan. 15

City Council "work session", 3 pm, Harvest Grill

Arts Comm., 5:45 pm

Thurs. Jan. 17

Historical Comm., 7:30 pm

Planning Comm., 6:30 pm

Sustainability Comm., 6:30 pm

EAST BETHEL

East Bethel City Hall
2241 221st Avenue NE
East Bethel, MN 55011
Ph: 763-367-7840
eastbethel.govoffice.com

Tues. Jan. 8

Road Comm., 6:30 pm

Wed. Jan. 9

City Council, 7:30 pm

FRIDLEY

Fridley City Hall
6431 University Ave NE
Fridley, MN 55432
Ph: 763-571-3450
www.ci.fridley.mn.us

Mon. Jan. 7

Parks Comm., 7 pm

Tues. Jan. 8

Environmental Quality & Energy Comm., 7 pm

Wed. Jan. 16

Planning Comm., 7 pm

HAM LAKE

Ham Lake City Hall
1544 Central Ave NE
Ham Lake, MN 55304
Ph: 763-434-9555
www.ci.ham-lake.mn.us

Hours: M-Th 7 AM - 4:30 PM
Fri: 7 AM-12 NOON

Mon. Jan. 7, Tues. Jan. 22

City Council, 6 pm

HILLTOP

Hilltop City Hall
4555 Jackson St. NE
Hilltop, MN 55421
Ph: 763-571-2023
Call city hall for information

LEXINGTON

Lexington City Hall
9180 Lexington Av
Lexington, MN 55014
Ph: 763-784-2792
www.ci.lexington.mn.us

Thurs. Dec. 20

City Council, 7 pm, followed by "workshop"

LINO LAKES

Lino Lakes City Hall
600 Town Center Pkwy
Lino Lakes, MN 55014
Ph: 651-982-2400
www.ci.lino-lakes.mn.us

Mon. Jan. 7

City Council "work session", 5:30 pm

Park Board, 6:30 pm

Wed. Jan. 9

Planning & Zoning Bd, 6:30 pm

Mon. Jan. 14

City Council, 6:30 pm

LINWOOD TWSHP

Linwood Town Hall
22817 Typo Creek Dr. NE
Linwood, MN 55079
Ph: 651-462-2812
linwoodtownship.org

Tues. Jan. 8 & 22

Town Board, 6 pm

NOWTHEN

Nowthen City Hall
8188 199th Ave NW
Nowthen, MN 55330
Ph: 763-441-1347
nowthenmn.govoffice2.com

Tues. Jan. 8

City Council

OAK GROVE

Oak Grove City Hall
19900 Nightingale St. NW
Oak Grove, MN 55011
Ph: 763-404-7000
oakgrove.govoffice.com

2nd and last Monday of month

City Council, 7 pm (EDA follows council mtg on last Monday)

No meeting on Dec 31, next council meeting Jan 14

3rd Wednesday

Parks Comm., 7 pm

3rd Thursday

Planning Comm., 7 pm

RAMSEY

Ramsey Municipal Center
7550 Sunwood Dr. NW
Ramsey, MN 55303
Ph: 763-427-1410
www.ci.ramsey.mn.us

Thurs. Dec. 20

Mayor's Town Hall mtg, 7 pm

Thurs. Jan. 3

Planning Comm., 7 pm

Mon. Jan. 7

EPB, 6:30 pm

Tues. Jan. 8

City Council "work session", 5:30 pm; meeting 7 pm, HRA follows

Thurs. Jan. 10

EDA, 7:30 am

Park & Rec Comm., 6:30 pm

Tues. Jan. 15

Public Works Cmte/City Council "work session", 6 pm

Tues. Jan. 22

City Council "work session", 5:30 pm; meeting 7 pm, HRA follows

ST. FRANCIS

St. Francis City Hall
23340 Cree St. NW
St. Francis, MN 55070
Ph: 763-753-2630
stfrancismn.org

M-Th 7am-5:30pm (Closed Fri)

Mtg held at ISD #15 offices

4115 Ambassador Blvd NW

1st and 3rd Mondays

City Council, 6 pm

Jan. 21 Council meeting has been changed to Jan. 22 due to holiday

3rd Wednesday

Planning Comm., 7 pm

SPRING LAKE PARK

Spring Lake Park City Hall
1301 81st Ave NE
Spring Lake Park, MN 55432
Ph: 763-784-6491
slpmn.org

Mon. Jan. 7 & 21

City Council, 7 pm

ANOKA CONSERVATION DISTRICT

1318 McKay Dr NE #300
Ham Lake, MN 55304
Ph.: (763) 434-2030
anokaswcd.org

Tues. Jan. 22

Board of Supervisors, 5 pm

SCHOOL DISTRICTS

ANOKA-HENNEPIN ISD #11

11299 Hanson Blvd NW
Coon Rapids MN 55433
Ph.: (763) 506-1000
anoka.k12.mn.us

Mon. Jan. 14 & 28

School Bd, Sandburg Educ Ctr, 1902 2nd Ave, Anoka, 6:30 pm

CENTENNIAL ISD #12

4707 North Rd
Circle Pines, MN 55014
Ph.: (763) 792-6000
isd12.org

Mon. Jan. 21

School Board, 6:30 pm

COLUMBIA HEIGHTS ISD #13

ANOKA COUNTY BOARD MEETING SUMMARY

The Anoka County Board met on November 27, 2012. For more information please refer to the Anoka County Web site: www.anokacounty.us The following resolution was adopted at the meeting: RESOLUTION #2012-169 ESTABLISHING COMPENSATION AND EXPENSE AMOUNTS FOR ANOKA COUNTY EMPLOYEES, UNCLASSIFIED EMPLOYEES, APPOINTED DIVISION MANAGERS, DEPARTMENT HEADS, ELECTED OFFICIALS, AND COUNTY COMMISSIONERS FOR 2013

WHEREAS, the Anoka County Board of Commissioners has established, as a matter of policy, that employment with Anoka County should be as attractive as possible from a career perspective and that the compensation plan for Anoka County employees, division managers, department heads, and elected officials shall be founded on the principle of equitable and adequate compensation; and further, that said compensation plan shall be as competitive as possible in order to attract and retain people of the highest caliber so that the citizens of Anoka County can be assured that their best interests are being served; and, WHEREAS, adjustments to compensation levels of governmental units are considered on an annual basis; and,

WHEREAS, the total compensation package must be affordable for Anoka County; and, WHEREAS, the compensation levels of non-bargaining unit employees, unclassified employees, division managers, department heads, and elected officials for 2013 need to be established before the end of this year; and,

WHEREAS, the Personnel Rules and Regulations of Anoka County, Minnesota, adopted by the county board, provide that the director of Human Resources shall annually review the salary levels and make recommended changes; and,

WHEREAS, the director of Human Resources has completed said review for program year 2013 and has recommended to the Anoka County Board of Commissioners that no adjustments be made to the exempt and non-exempt salary schedules of Anoka County, and the potential salary rate of all county employees be increased as described below, except for specific exclusions as are on file in Human Resources:

NOW, THEREFORE, BE IT RESOLVED that the total salary budget for regular, non-bargaining unit county employees, unclassified employees, division managers, and department heads for 2013 shall be arrived at by applying to those current salaries a percentage increase consisting of a 0% general adjustment effective on January 12, 2013, and a percentage as designated in the 2013 budget, which establishes a potential merit pool effective January 12, 2013. On January 12, 2013, the exempt and non-exempt salary schedules will not be adjusted upward, and individual established salaries of non-bargaining unit county employees, unclassified employees, the county administrator, division managers, and department heads will not increase by a general adjustment, and may increase by a performance-based range movement distributed on the basis of job performance, as are on file in Human Resources, subject to the availability of funds. The approval authority for these job performance increases is hereby delegated to the Management Committee. For 2013, the county attorney's annual salary shall remain at \$141,000 and the sheriff's salary shall be \$132,355.

BE IT FURTHER RESOLVED that regular county employees who are in collective bargaining agreements with the county, or temporary employees are specifically excluded from the pay increase portion of this resolution and all other matters covering terms and conditions of employment except as provided in this paragraph. Pay increases for union employees are governed by their collective bargaining agreements.

BE IT FURTHER RESOLVED that pursuant to the Laws of Minnesota 2005, Chapter 28, an expense allowance, in lieu of seven-county metropolitan area

mileage and other unreimbursed business-related county expenses, for county commissioners and chair of the county board shall be in the amount maximum as was authorized in Resolution #2004-163. These expense allowances shall be in addition to the 2013 annual salary figure stated below and shall be treated as compensation except to the extent for which the funds are expended and accounted for.

BE IT FURTHER RESOLVED that the Anoka County commissioners' annualized salary for 2013 will remain at \$59,945, pursuant to the provisions of M.S. § 375.055.

BE IT FURTHER RESOLVED that the elected officials of Anoka County shall be entitled to the same benefits as provided other Anoka County employees, except for flexible time off and extended medical benefit.

BE IT FINALLY RESOLVED that this resolution is posted on the official county bulletin board and copies be forwarded immediately to each department of the county, the Association of Minnesota Counties, and the Minnesota Inter-County Association.

abcdefghijklmnopqrstuvwxyz

CITY OF LINO LAKES COUNTY OF ANOKA SUMMARY OF ORDINANCE NO. 12-12, ADOPTING THE 2013 CITY OF LINO LAKES FEE SCHEDULE

The City of Lino Lakes City Council does ordain the following: Section 1. Findings. Pursuant to Minnesota Law, the Lino Lakes City Charter, and the Lino Lakes City Code, and upon a review of a study conducted by City staff, a fee schedule for City services and licensing is hereby adopted as follows:

2013 FEE SCHEDULE

- A. Alcoholic Beverages;
- B. Amusement and Commercial Recreation;
- C. Business and Miscellaneous;
- D. Park & Recreation User Fees;
- E. Fire Regulations;
- F. Police Fees;
- G. Building - Construction Utilities;
- H. Escrow Deposits;
- I. Right-Of-Way Management;
- J. Utility Fees;
- K. Surface Water Management;
- L. Land Use;
- M. Engineering;
- N. Staff Time

Section 2. Effective Date of Ordinance. This ordinance shall be effective 30 days after its publication.

This is a summary of the adopted ordinance. A full printed copy of the ordinance is available at City Hall.

Passed by the Lino Lakes City Council this 10th day of December, 2012.

Jeff Reinert, Mayor

ATTEST: Julie Bartell, City Clerk.

CITY OF HAM LAKE CITY COUNCIL VACANCY

Interested persons should send a letter/resume to City of Ham Lake, 15544 Central Ave. NE, Ham Lake, MN 55304 Attn: City Administrator. Letters/resumes to be received by 4:30 pm on January 22, 2013. Term expiring on January 5, 2015. Compensation \$4,900 per year. City Council will interview interested persons and make appointment sometime before the end of February. Regular meetings held at 6:00 pm on the first and third Mondays of the month. Individuals must be qualified city voters, at least 21 years of age on the date of taking office, U.S. citizens, and residents of the city for at least 30 days.

CITY OF EAST BETHEL COMMISSION VACANCIES

The City of East Bethel is looking for residents to serve on the following City commissions:

- EDA Commission
- Park Commission
- Planning Commission
- Road Commission

For more information on serving on these commissions, please Call City Hall at 763-367-7840.

CITY OF CIRCLE PINES, MINNESOTA PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that an aeration system is in use on Golden Lake in the City of Circle Pines. The possibility of open water, or thin ice exists on Golden Lake throughout the winter.

James W. Keinath, City Administrator Dated: November 28, 2012

IPAD OPINION *continued from page A-2*

Ms. Mace and Ms. Sebo discussed Mr. Lindberg's September 19, email, referenced above:

Despite Mr. Lindberg's statement, there is no evidence that the governing body of the District, i.e., the School Board, considers Board members to be District employees. ...Mr. Lindberg is the responsible authority under [Chapter 13] for receiving and responding to data requests. Mr. Lindberg, however, does not have the authority to determine whether Board members are employees The determination of whether a position within a governmental entity enjoys the status of employee is not one of the responsibilities [of responsible authorities listed in Minnesota Rules, section 1205.0900.]

Ms. Mace and Ms. Sebo are correct that responsible authorities do not have a statutory duty to determine the employment status of individuals in an entity. However, Mr. Lindberg is also the District's human resources director, and at the time he publicly released data about Mr. Rustad, he considered the school board members to be District employees. The school board passed its resolution that members are not employees six weeks later, and there is no evidence in the record that the District had taken any other affirmative action regarding their employment status before October 22, 2012. Accordingly, the data Mr. Lindberg released were personnel data about Mr. Rustad, regardless of any action to the contrary the board took subsequently.

As an employee, absent a final disposition of disciplinary action, personnel data detailing the nature of the complaint/charge against Mr. Rustad were private, pursuant to section 13.43, subdivision 2(a)(5). As the District's responsible authority, Mr. Lindberg was obligated to determine the classification of District data before releasing it to the public.

According to Ms. Mace and Ms. Sebo, the "newspaper editor" who attended the September 10, 2012, meeting was the District's Assistant Director of Community Education, who has responsibility to publish the District newsletter. It was appropriate for him to attend only if his "work assignment reasonably require[d]" him to get access to those private data about Mr. Rustad. (See Minnesota Rules, part 1205.0400.)

Opinion:

Based on the facts and information provided, the Commissioner's opinion on the issue raised by Mr. Rustad is as follows:

Pursuant to Minnesota Statutes, Chapter 13, Independent School District 15, St. Francis, violated a school board member's rights when it publicly released certain personnel data about him, which were private, because it apparently considered board members to be employees at the time it released the data.

Subsequently the board passed a resolution clearly stating that board members are not employees for purposes of Minnesota Statutes, section 13.43.

Signed:

/s/Spencer Cronk

Commissioner

Dated: December 5, 2012

<http://www.ipad.state.mn.us/opinions/2012/12018.html>

WATCHDOG *continued from page A-2*

The first real question is just who we mean by "rich." Some DFL proposals of the recent past have defined "rich" at \$100,000 household income. There aren't enough rich people to cover all the money they want to take in.

More importantly, an increased level of income taxation needs to be evaluated in light of jobs — job creation, job re-location, and job retention.

Most small businesses file their taxes as individuals and not as corporations under the corporate tax rate. Thus, higher individual rates apply to most businesses in Minnesota.

It beats the heck out of us how higher tax rates create jobs and wealth in the private sector. How would higher tax rates make this state more competitive in the hunt to lure jobs to Minnesota?

And what about all this talk of fairness?

Since when is it fair and just to punish those who have risked much, forgone much, and sacrificed much in order to build a business and earn, EARN their success?

Since when did we elevate envy and greed to a value our government should pursue?

Prosperity, wealth, and opportunity are not enhanced by confiscating the wealth of those Americans who create it (far lower than 53%).

Instead, government should celebrate success, encourage others to emulate the successful, and set conditions that allow citizens the opportunity to achieve success.

This what you have to look forward to come January, brave readers. *ACR*

CITY OF FRIDLEY ORDINANCE NO. 1299 ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF FRIDLEY, MINNESOTA BY MAKING A CHANGE IN ZONING DISTRICTS

The Council of the City of Fridley does ordain as follows:

SECTION 1. Appendix D of the Fridley City Code is amended hereinafter as indicated.

SECTION 2. The tracts or area within the State of Minnesota and the County of Anoka and the City of Fridley and described as:

Building Name	Address	PIN
Sinclair	6071 University Avenue	233024210135
City ROW	No Address	233024210112
Tae Kwan Do	6061 University Avenue	233024210111
	No Address	233024210110
Old Van-O-Lite	6041 University Avenue	233024210109
Carquest	6005 University Avenue	233024210134
New Van-O-Lite	5943 University Avenue	233024210143
	No Address	233024210141
Alano	5925 University Avenue	233024210140
Select Products	5905 University Avenue	233024210123
	5905 University Avenue	233024210122
	5905 University Avenue	233024200016
Fridley Animal Hospital	5895 University Avenue	233024240130
China Buffet	5865 University Avenue	233024240023
Sikh Society	5831 University Avenue	233024240022

Legal Descriptions - attached as Exhibit A

SECTION 3. That the Zoning Administrator is directed to change the official zoning map to show said tract or area to be rezoned from Zone District C-2 (General Business) to S-2 (Redevelopment District).

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS 3rd DAY OF DECEMBER, 2012.

SCOTT J. LUND - MAYOR

ATTEST:

DEBRA A. SKOGEN - CITY CLERK

Public Hearing: November 5, 2012

First Reading: November 19, 2012

Second Reading: December 3, 2012

Publication: December 20, 2012

EXHIBIT A

PIN: 233024210135

Legal

THAT PRT OF LOTS 26, 27, 28, 29 & 30 BLK 4 HYDE PARK LYG WLY OF FOL DESC LINE: COM AT NW COR OF SD LOT 30, TH S ALG W LINE OF SD LOT 6 FT TO POB, TH E PRL/W N LINE OF SD LOT 57.49 FT, TH ON A TAN CURTO THE RT, RAD OF 45 FT, 60.53 FT, TH SLY TAN TO SD CUR 60.20 FT, TH SWLY ON A TAN CUR TO THE RT RAD OF 55 FT, 77.93 FT, TH CONT SWLY TAN TO SD CUR 9.53 FT, TH SWLY ON A TAN CUR TO THE LFT, RAD OF 120 FT, TO ITS INTER/W W LINE OF SD BLK & THERE TERM; SUBJ TO EASE OF REC

PIN: 233024210112

Legal

THAT PRT OF LOTS 26 & 27 BLK 4 HYDE PARK LYG SELY OF FOL DESC LINE: COM AT NW COR OF LOT 30 SD BLK 4, TH S ALG W LINE THEREOF 6 FT, TH E PRL/W N LINE THEREOF 57.49 FT, TH ON A TAN CUR TO RT WITH A RAD OF 45 FT 60.53 FT, TH SLY TAN TO LAST DESC CUR 60.20 FT, TH SWLY ON A TAN CUR TO RT WITH A RAD OF 55 FT 77.93 FT, TH CONT SWLY TAN TO LAST DESC CUR 9.53 FT, TH SWLY ON A TAN CUR TO LFT WITH A RAD OF 120 FT TO ITS INTER/W W LINE OF SD BLK 4 & THERE TERM SUBJ TO EASE OF REC

PIN: 233024210110

Legal

LOTS 24 & 25 BLK 4 HYDE PARK TOG/W ADJ VAC PRT OF UNIVERSITY AVE NE SUBJ TO EASE OF REC

PIN: 233024210110

Legal

THE N1/2 OF LOT 23 BLK 4 HYDE PARK, SUBJ TO EASE OF REC

PIN: 233024210109

Legal

LOTS 20 THRU 22 INCL BLK 4 HYDE PARK, TOG/W S1/2 OF LOT 23 SD BLK 4, ALSO TOG/W ADJ VAC UNIVERSITY AVE NE, SUBJ TO EASE OF REC

PIN: 233024210134

Legal

LOTS 16 THRU 19 INCL BLK 4 HYDE PARK; SUBJ TO EASE OF REC

PIN: 233024210143

Legal

THE N 20 FT OF LOT 26 BLK 13 HYDE PARK, TOG/W LOTS 27 THRU 30 INCL SD BLK 13, ALSO TOG/W W1/2 OF ADJ VAC ALLEY, SUBJ TO EASE OF REC

PIN: 233024210141

Legal

LOT 25 BLK 13 HYDE PARK, TOG/W LOT 26 SD BLK 13, EX N 20 FT THEREOF, SUBJ TO EASE OF REC

PIN: 233024210140

Legal

LOTS 18 THRU 24 INCL BLK 13 HYDE PARK, SUBJ TO EASE

PIN: 233024210123

Legal

LOTS 16 & 17 BLK 13 HYDE PARK TOG/W W1/2 OF ADJ VAC ALLEY SUBJ TO EASE OF REC

PIN: 233024210122

Legal

THE N1/2 OF VAC BROADWAY AVE, NOW KNOWN AS 59TH AVENUE, AS DEDICATED IN THE PLAT OF HYDE PARK, LYG E OF SLY EXTN OF W LINE OF LOT 16 SD PLAT & LYG W OF SLY EXTN OF C/L OF VAC ALLEY ADJOINING EBOUNDARY OF SD LOT 16, TOG/W W1/2 OF VAC ALLEY IN BLK 13 HYDE PARK, AS DEDICATED IN SD PLAT, LYG S OF ELY EXTN OF N LINE OF LOT 17, SD PLAT & LYG N OF ELY EXTN OF S LINE OF LOT 16, SD PLAT, SD ALLEYBEING SUBJECT TO AN EASE FOR UTILITY PURPOSES TO CITY OF FRIDLEY

PIN: 233024240016

Legal

LOT 9 BLK 3 BENNETT-PALMER ADD TOG/W W1/2 OF ADJ VAC ALLEY, SUBJ TO EASE OF REC

PIN: 233024240130

Legal

LOTS 5 THRU 8 INCL BLK 3 & LOT 17 BLK 4 BENNET PALMER ADD, EX S 49 FT OF SD LOT 17, TOG/W VAC WALKWAY LYG BET SD BLKS 3 & 4, SUBJ TO EASE OF REC

PIN: 233024240023

Legal

LOT 15 EX S 24 FT THEREOF, ALL OF LOT 16 & S 49 FT OF LOT 17 ALL IN BLK 4 BENNETT PALMER ADD, SUBJ TO EASE OF REC

PIN: 233024240022

Legal

LOTS 10 THRU 14 INCL BLK 4 BENNETT-PALMER ADD, TOG/W S 24 FT OF LOT 15 SD BLK 4, SUBJ TO EASE OF REC

PIN: 233024240022

Legal

(Dec. 20, 2012) F2-Ord1299

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	23	25	26
27	28	29	30	31		

JANUARY 2013 ANOKA COUNTY RECORD PUBLICATION SCHEDULE