

# City of East Bethel

## City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: February 18, 2015



	<u>Item</u>	
7:30 PM	1.0	Call to Order
7:31 PM	2.0	Pledge of Allegiance
7:32 PM	3.0	Adopt Agenda
7:33 PM	4.0	<b>Presentations</b>
	Page 3-8	A. ACSO Deputy Introductions & Monthly Report
	Page 9-12	B. Fire Department Officer Introductions & Monthly Report
7:45 PM	5.0	<b>Public Hearing</b>
	Page 13-21	On Sale/Sunday Liquor License and Off Sale Intoxicating Liquor License for Double H Entertainment, LLC, dba: Hunter's Inn, 20454 Highway 65 NE, East Bethel, MN 55011
7:50 PM	6.0	<b>Public Forum</b>
8:00 PM	7.0	<b>Consent Agenda</b>

*Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration*

Page 24-28	A.	Approve Bills
Page 29-47	B.	Meeting Minutes, February 4, 2015, City Council Meeting
Page 48-83	C.	Meeting Minutes, January 28, 2015 City Council Work Meeting
	D.	Approval to Advertise for Seasonal Employees
Page 84-87	E.	St. Francis Dance Team Gambling Permit-Excluded Bingo
Page 88-90	F.	North Metro JPA Amendment
	G.	Roads Commission Appointment
Page 91-97	H.	Medical Direction Contract

### **New Business**

8:05 PM	8.0	Commission, Association and Task Force Reports
	A.	Planning Commission
Page 98-152	1.	IUP-Major Mining Permit for Martin Johnson and Classic Construction Company
	B.	Economic Development Authority
	C.	Parks Commission
	D.	Road Commission
Page 153-155	1.	Service Road Project

### **8:20 PM 9.0 Department Reports**

	A.	Community Development
	B.	Engineer
	C.	City Attorney
	D.	Finance
Page 156-161	1.	Fund Balance Policy / Permanent Fund Transfer

2. 2010 A Bond Refinance

- E. Public Works
- F. Fire Department
- G. City Administrator

**8:45PM**

**10.0 Other**

- A. Staff Report
- B. Council Reports
- C. Other

**9:00 PM**

**11.0 Adjourn**



# City of East Bethel City Council Agenda Information

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**Date:**

February 18, 2015

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**Agenda Item Number:**

Item 4.0 A

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**Agenda Item:**

Sheriff's Report and Introduction of Anoka County Deputies

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**Requested Action:**

Information Only

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**Background Information:**

Commander Orlando will introduce the Anoka County Deputies assigned to East Bethel for 2015 and give her report for January 2015.

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**Fiscal Impact:**

None

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**Recommendation(s):**

Information Only

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**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required:  X

## **Anoka County Sheriff's Office Report January 2015**

### **Custodial Arrests / Significant Events**

**DWI's:** There were six DWI arrests in January. Two arrests stemmed from driving violations. One stop was due to the deputy recognizing the driver as having a revoked license. One stop was due to a report of suspicious activity and one stop was the result of a domestic assault report where the drivers had been drinking prior to driving. The final arrest came from a head on collision that occurred. One driver, the one who had crossed into the on-coming traffic lane, was found to be intoxicated and tested at a .23 (which is almost 3 times the legal limit). Thankfully the other driver sustained only minor bruising and soreness.

#### **01/09/15 – 2<sup>nd</sup> Degree Assault**

Deputies were called to a residence on a family domestic involving a knife. Upon arrival deputies learned that a step-father had been trying to kick his step-son out of the residence as he is a drug user. The step-son was not willing to leave. A scuffle ensued where the step-father had the stepson in a chokehold. The step-son grabbed a knife and threatened the step-father with it. Other siblings were able to get in between the two and took the knife away. The step-son claimed he grabbed the knife in self-defense as he had been choked by the step-father. The step-son was initially arrested at the scene but the County Attorney declined to pursue charges.

#### **1/12/15 – Possession of Stolen Vehicle/ Unauthorized Use of Motor Vehicle**

Deputies were called to a theft from vehicle that had just occurred in Ham Lake at a local business. The victim was following the suspect's vehicle. Deputies were able to stop the suspect and found that the vehicle he was driving had been stolen from Route 65. Left at that business was a vehicle that had been stolen in Blaine earlier in the afternoon. The suspect advised the vehicle he was driving was owned by his friend, Darrell, which was incorrect. The male was charged with motor vehicle theft and possession of a stolen vehicle.

#### **1/15/15 – 2<sup>nd</sup> Degree Assault / Terroristic Threats.**

Deputies were called on an altercation involving an assault with a knife. The victim reported he had been in an altercation with his ex-wife's current

boyfriend, whom she had asked her ex-husband to remove from her residence. The boyfriend, who was described as heavily intoxicated, had a knife and stabbed the ex-husband in the back. The victim sustained superficial wounds to his back. The boyfriend was found passed out in a bedroom and taken into custody. The knife was located by an ACSO K9.

**01/17/15 – 5<sup>th</sup> Degree Controlled Substance / Warrant Arrest**

Deputy Kvam stopped a vehicle where the registered owner showed suspended. He recognized a male in the passenger seat and knew him to have two warrants for his arrest. Upon taking the male into custody, a search was conducted of the suspect. Deputy Kvam located a baggie containing a crystal like substance that field tested positive for methamphetamine. The substance weighed 12.6 grams.

**01/18/05 - Burglary**

Deputies were called to a business regarding an audible alarm. Upon arrival, deputies found the front door glass to have been shattered and a hammer was lying near the cash register. There were lottery tickets scattered about and it appeared two boxes of lottery tickets were missing. A manager arrived and video surveillance shown a male suspect wearing a ski mask and camoflaue jacket kick the glass in the front door, then take a hammer out of a bag breaking the rest of the glass so he could gain entry. The video showed the male taking two trays of lottery tickets and heading to the back of the store. The male is then seen running to the north. A deputy went to re-trace the male's escape route and located a wallet containing a drivers license. The manager identified the burglary suspect as an ex-employee of the store. The manager advised that the jacket that the suspect is wearing is one that he wore when he worked at the store a few years prior. She advised he still comes in on a regular basis and wears that jacket. CID and Crime Scene Unit were contacted. Deputies responded to the suspect's address and found him as he was leaving. The male denied being involved in any burglary. He advised that an acquaintance of his had stopped over early this morning with a bag of lottery tickets. The suspect further claimed his wallet had been stolen a few weeks prior. A search warrant was executed and lottery tickets were collected, along with a jacket that appears to be the same one as in the video. Charges are being pursued.

**Arrest Breakdowns:**

**Felony: 8**

**5<sup>th</sup> Degree Controlled Substance – 2**

**Burglary – 1**

**2<sup>nd</sup> Degree Assault – 2**

**Terroristic Threats – 1 (same incident as 1 of the 2<sup>nd</sup> Degree Assaults)**

**Vehicle Theft - 1**

**Possession of a Stolen Vehicle – 1 (same incident as Vehicle Theft)**

**Misdemeanor Arrests: 9**

**Small Amount of Marijuana in Motor Vehicle – 2**

**Possess Drug Paraphernalia – 1 (same incident as 1 of the small amount arrests)**

**Thefts – 2 (same incident)**

**Juvenile Alcohol Offender (possess/consume) – 1**

**Under 21 Alcohol Consumption - 1**

**5<sup>th</sup> Degree Assault -2**

## CITY OF EAST BETHEL

JANUARY 2015

ITEM	January-15	December-14	YTD 2015	YTD 2014
Radio Calls *	NA**	NA**	NA**	273
<b>Incident Reports</b>	354	308	354	283
Burglaries	2	0	2	2
Thefts	16	12	16	7
Crim Sex Conduct	2	0	2	3
Assault	4	2	4	1
Damage to Property	5	2	5	0
Harass Comm	4	1	4	2
Felony Arrests	9	1	9	6
Gross Misd Arrests	0	0	0	1
Misd Arrests	9	2	9	11
DUI Arrests	6	2	6	8 **
Domestic Arrests	2	1	2	3
Warrant Arrests	5	2	5	2
Traffic Arrests	74	86	74	87

\* Total Radio Calls for the month and YTD are the sum from City of East Bethel and Community Service Officer pages.

\*\* Calls for Service not available at this time.

## CITY OF EAST BETHEL – COMMUNITY SERVICE OFFICERS

JANUARY 2015

ITEM	January-15	December-14	YTD 2015	YTD 2014
Radio Calls	34	38	34	43
<b>Incident Reports</b>	34	31	34	39
Accident Assist	3	4	3	13
Vehicle Lock Out	5	3	5	5
Extra Patrol	19	24	19	35
House Check	0	0	0	0
Business Check	1	0	1	0
Animal Complaints	1	8	1	0
Traffic Assist	4	2	4	7
Aids: Agency	25	38	25	28
Aids: Public	18	16	18	23
Paper Service	0	0	0	0
Inspections	0	0	0	0
Ordinance Violations	2	0	2	1



# City of East Bethel City Council Agenda Information

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**Date:**

February 18, 2015

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**Agenda Item Number:**

Item 4.0 B

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**Agenda Item:**

Introduction of East Bethel Fire Department Officers and January Fire Department Report

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**Requested Action:**

Information Only

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**Background Information:**

Fire Chief Mark DuCharme will introduce the East Bethel Fire Department Officers and present the Fire Department report for January 2015.

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**Fiscal Impact:**

None

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**Recommendation(s):**

Information Only

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:  X

## East Bethel Fire Department January 2015 Response Calls

Incident Number	Incident Date	Alarm Time	Location	Incident Type
053	01/30/2015	21:09	23116 Sunset RD	EMS Call
052	01/30/2015	17:17	412 Dahlia DR NE	EMS Call
051	01/30/2015	14:22	530 221st AVE NE	EMS Call
050	01/29/2015	08:20	23220 Jackson ST NE	EMS Call
049	01/29/2015	07:32	24355 Hwy 65	EMS Call
048	01/28/2015	23:29	1778 Klondike DR NE	Passenger vehicle fire
047	01/28/2015	19:40	18164 Highway 65	EMS Call
046	01/28/2015	23:56	24355 Highway 65	Building fire
045	01/22/2015	23:28	22317 Quincy ST NE	EMS Call
044	01/22/2015	08:00	4876 tri oak circle CIR	EMS Call
043	01/21/2015	17:50	22277 Washington ST NE	EMS Call
042	01/21/2015	16:30	3681 197 AVE NE	Carbon monoxide incident
041	01/21/2015	08:21	412 Dahlia DR	EMS Call
040	01/21/2015	07:52	18164 65 HWY NE	EMS Call
039	01/20/2015	19:26	2459 224th AVE	EMS Call
038	01/20/2015	12:39	3180 199th AVE	EMS Call
037	01/19/2015	09:34	18510 Vermillion ST NE	EMS Call
036	01/19/2015	05:52	312 Laurel RD	EMS Call
035	01/18/2015	20:35	18622 Alamo ST NE	EMS Call
034	01/18/2015	17:42	18509 Lakeview Point DR NE	Building fire
033	01/18/2015	01:14	1510 Sims RD	EMS Call
032	01/17/2015	18:56	464 Lincoln DR NE	EMS Call
031	01/17/2015	15:50	2240 Viking BLVD NE	Authorized controlled burning
030	01/16/2015	21:39	1947 209th AVE	EMS Call
029	01/16/2015	13:31	1150 216th AVE NE	EMS Call
028	01/16/2015	12:48	Hwy 65 and Viking Blvd	EMS Call
027	01/16/2015	03:09	1150 216th AVE	EMS Call
026	01/14/2015	22:43	19919 East Bethel BLVD NE	EMS Call
025	01/11/2015	22:00	Hwy 65	Vehicle accident with injuries
024	01/11/2015	19:15	22536 7th ST NE	EMS Call
023	01/11/2015	15:37	Highway 65 NE	EMS Call
022	01/11/2015	13:13	65 HWY NE	EMS Call
021	01/11/2015	05:21	852 Lincoln DR	EMS Call
020	01/11/2015	00:58	4650 229 AVE NE	EMS Call
019	01/09/2015	19:21	3425 190th LN NE	EMS Call
018	01/07/2015	14:08	Hwy 65 HWY NE	EMS Call
017	01/07/2015	09:59	18165 Hwy 65 NE	EMS Call
016	01/07/2015	08:25	23915 Johnson ST NE	EMS Call
015	01/06/2015	14:39	24282 Skylark DR NE	Fire Alarm
014	01/05/2015	03:48	19458 Leyte ST	EMS Call
013	01/04/2015	20:55	20465 Monroe ST NE	EMS Call

012	01/04/2015	17:01	2454 221 AVE	EMS Call
011	01/04/2015	07:35	19919 East Bethel BLVD NE	EMS Call
010	01/04/2015	03:12	23059 65 HWY NE	EMS Call
009	01/03/2015	20:10	20920 Hastings ST	Smoke detector activation
008	01/03/2015	12:11	Jackson ST NE	EMS Call
007	01/02/2015	15:12	1954 209 LN NE	EMS Call
006	01/02/2015	13:17	18164 Hwy 65	EMS Call
005	01/02/2015	01:55	2753 225th LN NE	EMS Call
004	01/01/2015	19:02	19844 5th ST	EMS Call
003	01/01/2015	15:39	2339 225 AVE	EMS Call
002	01/01/2015	04:53	4832 Viking BLVD NE	EMS Call
001	01/01/2015	04:13	22484 Tippecanoe ST NE	EMS Call
<b>Total</b>				<b>53</b>





# City of East Bethel Special City Council Meeting Agenda Information

**Date:**

February 18, 2015

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**Agenda Item Number:**

Item 5.0

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**Agenda Item:**

Public Hearing – On Sale/Sunday Liquor License and Off Sale Intoxicating Liquor License for Double H Entertainment, LLC, dba: Hunter’s Inn and consideration of approval of licenses.

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**Requested Action:**

Conduct Public Hearing and consider approval of an On Sale/Sunday Liquor License and Off Sale Intoxicating Liquor License for Double H Entertainment, LLC, dba: Hunter’s Inn located at 20454 Highway 65 NE, East Bethel, MN 55011.

\*\*\*\*\*

**Background Information:**

Staff is recommending that Council conduct a public hearing to take comments from the public regarding an On Sale/Sunday Liquor License and Off Sale Intoxicating Liquor License for Double H Entertainment, LLC, dba: Hunter’s Inn located at 20454 Highway 65 NE, East Bethel, MN 55011 as required by East Bethel City Code, Article III, Intoxicating Liquors, Section 6-55. This notice was published in the Anoka County Union Herald.

The Mayor will open the Public Hearing and provide an opportunity for public comments regarding this matter. When the comment period is completed, a motion to close the hearing should be offered followed by a second and a vote on the motion.

Once the hearing is closed staff is recommending Council consider approval of an On Sale/Sunday Liquor License and Off Sale Intoxicating Liquor License for Double H Entertainment, LLC, dba: Hunter’s Inn located at 20454 Highway 65 NE, East Bethel, MN 55011 provided no reasons for denial come forth at the public hearing. All application materials and fees have been submitted for the On Sale/Sunday Liquor License and Off Sale Intoxicating Liquor License.

Approval of the License shall be contingent on the following:

1. Approval of State Commissioner of Public Safety
2. Approval of completion of all Open City Building Permits
3. Certificate of Liquor Liability be provided prior to issuance of the On Sale/Sunday Liquor License.

\*\*\*\*\*

**Attachments:**

1. On Sale/Sunday/Off Sale Liquor License Application
2. On Sale/Sunday License Form
3. Off Sale Intoxicating License Form

4. Notice of Public Hearing

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**Fiscal Impact:**

None at this time

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**Recommendation(s):**

Staff recommends conducting the public hearing to receive comments on the On Sale/Sunday Liquor License and Off Sale Intoxicating Liquor License for Double H Entertainment, LLC, dba: Hunter's Inn. Once the public hearing is closed, and if there are no reasons to deny the license, staff recommends Council consider approval of an On Sale/Sunday Liquor License and Off Sale Intoxicating Liquor License for Double H Entertainment, LLC. dba: Hunter's Inn located at 20454 Highway 65 NE, East Bethel, MN 55011 subject to and approval of the State Commissioner of Public Safety, submission of a Certificate of Liquor Liability Insurance and completion of all Open City Building Permits.

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**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_



**Application for On Sale/Sunday Liquor License  
City of East Bethel**

2241 221<sup>st</sup> Avenue NE, East Bethel, MN 55011  
Phone 763-367-7840

I, Matthew Hansen, as owner and  
President (Name of Person Executing Application) (Individual,  
Owner, Officer or Partner)

for and on behalf of Hunters Inn hereby submit this  
application, in accordance with the provisions of the East Bethel City Code Chapter 6,  
Article III, for a license to sell on sale intoxicating beverage at retail for the license  
period from 1-1-15 to 6-30-15 as follows:

Business Mailing Address: 20454 Hwy 65 NE

Description of Licensed Premise (be specific): Bar and Grill

Emergency or Cell Phone Number: [REDACTED]

1. Annual License      a) On Sale X  
                                 b) Sunday Sale Y  
                                 c) Off-Sale X
2. Applicant is (check one): Individual Owner \_\_\_\_\_  
                                 Partnership \_\_\_\_\_  
                                 Corporation Y  
                                 Other Organization \_\_\_\_\_

State the name of the business if it is to be conducted under a designation, name or  
style other than the full name of the applicant: Hunters Inn

3. Address of premises to be licensed: 20454 Hwy 65 NE

4. Phone number of premises to be licensed: 763-434-3331

5. Minnesota business identification number: [REDACTED]

6. If applicant is a corporation, answer the following:

- a) State in which incorporated: Minnesota. If incorporated under the laws of a state other than Minnesota, is corporation authorized to do business in Minnesota? yes Number of certificate of authority: \_\_\_\_\_
- b) Is this corporation a subsidiary of any other corporation? \_\_\_\_\_. If YES, state the name and address of parent corporation:
- \_\_\_\_\_
- \_\_\_\_\_

8. If applicant is another organization, answer the following: The organization is a bona fide club, where the serving of 3.2 malt beverage is incidental and not the major purpose of the club, and is an organization for (check one):

- Social/Business  Promotion of Sports  Intellectual Improvement
- Other - explain \_\_\_\_\_
- \_\_\_\_\_

9. The person executing this application (and all individuals in a partnership) answer the following (attach additional sheets if necessary):

- a) True Name (first-middle-last): Matthew Thomas Hansen
- b) Residence Address: 814 Lakeshore Dr.
- c) Phone No. \_\_\_\_\_ d) Social Security No. \_\_\_\_\_
- e) Date of Birth: \_\_\_\_\_ f) Place of Birth (city-state): \_\_\_\_\_
- g) Are you a citizen of the United States? yes. If naturalized, state date and place of naturalization: \_\_\_\_\_
- h) Have you ever been convicted of any crime other than a traffic offense?  
 Yes  No If yes, explain \_\_\_\_\_
- \_\_\_\_\_

10. Attach a copy of a certificate showing you have minimum insurance coverage as required by East Bethel City Code and the State of Minnesota; OR attach an affidavit stating you are exempt from the insurance requirements.

11. Provide the following related to workers' compensation insurance, or certify the precise reason your business is excluded from compliance with the insurance coverage requirement for workers' compensation.

Insurance Company Name (Not the agent): Illinois Casualty Co.

Policy Number or Self-Insurance Permit Number:  
WQ 1030242

Dates of Coverage: 1-20-15 -

OR

I am not required to have worker's compensation liability coverage because:

I have no employees covered by the law

\_\_\_ Other (specify)

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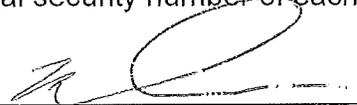
12. Does any manufacturer or wholesaler of 3.2 malt beverage or other liquor have any ownership, in whole or part, in the business of the applicant? Yes \_\_\_ No . If YES, explain:

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13. Applicant, and his associates in this application will strictly comply with all the laws of the State of Minnesota governing the taxation and the sale of 3.2 Malt Beverage and the East Bethel City Code, and I hereby certify that I have read the foregoing questions and that the answers to said questions are true of my own knowledge.

14. As the person executing this application for this license, I acknowledge that an investigation will be conducted for use in determining my qualifications. I hereby expressly authorize release of any and all information which any organization, company or person may have, including information of a confidential or privileged nature. I hereby release the City and any organization, company or person furnishing information to the City, as expressly authorized above, from any liability for damage that may result from furnishing the information requested.

\*\*The information requested on this form will be used by the City of East Bethel in the issuance of your license. The information that you supply on this form will become public information when received by the City of East Bethel. Under Minnesota law (M.S. §270.72), the City may be required to provide the business tax identification number and social security number of each applicant to the Minnesota Commissioner of Revenue.

Signature:  \_\_\_\_\_

Printed Name: Matthew Hansen

Title: President

Date: 12-24-17



Minnesota Department of Public Safety  
**Alcohol and Gambling Enforcement Division (AGED)**  
 444 Cedar Street, Suite 222, St. Paul, MN 55101-5133  
 Telephone 651-201-7507 Fax 651-297-5259 TTY 651-282-6555

**Certification of an On Sale Liquor License, 3.2% Liquor license, or Sunday Liquor License**

**Cities and Counties:** You are required by law to complete and sign this form to certify the issuance of the following liquor license types:  
 1) City issued on sale intoxicating and Sunday liquor licenses  
 2) City and County issued 3.2% on and off sale malt liquor licenses

Name of City or County Issuing Liquor License Anoka License Period From: 2014 To: 2015  
 Circle One: New License License Transfer \_\_\_\_\_ Suspension Revocation Cancel \_\_\_\_\_  
(former licensee name) (Give dates)

License type: (circle all that apply) On Sale Intoxicating Sunday Liquor 3.2% On sale 3.2% Off Sale

Fee(s): On Sale License fee: \$ \_\_\_\_\_ Sunday License fee: \$ \_\_\_\_\_ 3.2% On Sale fee: \$ \_\_\_\_\_ 3.2% Off Sale fee: \$ \_\_\_\_\_

Licensee Name: Double H Entertainment LLC DOB \_\_\_\_\_ Social Security # \_\_\_\_\_  
(corporation, partnership, LLC, or Individual)

Business Trade Name Hunters Inn Business Address 20454 Hwy 65 City East Bethel

Zip Code 55011 County Anoka Business Phone 763-434-3331 Home Phone \_\_\_\_\_

Home Address 814 Lakeshore Dr. City East Bethel Licensee's MN Tax ID # \_\_\_\_\_

Licensee's Federal Tax ID # \_\_\_\_\_  
(To apply call IRS 800-829-4933) (To Apply call 651-296-6181)

If above named licensee is a corporation, partnership, or LLC, complete the following for each partner/officer:

Matthew Thomas Hansen \_\_\_\_\_ 814 Lakeshore Dr.  
 Partner/Officer Name (First Middle Last) DOB Social Security # Home Address

\_\_\_\_\_  
 (Partner/Officer Name (First Middle Last) DOB Social Security # Home Address)

\_\_\_\_\_  
 Partner/Officer Name (First Middle Last) DOB Social Security # Home Address

Intoxicating liquor licensees must attach a certificate of Liquor Liability Insurance to this form. The insurance certificate must contain all of the following:

- 1) Show the exact licensee name (corporation, partnership, LLC, etc) and business address as shown on the license.
- 2) Cover completely the license period set by the local city or county licensing authority as shown on the license.

Circle One: Yes No) During the past year has a summons been issued to the licensee under the Civil Liquor Liability Law?

Workers Compensation Insurance is also required by all licensees: Please complete the following:

Workers Compensation Insurance Company Name: Illinois Casualty Co Policy # WQ1030242

I Certify that this license(s) has been approved in an official meeting by the governing body of the city or county.

City Clerk or County Auditor Signature \_\_\_\_\_ Date \_\_\_\_\_  
(title)

**On Sale Intoxicating liquor licensees must also purchase a \$20 Retailer Buyers Card. To obtain the application for the Buyers Card, please call 651-201-7504, or visit our website at [www.dps.state.mn.us](http://www.dps.state.mn.us).**



Minnesota Department of Public Safety  
**ALCOHOL AND GAMBLING ENFORCEMENT DIVISION**  
 444 Cedar St., Suite 222, St. Paul, MN 55101-5133  
 (651) 201-7507 FAX (651)297-5259 TTY(651)282-6555  
 WWW.DPS.STATE.MN.US



**APPLICATION FOR OFF SALE INTOXICATING LIQUOR LICENSE**

**No license will be approved or released until the \$20 Retailer ID Card fee is received**

Workers compensation insurance company. Name \_\_\_\_\_ Policy # \_\_\_\_\_

Licensee's MN Sales and Use Tax ID # \_\_\_\_\_ To apply for a MN sales and use tax ID #, call (651) 296-6181

Licensee's Federal Tax ID # \_\_\_\_\_

**If a corporation, an officer shall execute this application If a partnership, a partner shall execute this application.**

Licensee Name (Individual, Corporation, Partnership, LLC) <i>Double H Entertainment LLC</i>	Social Security # [REDACTED]	Trade Name or DBA <i>Hunters Inn</i>
License Location (Street Address & Block No.) <i>20454 Hwy 65</i>	License Period From <i>Dec</i> To <i>June</i>	Applicant's Home Phone # [REDACTED]
City <i>East Bethel</i>	County <i>Anoka</i>	State <i>MN</i>
	Zip Code <i>55011</i>	
Name of Store Manager <i>Matthew Hansen</i>	Business Phone Number <i>763-434-3331</i>	DOB (Individual Applicant) [REDACTED]

**If a corporation or LLC state name, date of birth, Social Security # address, title, and shares held by each officer. If a partnership, state names, address and date of birth of each partner.**

Partner Officer (First, middle, last)	DOB	SS#	Title	Shares	Address, City, State, Zip Code
<i>Matthew Thomas Hanson</i>	[REDACTED]	[REDACTED]	<i>President</i>	<i>100%</i>	<i>884 Lakeshore Dr 55092</i>
Partner Officer (First, middle, last)	DOB	SS#	Title	Shares	Address, City, State, Zip Code
Partner Officer (First, middle, last)	DOB	SS#	Title	Shares	Address, City, State, Zip Code
Partner Officer (First, middle, last)	DOB	SS#	Title	Shares	Address, City, State, Zip Code

- If a corporation, date of incorporation 11/2002, state incorporated in MN, amount paid in capital \_\_\_\_\_. If a subsidiary of any other corporation, so state \_\_\_\_\_ and give purpose of corporation \_\_\_\_\_. If incorporated under the laws of another state, is corporation authorized to do business in the state of Minnesota?  Yes  No
- Describe premises to which license applies; such as first floor, second floor, basement, etc.) or if entire building, so state.
- Is establishment located near any state university, state hospital, training school, reformatory or prison?  Yes  No If yes state approximate distance. \_\_\_\_\_
- Name and address of building owner: \_\_\_\_\_  
Has owner of building any connection, directly or indirectly, with applicant?  Yes  No
- Is applicant or any of the associates in this application, a member of the governing body of the municipality in which this license is to be issued?  Yes  No If yes, in what capacity? \_\_\_\_\_
- State whether any person other than applicants has any right, title or interest in the furniture, fixtures or equipment for which license is applied and if so, give name and details. Banco Populor
- Have applicants any interest whatsoever, directly or indirectly, in any other liquor establishment in the state of Minnesota?  
 Yes  No If yes, give name and address of establishment. \_\_\_\_\_

8. Are the premises now occupied or to be occupied by the applicant entirely separate and exclusive from any other business establishment?  Yes  No
9. State whether applicant has or will be granted, an On sale Liquor License in conjunction with this Off Sale Liquor License and for the same premises.  Yes  No  Will be granted
10. State whether applicant has or will be granted a Sunday On Sale Liquor License in conjunction with the regular On Sale Liquor License.  Yes  No  Will be granted
11. If this application is for a County Board Off Sale License, state the distance in miles to the nearest municipality. \_\_\_\_\_
12. State Number of Employees 12
13. If this license is being issued by a County Board, has a public hearing been held as per MN Statute 340A.405 sub2(d)? \_\_\_\_\_
14. If this license is being issued by a County Board, is it located in an organized township? **If so, attach township approval.**

1. State whether applicant or any of the associates in this application, have ever had an application for a liquor license rejected by any municipality or state authority; if so, give dates and details. NO
2. Has the applicant or any of the associates in this application, during the five years immediately preceding this application ever had a license under the Minnesota Liquor Control Act revoked for any violation of such laws or local ordinances; if so, give dates and details. NO
3. Has applicant, partners, officers, or employees ever had any liquor law violations or felony convictions in Minnesota or elsewhere, including State Liquor Control penalties?  Yes  No If yes, give dates, charges and final outcome. \_\_\_\_\_
4. During the past license year, has a summons been issued under the Liquor Civil Liability Law (Dram Shop) M.S. 340A.802.  Yes  No If yes, attach a copy of the summons.

This licensee must have one of the following: **(ATTACH CERTIFICATE OF INSURANCE TO THIS FORM.)**

Check one

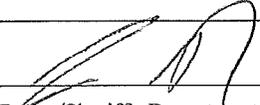
- A. Liquor Liability Insurance (Dram Shop) - \$50,000 per person, \$100,000 more than one person; \$10,000 property destruction; \$50,000 and \$100,000 for loss of means of support.
- or
- B. A surety bond from a surety company with minimum coverage as specified in A.
- or
- C. A certificate from the State Treasurer that the licensee has deposited with the state, trust funds having market value of \$100,000 or \$100,000 in cash or securities.

I certify that I have read the above questions and that the answers are true and correct of my own knowledge.

Print name of applicant & title <u>Matthew Hansen Owner</u>	Signature of Applicant 	Date <u>1/17/2015</u>
--	--	--------------------------

**REPORT BY POLICE/SHERIFF'S DEPARTMENT**

This is to certify that the applicant and the associates named herein have not been convicted within the past five years for any violation of laws of the State of Minnesota or municipal ordinances relating to intoxicating liquor except as follows:

	<u>St. Wiff</u>	<u>Audler Co. Sheriff's Office</u>
Police/Sheriff's Department	Title	Signature

PS 9136-(2009)

County Attorney's Signature \_\_\_\_\_

**IMPORTANT NOTICE**

All retail liquor licensees must register with the Alcohol, Tobacco Tax and Trade Bureau.  
For information call (513) 684-2979 or 1-800-937-8864



**CITY OF EAST BETHEL  
ANOKA COUNTY, MN**

**NOTICE OF PUBLIC HEARING**

**ON-SALE/SUNDAY LIQUOR LICENSE  
AND OFF-SALE INTOXICATING LIQUOR LICENSE**

**NOTICE IS HEREBY GIVEN** of a public hearing to be held on Wednesday, February 18, 2015, at 7:30 P.M. at City of East Bethel City Hall, 2241 221<sup>st</sup> Avenue NE, East Bethel, MN 55011, before the East Bethel City Council as required by City Code for Double H Entertainment, LLC, dba Hunter's Inn in conjunction with an On-Sale/Sunday Liquor License and Off-Sale Intoxicating Liquor License for the facility located at 20454 Hwy 65 NE, East Bethel, MN 55011. At said hearing all persons shall be heard who wish to speak for or against the proposed licenses.

Contact City Hall at 763-367-7840 if you have any questions about the public hearing.

Jack Davis  
City Administrator/Clerk/Treasurer

Dated: February 4, 2015  
Published: February 6 and 13, 2015 in the Anoka County Union Herald



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

February 18, 2015

\*\*\*\*\*

**Agenda Item Number:**

Item 7.0 A- H

\*\*\*\*\*

**Agenda Item:**

Consent Agenda

\*\*\*\*\*

**Requested Action:**

Consider approval of the Consent Agenda

\*\*\*\*\*

**Background Information:**

Item A

Approve Bills

Item B

February 4, 2015 Council Work Meeting Minutes

Meeting minutes from the February 4, 2015 City Council Meeting are attached for your review.

Item C

January 28, 2015 Council Work Meeting Minutes

Meeting minutes from the January 28, 2015 City Council Work Meeting are attached for your review.

Item D

Approve Advertisement for Seasonal Public Works Positions

Increased demands for road and park maintenance in the spring and through the summer have traditionally required hiring of seasonal personnel to support these activities. The increased work load during this time on park and street projects along with scheduled leave time for full time employees creates a situation where seasonal workers provide additional manpower to assist in project and maintenance activities.

These positions are limited to 67 days for each seasonal employee. Funding for one position in the amount of \$6,000 is provided for in the 2015 General Fund under the Parks Department budget. The other seasonal position is the amount of \$6,000 is provided for in the 2015 General Fund under the Street Department. First year seasonal employees are proposed to be paid \$10.00/hr. and seasonal employees with previous employment with the City would be paid \$11.00/hr. There will be no benefits paid for these positions.

Staff is recommending approval to advertise for two seasonal employees for the period of mid-May to the end of August, 2015 with each position not to exceed 536 hours per employee.

Item E

Approve Application to Conduct Excluded Bingo for St. Francis High School Dance Team – March 22, 2015

The Parent Booster Club for the St. Francis High School Dance Team has applied for a one day permit to conduct excluded bingo on March 22, 2015 at Hidden Haven Golf Club. The application form has been submitted and is complete. Staff is recommending Council approve the one day permit for the SFHS Dance Team to conduct excluded bingo on March 22, 2015 at Hidden Haven Golf Club.

Item F

North Metro JPA Amendment

The Coon Rapids City Council approved the Sixth Amendment to the Joint Powers Agreement for the North Metro Street Maintenance Program at their meeting on February 3, 2015. The amended JPA provides for a 30 day opting out period instead of the 60 day period as in the original agreement. Staff has no objections to this change and recommends approval of Amendment Six to the North Metro Street Maintenance Program JPA.

Item G

Roads Commission Member Appointment

At the February 10, 2015 Roads Commission meeting, two applicants for the Road Commission vacancy, Daniel Nowack and David Behm, were interviewed. As a result of the interviews, the Roads Commission recommends that Daniel Nowack be appointed to serve out the remainder of the open position vacated by Tim Harrington. The term of this appointment runs until January 31, 2016.

Item H

Fire Department Medical Direction Contract

Allina Health currently provides Medical Direction to the East Bethel Fire Department as well as most of the communities in Anoka County. The Medical Direction is the supervision of protocols and procedures that the East Bethel Fire Department must adhere to during emergency medical incidents that we respond. In addition to the Medical Direction, Allina Health also provides continuing education to our EMRs (Emergency Medical Responders) and EMTs (Emergency Medical Technicians). Without Allina providing the continuing education, East Bethel would need another Vendor to supply the education at a cost well over \$ 4,000 per year. The proposed contract is a two year term, 2015 and 2016. Although Allina Health has provided these services in the past, they have not asked for a contract since 2008. Although the cost is approximately \$ 1,000 more than 2014, items are included for additional education and medical supplies. The overall effect on the 2015 budget will be neutral since these items have been included in the budget. Medical Direction Contract has been budgeted for in the 2015 Fire Operating Budget Staff recommends approval of Contract.

\*\*\*\*\*

**Fiscal Impact:**

As noted above.

\*\*\*\*\*

**Recommendation(s):**

Staff recommends approval of the Consent Agenda as presented.

\*\*\*\*\*



**Payments for Council Approval February 18, 2015**

Bills to be approved for payment	\$116,918.69
Electronic payroll payments	\$28,589.29
Payroll - City Staff -February 12, 2015	\$41,136.13
Payroll - City Council - February 13, 2015	\$1,775.99
Payroll - Fire Dept - February 13, 2015	\$7,368.25
<b>Total to be Approved for Payment</b>	<b>\$195,788.35</b>

# City of East Bethel

February 18, 2015

## Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
2005A Public Safety Bonds	Fiscal Agent s Fees	66660	Ehlers	301	30100	\$350.00
2005B 207th Serv Rd SA Bonds	Fiscal Agent s Fees	66660	Ehlers	303	30300	\$350.00
2008A GO SEWER REV BONDS	Fiscal Agent s Fees	66660	Ehlers	308	30800	\$350.00
2010A GO Water Utility Rev Bnd	Fiscal Agent s Fees	66660	Ehlers	310	31000	\$350.00
2010B GO Utility Revenue Bond	Fiscal Agent s Fees	66660	Ehlers	311	31100	\$350.00
2010C GO Bond	Fiscal Agent s Fees	66660	Ehlers	312	31200	\$350.00
Arena Operations	Bldgs/Facilities Repair/Maint	120328	Summit Companies	615	49851	\$115.00
Arena Operations	Bldgs/Facilities Repair/Maint	012715	Wright-Hennepin Coop Electric	615	49851	\$29.95
Arena Operations	General Operating Supplies	75783	Menards Cambridge	615	49851	\$43.31
Arena Operations	Motor Fuels	1085577064	Ferrellgas	615	49851	\$155.65
Arena Operations	Motor Fuels	1085837988	Ferrellgas	615	49851	\$301.80
Arena Operations	Refuse Removal	540972	Ace Solid Waste, Inc.	615	49851	\$204.75
Building Inspection	Conferences/Meetings	020915	Steve Lutmer	101	42410	\$98.00
Building Inspection	Electrical Inspections	020115	Brian Nelson Inspection Svcs	101		\$409.50
Building Inspection	Travel Expenses	020515	Amy Norling	101	42410	\$37.95
Central Services/Supplies	Cleaning Supplies	IN0719608	Innovative Office Solutions	101	48150	\$49.87
Central Services/Supplies	Information Systems	B150206J	Anoka County Treasury Dept	101	48150	\$225.00
Central Services/Supplies	Information Systems	02 2015	Midcontinent Communications	101	48150	\$1,278.00
Central Services/Supplies	Office Equipment Rental	271843294	US Bank Equipment Finance	101	48150	\$269.50
Central Services/Supplies	Telephone	020115	CenturyLink	101	48150	\$92.76
City Administration	Professional Services Fees	M21068	TimeSaver Off Site Secretarial	101	41320	\$548.63
Fire Department	Bldgs/Facilities Repair/Maint	020415	Simpson Appliance Repair	101	42210	\$124.95
Fire Department	Clothing & Personal Equipment	159942	Aspen Mills, Inc.	101	42210	\$116.90
Fire Department	Clothing & Personal Equipment	160302	Aspen Mills, Inc.	101	42210	\$122.90
Fire Department	Clothing & Personal Equipment	160303	Aspen Mills, Inc.	101	42210	\$122.90
Fire Department	Clothing & Personal Equipment	160304	Aspen Mills, Inc.	101	42210	\$168.85
Fire Department	Clothing & Personal Equipment	160605	Aspen Mills, Inc.	101	42210	\$122.90
Fire Department	Clothing & Personal Equipment	160606	Aspen Mills, Inc.	101	42210	\$177.70
Fire Department	General Operating Supplies	012815	James J. Anderson	101	42210	\$220.00
Fire Department	General Operating Supplies	119424	Summit Companies	101	42210	\$204.00
Fire Department	Motor Vehicles Parts	32227	Blatz Automotive & Exhaust	101	42210	\$60.00
Fire Department	Motor Vehicles Parts	24305	Forest Lake Muffler & Exhaust	101	42210	\$40.00
Fire Department	Motor Vehicles Parts	506528	Ham Lake Hardware	101	42210	\$54.01
Fire Department	Motor Vehicles Parts	1921-238360	O'Reilly Auto Stores Inc.	101	42210	\$51.60
Fire Department	Personnel/Labor Relations	2548781501	First Advantage LNS	101	42210	\$234.24
Fire Department	Refuse Removal	540972	Ace Solid Waste, Inc.	101	42210	\$64.30
Fire Department	Telephone	020115	CenturyLink	101	42210	\$56.13
Fire Department	Telephone	020115	CenturyLink	101	42210	\$114.47
Fire Department	Telephone	020115	CenturyLink	101	42210	\$169.86
Fire Department	Telephone	020115	CenturyLink	101	42210	\$58.94
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	75862	Menards Cambridge	101	41940	\$23.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	125355	Robert B. Hill Company	101	41940	\$18.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	119411	Summit Companies	101	41940	\$344.00
General Govt Buildings/Plant	Cleaning Supplies	IN0713034	Innovative Office Solutions	101	41940	\$22.92
General Govt Buildings/Plant	Refuse Removal	540972	Ace Solid Waste, Inc.	101	41940	\$51.10
Legal	Legal Fees	01 2015	Eckberg, Lammers, Briggs,	101	41610	\$8,340.09

# City of East Bethel

February 18, 2015

## Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Legal	Legal Fees	140524	Eckberg, Lammers, Briggs,	101	41610	\$3,156.50
Park Maintenance	Clothing & Personal Equipment	30505	Chet's Shoes, Inc.	101	43201	\$322.90
Park Maintenance	Clothing & Personal Equipment	1182724352	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Equipment Parts	F-250280007	Allstate Peterbilt North	101	43201	\$35.28
Park Maintenance	Equipment Parts	P40122	MN Equipment	101	43201	\$81.30
Park Maintenance	Equipment Parts	P67955	MN Equipment	101	43201	\$173.73
Planning and Zoning	Escrow Reimbursement	020215	Minnesota Fresh Farm	101		\$300.00
Planning and Zoning	Escrow Reimbursement	020415	Northbound Woodworks Inc.	101		\$300.00
Planning and Zoning	Legal Notices	183731	ECM Publishers, Inc.	101	41910	\$56.25
Planning and Zoning	Office Supplies	IN0713034	Innovative Office Solutions	101	41910	\$169.22
Planning and Zoning	Professional Services Fees	985	Flat Rock Geographics, LLC	101	41910	\$585.00
Planning and Zoning	Software Licensing	2901041	ESRI	101	41910	\$400.00
Police	Professional Services Fees	01 2015	Gratitude Farms	101	42110	\$455.00
Recycling Operations	Bldgs/Facilities Repair/Maint	119423	Summit Companies	226	43235	\$6.00
Recycling Operations	Refuse Removal	540972	Ace Solid Waste, Inc.	226	43235	\$211.77
Risk Management	Automotive Ins	48709	League of MN Cities Ins Trust	101	48140	\$11,554.00
Risk Management	Bonding Insurance	48709	League of MN Cities Ins Trust	101	48140	\$426.00
Risk Management	General Liability Ins	48709	League of MN Cities Ins Trust	101	48140	\$32,609.00
Risk Management	General Liability Ins	48710	League of MN Cities Ins Trust	101	48140	\$7,813.00
Risk Management	Machinery Breakdown	48709	League of MN Cities Ins Trust	101	48140	\$2,214.00
Risk Management	Property Ins	48709	League of MN Cities Ins Trust	101	48140	\$35,309.00
Sewer Operations	Bldgs/Facilities Repair/Maint	012715	Wright-Hennepin Coop Electric	602	49451	\$22.95
Street Maintenance	Bldgs/Facilities Repair/Maint	1182724352	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Bldgs/Facilities Repair/Maint	119415	Summit Companies	101	43220	\$504.50
Street Maintenance	Cleaning Supplies	83030	Menards - Forest Lake	101	43220	\$3.58
Street Maintenance	Cleaning Supplies	83031	Menards - Forest Lake	101	43220	\$17.97
Street Maintenance	Clothing & Personal Equipment	1182724352	G&K Services - St. Paul	101	43220	\$19.40
Street Maintenance	Conferences/Meetings	4413	University of Minnesota	101	43220	\$185.00
Street Maintenance	Equipment Parts	P29298	MN Equipment	101	43220	(\$0.92)
Street Maintenance	Equipment Parts	P29390	MN Equipment	101	43220	\$153.39
Street Maintenance	Equipment Parts	P29431	MN Equipment	101	43220	\$125.95
Street Maintenance	General Operating Supplies	83030	Menards - Forest Lake	101	43220	\$35.00
Street Maintenance	Lubricants and Additives	83030	Menards - Forest Lake	101	43220	\$30.74
Street Maintenance	Lubricants and Additives	1539-349197	O'Reilly Auto Stores Inc.	101	43220	\$39.90
Street Maintenance	Lubricants and Additives	OCBOA03015	O'Reilly Auto Stores Inc.	101	43220	\$9.25
Street Maintenance	Motor Vehicles Parts	1441112	Force America Distributing LLC	101	43220	\$142.45
Street Maintenance	Motor Vehicles Parts	C241175671:01	I State Truck Inc.	101	43220	\$70.71
Street Maintenance	Motor Vehicles Parts	1539-349037	O'Reilly Auto Stores Inc.	101	43220	\$19.78
Street Maintenance	Office Supplies	IN0713034	Innovative Office Solutions	101	43220	\$26.11
Street Maintenance	Refuse Removal	540972	Ace Solid Waste, Inc.	101	43220	\$81.90
Street Maintenance	Safety Supplies	21576527-00	New Pig Corporation	101	43220	\$93.18
Street Maintenance	Small Tools and Minor Equip	83030	Menards - Forest Lake	101	43220	\$39.98
Street Maintenance	Street Maint Materials	57510	Plaisted Companies, Inc.	101	43220	\$939.60
Street Maintenance	Street Maint Materials	242577	Unique Paving Materials Corp	101	43220	\$211.25
Street Maintenance	Telephone	020115	CenturyLink	101	43220	\$69.34
Water Utility Operations	Bldgs/Facilities Repair/Maint	119421	Summit Companies	601	49401	\$135.00



# City of East Bethel

February 18, 2015

## Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
<b>Electronic Payroll Payments</b>						
Payroll	PERA					\$6,189.55
Payroll	Federal Withholding					\$5,484.14
Payroll	Medicare Withholding					\$1,854.36
Payroll	FICA Tax Withholding					\$7,928.94
Payroll	State Withholding					\$2,290.43
Payroll	MSRS/HCSP					\$4,841.87
						<b>\$28,589.29</b>

## EAST BETHEL CITY COUNCIL MEETING

FEBRUARY 4, 2015

The East Bethel City Council met on February 4, 2015, at 7:30 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Steve Voss Ron Koller Tim Harrington  
Brian Mundle Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator  
Mark Vierling, City Attorney  
Colleen Winter, Community Development Director

**1.0 Call to Order** The February 4, 2015, City Council meeting was called to order by Mayor Voss at 7:30 p.m.

**2.0 Pledge of Allegiance** The Pledge of Allegiance was recited.

**3.0 Adopt Agenda** **Harrington stated I'll make a motion to adopt tonight's agenda and under Consent Agenda I'd like to add Item G, Supplement Payment Summary.** Vierling stated I would also recommend to the Council, Mayor, that we **add an item for Closed Session under 8.0 as Item D.** Voss asked Tim, you're fine with that addition? Harrington stated yes. Voss asked if there's a second to that motion. **Mundle stated I'll second.** Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated any opposed? Hearing none motion passes. **Motion passes unanimously.**

**4.0 Public Forum** Theresa Martin, 1130 233<sup>rd</sup> Avenue NE, stated my question is what is an IUP. Voss replied Interim Use Permit for a permitted use and there's conditions and that's what the interim part of it is.

**5.0 Consent Agenda**  
Item A Approve Bills  
Item B ~~January 21, 2015, Council Meeting Minutes~~  
Item C ~~Adopt updated Personnel Policy~~  
Item D Accepting Park Commission Start Time  
The Park Commission approved changing their meeting start time from 7:00 p.m. to 6:30 p.m.

Item E Approving Resolution 2015-10 Permanent Fund Transfers  
The City set up Funds 502 and 506 in order to track street construction projects, Jewell Street, and 205<sup>th</sup> Avenue, respectively. The projects were completed in 1999 and 2005, but the funds remained opened in order to collect the special assessments pertaining to the projects. At December 31, 2014, the special assessments have all now been collected. Staff is recommending remaining funds be transferred to the General Fund and Funds 502 and 506 be closed as of December 31, 2014.

Item F Approve Request for Proposal Submittal for Arena Services  
The City currently has a contract for Arena Service Management with Gibson Management

5.0  
Consent  
Agenda

that expires July 31, 2015. Staff is seeking approval to prepare and advertise Request for Proposals for Arena Management Services that will be presented to Council for consideration for continuation of outsourcing this service.

Item G            Supplemental Payment Summary

**Ronning stated move to approve the Consent Agenda as written. Koller stated I'll second.** Voss stated I'd like to pull Items B and C. Any other discussion? All in favor say aye?" **All in favor.** Voss stated opposed? Hearing none motion passes. **Motion passes unanimously.**

5.0B  
January 21,  
2015, Council  
Meeting  
Minutes

Voss requested correction of three typos and following discussion, the Council approved the following corrections:

Page 5, motion to approve the Sunrise River WMO Budget. Change from Voss seconded to Koller seconded.

Page 6, change appointment term for Sherry Allenspach from January 31, 2007 to January 31, 2017.

Page 8, motion to approve the January 7, 2015, Council minutes. Change from Voss seconded to Koller seconded.

**Harrington stated I'll make a motion to approve the minutes as corrected above. Koller stated I'll second.** Voss stated any discussion? All in favor say aye?" **Harrington, Koller, Mundle, Ronning-Aye; Voss-Abstain, motion passes.**

5.0C  
Adopt  
Updated  
Personnel  
Policy

It was noted that the City last updated and adopted the Personnel Policy on June 6, 2014. Since that time, the City has changed the position of Deputy City Clerk to Administrative Coordinator, which makes it necessary to strike all references of that title from the policy and replace it with the City Administrator. The City Administrator is also the City Clerk. The remainder of the policy has been unchanged.

Voss stated I know a lot of it was done last year. Jack, can you just give a quick run down of the changes that were made? Davis stated the only changes that were made were the removal of the title of Deputy City Clerk. We no longer have that position and any reference to that title was changed to City Administrator or City Clerk, which is me. Voss asked so that was the only change? Davis stated that was the only change. Nothing else was changed in it. Voss asked if there is a motion to approve the updated Personnel Policy.

**Koller stated I'll make the motion. Harrington stated I'll second.** Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated opposed? Hearing none motion passes. **Motion passes unanimously.**

**6.0  
New Business**

Commission Association and Task Force Reports

6.0A  
Planning  
Commission  
6.0A.1  
IUP  
3601 228<sup>th</sup>  
Avenue

Davis presented the staff report indicating the request is to consider approving an Interim Use Permit (IUP) to Justin Donnell to operate a hydrographic business from his detached accessory structure located at 3601 228<sup>th</sup> Avenue NE, East Bethel, Minnesota, PIN: 02 33 23 21 0002.

Mr. Donnell is interested in obtaining an IUP to operate a business out of his detached accessory structure. Enclosed in your packet is his application along with a detailed

business plan that outlines his business. The property has been inspected by the Community Development Director, Building Official, and Fire Chief. If approved, Mr. Donnell must comply with all of the requirements of the Building and Fire Code as required by the City, Section 10-19 Code of the East Bethel related to Home Occupations.

At their regular meeting on January 28, 2015, the Planning Commission recommended for Council consideration the approval an Interim Use Permit for a Home Occupation to operate a hydrographic business from his detached accessory structure by a 5-2 vote. The property is located at 3601 228<sup>th</sup> Avenue NE, East Bethel Minnesota 55011, with a Rural Residential zoning classification.

The recommendation by the Planning Commission for approval of the IUP was subject to the following conditions:

1. No more than three persons, at least one of whom shall reside within the principal dwelling, shall work at the home occupation site.
2. No traffic shall be generated by any home occupation in a significantly greater volume than would be normally expected from a single-family residence.
3. Any sign associated with the home occupation shall be in compliance with the East Bethel Sign Ordinance.
4. The home occupation shall not generate hazardous waste unless a plan for the use and off-site disposal of the waste is approved. Documentation from MPCA or Anoka County Environmental Services regarding hazardous waste generation is required.
5. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for the off-site disposal of the waste is approved.
6. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
7. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.
8. Parking needs generated by the home occupation shall be provided on-site.
9. The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of that structure.
10. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
11. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.
12. The area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.
13. The Applicant is required to follow all local building and fire codes.
14. The Applicant is required to have a MPCA approved plan for the disposal of tank water
15. Interim Use Permit is for three years, with annual inspections. Applicant is able to request renewal of said permit at the end of the three years.

Davis stated there was some additional materials that were furnished to you during the day today regarding some of the requirements for the MPCA approved plan for disposal of tank

water and for the classification of a hazardous waste generator. At this time, Mr. Donnell is here and will make a presentation to the Council and be able to answer any of your questions.

Justin Donnell, 3601 228<sup>th</sup> Avenue NE, stated I know there are some questions there about the MPCA. In your packets, there is a plan from the MPCA and a classification. My company does not classify as a hazardous waste generator. That's the Anoka County Human Resources Division. All the details are in there. The second requirement for the IUP was to have a plan to dispose of water correctly. As I talked to Jeff with the MPCA, we spoke about a company called Safety-Kleen. The plan is, and it's outlined in the packet as well, we'll be having a container at the property. Anytime I need to change out water, what you do is, somewhat like a fish tank, you take out a couple gallons of water and you add in fresh water to keep the water fresh. What I'll be doing is put it into this container and when the container is full, then Safety-Kleen comes and picks it up and brings it to their waste facility.

Voss asked how big is the tank that you're actually doing the work in. Donnell stated the tank is a 135-gallon tank, I believe close to 56 inches by 26 inches by 24 inches deep. Voss asked if you have a constant filtration system. That's a closed loop? Donnell stated correct, a closed loop, it's heated, and then it's got an industrial filtration system as well so it picks up all the fine particles.

Donnell stated I think that was all the requirements I needed to meet that I hadn't at the last Commission meeting. Ronning noted it mentioned a document from the MPCA and that we would have it in the packet. Donnell stated there's an e-mail attached saying that he spoke to me about the requirements.

Voss asked you're referring to the e-mail? Donnell stated the e-mail, yes, it was the e-mail. If you don't qualify for hazardous waste, there's no form. That form comes from Anoka County, which has been supplied and if not, I have a copy here. It just says that as long as I agree to the requirements by Safety-Kleen that I'm in standard with the MPCA. The MPCA works directly with Safety-Kleen and I got their number from MPCA.

Voss stated, just so I understand this right, if I read these e-mails, the focus was on the water. Donnell stated the water, correct. Voss stated whether it required a wastewater permit or whether it was considered to be hazardous or not. Donnell stated absolutely and explained that in order for it to be considered hazardous, it has to meet certain requirements and it has to get tested. It's a pretty expensive test so how they classify it, if you're unsure about it, then you still have to treat it as hazardous waste. So, that's exactly what I did. We're just treating it as possible hazardous waste and having it taken to an off site facility.

Davis stated I think there was one other mention too that if the water collected by Safety-Kleen was regarded as hazardous, then they would have to get a hazardous waste license from Anoka County. Currently, Anoka County's interpretation at this time is they don't need one. But, it would be based on an analysis of their disposal of their wastewater. Donnell stated correct, so if for some reason, it goes by how many gallons you produce per month. I think it's close three gallons. If you produce over that, say the company got bigger, then I'd have to get a permit through them and I would have to have a small generator license. But, at this time, I don't qualify for that.

Ronning asked the e-mail you referred to, was that from Philip Boxwell? Donnell stated

Phillip Boxwell, he is, oh, the Safety-Kleen gentleman I talked to? Jeff is the guy I talked to with the MPCA. Voss stated it's the one dated today. Donnell agreed, yup, today. Voss stated this afternoon.

Voss stated what this states is that, I don't believe it's commenting on whether it's hazardous or not, it's the fact that it's being managed by an outside party, not being discharged. Donnell stated correct. Voss stated that's what's making it not have the wastewater permit. Donnell stated right. Voss stated that's what the MPCA e-mail's about, just the fact whether or not you need a water permit. Donnell stated right. Voss stated which I understand you wouldn't. Then the letter from Anoka County, from yesterday, on the third, states that the products you're using would be hazardous. Donnell stated correct. Voss stated but that you would not need a hazardous license at this time. And then, if you bring in, produce, any hazardous waste, you would need that generator license. Donnell stated correct.

Ronning asked what you would do with the wastewater until it's picked up. What do you have for storage? Donnell explained it's put into a special storage container, which I purchased through Safety-Kleen. That stays in my garage until it gets full. I have to do it at least once a year to keep my account active. So at least once a year they have to come out and pick it up.

Voss asked how large... a 30-gallon drum? Donnell stated a 30-gallon drum and then for some reason, if I was producing more, then I'd have to get a 55-gallon drum. Voss asked that will be in your shop that you're doing your work? Donnell answered correct. Voss asked is that heated all the time? Donnell answered no, that's not a heated shop. Voss stated okay, you're not going to want that drum to freeze. Donnell stated right and explained I have a separate heated garage but my shop for the business, I currently don't have it heated. Voss stated okay but the drum will be kept in a heated area? Donnell stated exactly.

Voss stated I'm an environmental consultant so I know exactly what's being discussed here. There was a comment in the presentation at P & Z and I think it was a follow up about the disposing of the aerosol cans. I understand you use aerosol cans in your process. Donnell answered yes. Voss stated you found out they can't be recycled. Donnell stated yeah, I actually contacted, just to make sure, I contacted my waste company. They said if the can's empty, it actually gets thrown away. If you have 3% or more in the can, then it has to be brought to a waste facility. Voss stated I'd suggest you talk with Safety-Kleen because that's incorrect. If you're a business in the State of Minnesota, in which you're trying to be a business, you can't throw those cans away. Residents can because there's exemption to that. Donnell stated businesses can't, correct. Voss stated you have to manage those spray cans too. Donnell stated right and I was talking to Safety-Kleen and they do, once you're up and running, they do a business analysis and make sure you've got your MSDS (Material Safety Data Sheets), as needed, and make sure if there's something they see that you could possibly need, then they do a recommendation on that as well.

Voss stated for aerosol cans you have a crusher and it recovers what's left and there's actually a filter so there's no emissions. Safety-Kleen sells those products or you just collect them and give them to Safety-Kleen to dispose of too. Donnell stated correct and he did mention that. Voss stated you cannot throw them in the trash. Donnell stated okay so he did mention that if they were to pick up the cans, I'd just have to keep them into a flammables cabinet until they picked it up. I was fine with that too. That was also a

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requirement for the Fire Chief.

Voss stated what that's going to do though, you're going to need to talk to Anoka County again. That will make you a hazardous waste generator. It's the lowest level generator and it does not get on the 'radar' to MPCA, put it that way. If you're a small enough generator, which I assume you will be. But I think the County will issue a number once you talk to them about that. Safety-Kleen can walk you through all of that. Donnell stated yeah, I will be doing a follow up with them with all this information as well.

Harrington stated I've got a question, Steve. My previous employment, we used to take the aerosol cans and we could puncture them and make sure they were drained and then they could go into the recycling. I don't know if there's anything that could pertain to him like that? Voss stated Safety-Kleen and others manufacture it, it's basically a crusher on top of a small drum and when you puncture it, the equipment actually recovers what aerosol is left. As long as it recovers it in a filter, then you can throw the can away. Harrington stated yeah, into recycling. Voss stated if they can take it, but you can throw it away but you have to use the filter that captures all the rest of the solvents and stuff that are in there. But, you can't sit there with a hammer and pound it. Harrington stated no, there's a machine.

Harrington stated I guess the only comment I've got, I get a little nervous when I see things like toxic gases and things like that but I did sit down with Mark DuCharme, the Fire Chief, and he said he was out to your place and looked around. He said the chemicals were all in their correct cabinets, you've got all your safety equipment present, respirators and things like that, and the ventilation system was good. He sees no other issues. The only thing that he recommended is he'd like to see a fire inspection done before an IUP is given to him.

Donnell stated what we agreed on is that I would, once it's approved, I would have to have a fire extinguisher and flammable cabinets. I do have a fire extinguisher but it didn't meet the, it wasn't big enough. It needed ten pound and I have a five pound. I did agree to that.

Voss asked you said you had a flammable materials cabinet for the cans? Donnell answered I don't but I will be ordering one. What I didn't want to do is order all the equipment and then not have the IUP approved. Voss stated your insurance man will like you.

Voss stated in viewing the tape of the public hearing and then looking at the write up, there's a little bit of confusion. Someone asked me about it too, is part of your products you're planning on coating are firearms. Correct? Donnell answered correct, yes. Voss stated tell me if I'm wrong, but if I understood it right, you're taking in customer's materials, such as the firearms, coating it, and then returning it to them. Donnell answered correct. Voss stated you're not actually selling firearms at all? Donnell answered no, I would be selling firearms and what I did is, I put in the business plan 10 to 15 firearms is what I'd have in my safe. That would be for gun shows. What I wanted to do is along with the product, I want to be able to, the guns I have and be able to have it as a showpiece as well.

Voss asked are you proposing to do the sales from the home? Or just at the shows? Donnell answered just from the shows. No retail. It will be on-line and just shows. It won't be from the home at all. Voss asked are you okay with having it as part of your permit as well? Donnell stated absolutely and that's what I thought we agreed on last time, is no gun sales from the house. No retail sales whatsoever. It's strictly just on-line and shows.

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Voss stated Colleen or Jack, I think one thing that we had a question earlier about the IUP, what the IUP is, and if I recall the ordinances from the past, businesses like what's proposed are permitted uses within the City. Under IUP and Conditional Use Permit, there's conditions they have to follow to meet. Winter replied yes, home occupation business then under that they have to go through the process of going for an Interim Use Permit. Voss stated okay, so it's a home occupation business that falls within our ordinances. And, how many home occupation businesses do you think we have. Winter answered I'm not sure, probably over 100. Voss stated okay, that we know of. Over one hundred was her answer, by the way.

Koller asked how many of those deal with hazardous chemicals. Winter stated the one that I'm aware of, Ron, does have the hazardous waste generator license and there are probably several out there but the one I'm most familiar with is one we just renewed the IUP on two years ago, or about a year and a half ago, and they do have a hazardous waste generator license. That's Richard Waite, actually out in your neighborhood. Voss asked if there were any more questions for Colleen? Thank you.

Mundle asked was there any other information, Jack, that was going to be coming out to us? Or, that you're waiting on? Davis answered the only thing that we need, the water, we'll have to have a test on the water to see if it does qualify as a hazardous waste and then Mr. Donnell would have to deal with Anoka County to address that issue for a hazardous waste generator license. So, from what I've seen now, the submission of his materials is before us. Again, most of it didn't come until today so there's been a little bit of difficulty in trying to have an opportunity to review this in a timely manner.

Donnell stated absolutely and I understand. I tried to get it here as soon as possible. These permits and these reviews take time. And, with Anoka County, the water didn't need to be tested because we're already assuming it was hazardous. That's why we have to have the water taken off site. As long as it's taken off site, then Anoka County issued the hazardous waste generator license, that I'm not a hazardous waste generator.

Voss stated well, if I understood you right, though, Safety-Kleen was going to manage that water as hazardous, just assumed it hazardous. Donnell stated right. Voss stated if they're assuming it's hazardous, then it makes you a hazardous waste generator. Donnell stated only if you produce a certain amount per month, which we don't meet that production number so we do not qualify as a hazardous waste generator. Voss stated okay. Again, I'd have that discussion with Safety-Kleen because it's not just the water, it's going to be the spray cans, the filter, the filter that's in your recycling unit. Donnell stated and the tank, yup. Voss stated the filters, technically Safety-Kleen should be testing it but they can assume it to be hazardous too. Donnell stated correct and, like I said, it's part of having a profile with them is to do that evaluation.

Voss stated just so everyone understands, again, I've been doing this for 25 years. Just because a business like this is going to handle a small amount of hazardous waste, in essence, it's water with a little bit of chemical and just the fact that the chemical's there, it doesn't make the water, it's hazardous because it's there. It's not hazardous because of the concentrations are there. This isn't like a paint shop where they're dealing with pure solvents. These are very, very diluted solvents in that water. Donnell stated correct and what makes it hazardous, in this case, is the flash point. Voss stated yes. Donnell stated that is the only thing that makes it. Voss stated, they're listed as waste. The fact that it's

even there makes it hazardous. Donnell stated exactly and if you look at the MSDS, gradients of water is 95%. Then isobutyl alcohol and a couple other things.

Voss stated it really comes down to we all have more hazardous materials that are in our garages, in our houses, than this is. It all comes down to how it's managed and how it's taken care of. There's more onus on business to make sure they manage it correctly. Donnell stated correct, it's carefully monitored in this case.

Ronning asked what was necessary that he's suppose to fulfill? Obligations? He's supposed to have? What as it you said that you were required to do yet? Donnell stated what I need to do for the fire inspection, said I had to have a ten pound fire extinguisher and a flammables cabinet. He said once I have that completed, he'd send off an inspection. I just need to call him and let him know when I have that. Then the other thing was just the water waste, to have a company pick it up to an off site facility.

Ronning asked when would that happen? Donnell stated as soon as my operation is set up, the water tank is set up, the shop is set up. Then they come out and do an evaluation. Now, they don't take the water away until the container is full or until that one-year mark comes. That's pretty close to the one-year mark because we use the tank so little.

Ronning stated it's nice to have somebody that knows this stuff. Voss stated I'm just commenting on the environmental aspect of it. Ronning stated well, that sounds positive. Voss stated whenever you get the MSDS sheets, you see all the chemicals there, it just looks alarming but it's basically spray paint. Donnell stated right and the activator I use, the one chemical I use, doesn't, it's odorless as well.

Ronning asked which one's the activator? Donnell stated the activator, if you look on the Safety-Kleen MSDS sheet, it's the first thing on the page. Ronning asked on the first page? Donnell answered yup, first page after the e-mail attachment. Then it lists the flashpoint, the physical state, and the composition, which it would be the chemical makeup.

Ronning asked, as an activator or a catalyst, what does it mix with and what does it become? Donnell explained what it does is it mixes with the water and it activates the film which has the pattern on it. That causes the film to get to a semi liquid state and when you dip your item in it, the film then sticks to the item. So, the activator is mixed in with the water. That's why we want to be careful and make sure we're disposing it off site.

Voss asked Jack, from staff's perspective, is there anything that's needed that was requested at the P & Z meeting? Jack stated the submissions by Mr. Donnell this afternoon seem to satisfy the requirements that the P & Z recommended as far as addressing the PCA plan for the disposal of the wastewater. Mr. Donnell has gone over the issues that the Fire Chief has pointed out to him so it appears that all the submittals are in place and proper.

Voss asked if there is any further discussion. Ronning asked if anybody is using chemicals. The questions was probably answered, I don't recall the answer. Do we have chemical use? Davis answered absolutely. Ronning asked anything similar to this? Davis stated probably stuff that's even more advanced than this. There are a number of businesses that we suspect are operating without an IUP. There are a number of automotive repair businesses that I'm sure have a lot of flammables, a lot of hazardous waste. There was a boat repair business that had storage of these types of materials in their garage. We permitted a couple of silk screening operations that generated hazardous waste. One of them had to put a holding tank

in. It has to be pumped on a periodic basis. So, this is not the only one. Anything that involves auto repair or any type of paint or certain other types of activities are going to have use of these chemicals in their operations.

Ronning asked when you look at these things, are you aware of any, when you mix two things together, you don't always, what is it, Hilex and bleach or something, ends up in a poison gas? Voss stated it's water soluble, what you're doing and I don't see anything, incompatible materials, you're using at all. Donnell stated we're not mixing any materials or chemicals. Voss stated in terms of volume, it's actually a pretty small volume you're adding to the water. Donnell stated yeah, and that was a question that Safety-Kleen was trying to give an exact to. It's so minimal. That's why they didn't want to do a test on it unless I was actually mixing the chemicals with the water. It's a mist, essentially, so it's hard to tell how much but I haven't done enough to know exactly how much you use.

Ronning stated I tried to look up a couple these things five, ten minutes before the meeting. Some of it's water soluble? Donnell stated correct. Ronning stated biodegradable? What isn't? Donnell stated everything we have is water based, nothing I can think of. Voss stated any alcohols, ketone, it's all acetate, and it's all water soluble. And, again, it's going to be very small percentage. It's mostly going to be water, what it comes down to. Donnell stated correct.

Voss stated the concern is making sure it doesn't go down the septic or get disturbed somehow. It's going to be taken off site and managed by a professional company. Donnell stated I did contact Northside Waste and talked to them about it too. They said that the system, because it's water and water soluble, the system would do it but it could kill the bacteria in the system. So, the whole idea is to completely take it, keep it from hitting the ground, keep it from hitting the septic, and just send it off site.

Voss stated it gets back to residents can do that legally but now that you're a business, you're not allowed to do that. Donnell stated correct. Voss stated that's real important. I guess a suggestion I would add to the list of recommendations from Planning and Zoning is to, perhaps on an annual basis, provide staff with a, Safety-Kleen will probably provide it to you anyway, is how much waste that you generate. Donnell stated they have an overall sheet, whether it's yearly. Like I said, we'd probably do it once a year so we'll have that one sheet and I can submit that one sheet to the City and then it tells how many gallons and then along with the chemicals, the profile sheet. The reason they make a profile sheet is so you can't, when you have this holding tank or container, that you can't put oil or other chemicals in it because it gets tested when it gets to the facility. So, it's all being tested through the whole process.

Voss asked any other questions from Council? Someone want to make a motion on this application? **Mundle stated I'll make a motion to approve the IUP with an additional condition of the reports being submitted to the City yearly for the City's review from Safety-Kleen.** Voss stated you didn't state it specifically but the recommendations of P & Z is what you're recommending? **Mundle stated in addition to so there's the recommendations of 1-15 plus an additional recommendation of submitting the Safety-Kleen reports to the City yearly for City's review.** Davis asked would there be a recommendation too to add that **there would be no point of firearm sales and any applicable ATF licenses would have to be obtained by the individual?** **Mundle stated yes, plus that condition too.** Harrington asked can we add the fire inspection before the IUP is issued? Recommend that? Davis stated it's in there. It says they have to meet all

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Fire and Building Codes. So, that's considered part of that. Ronning stated so that has to be obligated, has to be fulfilled before the Permit's in effect. Davis answered that's correct.

**Ronning stated I'll second.**

Voss stated any discussion? Just for the public, in the years I sat on Council, these things come up and the intent of home business is to allow small businesses and the basis as a starter and we hope that your business is successful enough that you will need to actually move into a commercial district. I think the amount of how much waste is generated is going to be a sign of just how successful you are.

Voss asked if there was any other discussion. All in favor say aye?" **All in favor.** Voss asked opposed? Hearing none motion passes. **Motion passes unanimously.** Voss stated congratulations. Donnell stated thank you.

6.0A.2

CUP

21058

Davenport  
Street

Davis presented the staff report indicating the request is to consider approving a Conditional Use Permit for Dan Schultz, dba Builders by Design, Inc., to operate his business at 21058 Davenport Street NE, East Bethel, Minnesota. Mr. Schultz currently has a purchase agreement with Wells Fargo Bank to purchase the property listed at 21058 Davenport Street NE, which is the old Sowada Barna Flex Fitness building. Mr. Schultz needs the CUP approval prior to entering into and executing the purchase agreement. He currently operates his business at 21185 Viking Boulevard NE, in an area that is zoned Residential that has a pending zoning change to Highway Commercial. Mr. Schultz has outgrown this facility and wants to be in an area that is on Highway 65.

The proposed new location of his business is 21058 Davenport and is zoned B2 – Central Business District. The majority of Mr. Schultz's business operations are allowed uses in the Central Business District zoning classification. The one part of his business that requires a Conditional Use Permit is the custom cabinet manufacturing that he will be doing in the east wing of the building.

Currently the noise levels when doors are closed, in its current operation, create minimal impact. Mr. Schultz currently has residential neighbors next door to his business and they've had no issues with noise.

The current septic system at 21058 Davenport Street is compliant and Builders by Design does not do any painting, or finish work that generates hazardous waste. All of the dust is captured in interior collectors and a farmer picks up the wood shavings and utilizes them as bedding for animals. Larger pieces of wood are bundled and put in a dumpster onsite. Very little waste is generated. A septic system inspection was completed for the property and it is compliant.

His normal business hours will be from 7 a.m. – 5 p.m., Monday through Friday

The proposed location is an existing building in the B-2 Business District. The building has previously been used as a fitness center, electrical and plumbing contractor warehouse, office, and shop.

At their regular Planning Commission meeting on January 27, 2015, the Planning Commission recommended Council consideration of approval of a Conditional Use Permit to Dan Schultz, dba Builders by Design, LLC, to operate at 21058 Davenport Street NE, East Bethel Minnesota, PIN: 17 33 23 13 0007. The granting of this Conditional Use

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Permit is subject to the following conditions and requirements:

1. ~~No outside storage of vehicles, materials, or other parts on the property.~~ *Removed per staff recommendation below.*
2. Signage to comply with all applicable codes and regulations of the City of East Bethel.
3. Building is to be issued a Certificate of Occupancy for the proposed use once all applicable State and Fire and Building Code requirements have been met.
4. Compliance with the City of East Bethel Zoning Codes, Ordinance, Appendix A, Section 27 Landscaping Requirements.
5. Compliance with City of East Bethel Zoning Codes, Ordinances Appendix A, Section 22, Off Street Parking and Loading Requirements.

**Koller stated I will make a motion to approve Conditional Use Permit to Dan Schultz to operate his business at 21058 Davenport Street NE.** Voss asked is there a second to the motion? **Mundle stated I'll second.**

Voss stated any discussion? Winter stated I apologize, I just needed to have a point of clarification. This was my fault because I didn't catch it in the write up. The outside storage of vehicles, he is actually allowed to have some outside storage of vehicles as part of his business operation. Many of the businesses in that area do. What was discussed at the Planning Commission, is that he would just work with us to make sure that he's meeting all the exterior storage requirements and that he is meeting all the fencing and landscaping requirements if he's going to have outside storage.

Voss stated on that subject, kind of knowing the property, the outside storage, would it be on the east side of the building? Winter answered it would be on the back where you, I mean you can't see it at all. Voss stated well, you can't say 'back' because Davenport is the front. Winter stated that's true. Voss stated this is the old Sowada Barna building and it's got some great frontage on 65. Winter stated correct, it would be on the east side as you come in from Davenport and he has basically three or four vehicles that he would actually put in that area. His intention is to put in safety fencing. There's a pretty significant berm in there now but his intention is to put the vehicles in a place where it would be safe for his business and meet the requirements of what we would require.

Ronning asked if '1. No outside storage of vehicles,' is incorrect and it should be what? Make sure we have it clear for the record. Winter stated that should actually be struck, if you don't mind please. And, he would just work with City staff to comply with all the requirements for exterior storage including his vehicles. **Voss asked so just strike #1 is what you're saying? Winter answered please. Koller stated I'll amend my motion.** Voss asked as second, are you okay? **Mundle voiced no objection.** Voss stated any more discussion? I wish Dan was here.

Joe Schultz, 6127 South Linwood Drive, Wyoming, representing Builders by Design, LLC, stated I'm Joe, his son. Voss stated you looked familiar. I just want to say I remember when your dad first came in and started the business on Viking. It was a rough building, is probably the best way to put it, an old autobody shop.

Schultz stated and I should correct, the property is 1815 Viking Boulevard. The 21185 that you guys have on Viking, that's his home address. Voss stated that was quite a few years

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ago that he did that and he remodeled that building to look like it is. It's amazing the transformation. Again, it's good to see a business that's growing and having to outgrow the space they're in and then to occupy a building that unfortunately went vacant. So, it's good. Please pass that on to your dad. Schultz stated I will, thanks.

Voss asked if there was any other discussion. If not, all in favor say aye?" **All in favor.** Voss asked opposed? Hearing none motion passes. **Motion passes unanimously.**

6.0A.3  
December  
Planning  
Commission  
Minutes

Noted.

6.0B  
Economic  
Development  
Authority  
6.0B.1  
January EDA  
Report

Davis presented the staff report indicating at the January 26, 2015, EDA meeting, Mr. Michael Darger from the University of Minnesota Extension Service gave a presentation regarding their Business Retention and Expansion (BR&E) Program. Their program was designed as a local approach to encourage local business success through community involvement. The reasons to focus on existing business retention and expansion are:

- Keeping an existing business is generally easier and less costly than the recruitment and attraction of a new business;
- Businesses that stay competitive are more likely to remain in the City and expand;
- Existing businesses create more new jobs than relocations or start-ups; and,
- Existing businesses are our best ambassadors to attract new business.

The cost of participating in this program would be \$12,000. Connexus Energy was also at the meeting and we are eligible for a \$5,000 grant for them to apply to this Program. The City would be responsible for \$7,000 for them to help us to develop the Program. This was presented to the Chamber of Commerce. The Chamber of Commerce is on board and wants to volunteer their assistance in doing some of the meetings with the businesses. This is something, once we define the roles of the Chamber and City, we'll be bringing this to you for your consideration at a future date.

Voss asked Brian, is there anything you want to add about the meeting? Mundle stated he was just going to add to it in his Council Report.

Informational; no action required.

6.0B.2  
November  
EDA Minutes

Noted.

6.0C  
Park  
Commission  
6.0C.1  
January Parks  
Commission  
Report

Davis presented the staff report indicating at January 14, 2015, Parks Commission Meeting, staff recommended that the Parks Commission consider the rental of the Booster West and East Fields to Soderville Baseball Athletic Association (SBAA) for weekday and weekend use at East and West Booster Park and Anderson Lakes Park. SBAA has rented these fields since 1995. It was recommended that they coordinate and cooperate with other organizations that schedule weekend tournaments at the Booster facilities.

A second item on the Parks Commission meeting was the discussion of a Memorandum of Understanding (MOU) with the Cedar Creek Ecosystem and Scientific Reserve (CCESR) that related to recreational activities within their area. There was an MOU that dealt with

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6.0C.1  
January Parks  
Commission  
Report

horseback riding, also one provision that dealt with the drilling of a fire well, and another that dealt with the construction of a canoe launch access point in Athens Township.

The Parks Commission discussed these and recommended that maybe there should be a portion of the horseback riding activities removed, that the drilling of the fire well was no longer necessary because the well of large capacity had been installed at their new headquarters office, and that the boat launch on Cedar Creek in Athens Township be removed from consideration due to the fact that there appeared to be no interest in that at this time.

This discussion has been put on hold. The vacancy of the directorship of Cedar Creek Ecosystem and Scientific Reserve was filled in the past couple of weeks. I did meet the gentleman that was appointed to that position and we're going to set up another meeting to begin some discussions with him and see where they want to go with the MOU as far as it relates to the recreational aspects that the City can perform within their boundaries.

The overall MOU for cooperation with the City is four 25-year leases that are renewable each year. This was a ten-year lease that expired last year. We'll be working on that and presenting something again to the Parks Commission and then back to the Council.

Informational; no action required.

6.0C.2  
November  
Parks  
Commission  
Minutes

Noted.

6.0D  
Road  
Commission  
6.0D.1  
January  
Roads  
Commission  
Report

Davis presented the staff report indicating January 13, 2015, Roads Commission meeting, staff and the Commission discussed maintenance and road surface issues on Klondike Drive. The recommendation of the Commission was to include Klondike Drive for a 2015 Class 5 resurfacing project and chloride application to consolidate and bond the material and control dust. Klondike Drive is the only unpaved MSA street in the City's system and provides an east-west connection between East Bethel Boulevard and Highway 65. The road also provides access to three recreation-based and two landscaping businesses in the City.

We had an issue two years ago when the concrete overlay was done on Viking Boulevard. The County had a detour, which was a rather circuitous route based on County routes, but locals knew the Klondike Drive shortcut and everybody else soon figured it out and traffic counts on that ballooned to about 1,500 vehicles a day. We approached Anoka County and they did agree to participate in cost-sharing for magnesium chloride application on there to control the dust but it also helps to make the surface much harder and more stable.

So, as an interim solution to solving some of the issues on Klondike, the Roads Commission is proposing that a chloride application be applied there annually. Again, it's the only unpaved MSA street that we have. We had a traffic count on the east side from Palisade to East Bethel Boulevard of over 300 vehicles a day and 600 vehicles per day on the west side going to Highway 65.

Voss asked, Jack, you talked about the agreement we have with the County and the chloride. Is that this application? Davis answered no, that was only when it was used as a

6.0D.1  
January  
Roads  
Commission  
Report

bypass. Voss stated so they did it back two years ago. Davis stated they paid for half of it and we paid for half of it. At first, they said they wouldn't pay for any of it but then they relented and agreed to pay half of the cost.

Voss asked if it is safe to say that the application won't last two years? Davis stated no, the application will last one season and cost approximately \$5,000 a mile. Voss stated we didn't do it last year. Davis stated no, we didn't do it last year and if anybody's ever driven down 65 and looked over at Klondike in July and August and seen that cloud of dust and haze, they know what the problem is. Voss stated you basically know where Klondike is just based on the clouds. Davis stated it is a real issue and because of the traffic that's generated by essentially two businesses there, it is a high traffic count. They do bring a lot of people into the City. And, again, it is the only MSA street in the City that's unpaved. We do have 16 miles of unpaved streets but the traffic count, none of them compare to the traffic on Klondike.

Harrington stated I guess I've got one question. You know we did the two culverts last year that were bad. Is it going to make a difference if we wait on these other two before we do the chloride? Or, do they have plans on replacing those other two culverts that are bad? Davis stated he'd have to check with Nate. I'm not sure what their schedule is for that replacement. If they're going to be replaced, they should be done as soon as weather permits. We'd probably want to do the chloride application some time around the end of May. Then that would be sufficient to last until early fall.

Voss asked with the chloride, is that something Roads is considering doing on an annual basis? Davis stated that's the proposal for this year. Voss stated I assume it will reduce the amount of grading that's necessary. Davis stated it almost eliminates the amount of grading. Currently, we grade Klondike twice a week. We estimate it costs us about \$500 per week to grade Klondike.

Voss asked so this should be far less cost? Davis stated cost effective, it will probably be a savings. Voss stated and not put wear and tear on equipment. Davis stated that is correct, it will cost approximately \$10,000 for the chloride application. If it cost us \$500 a week and we grade it for 20 weeks, there's your \$10,000.

Informational; no action required.

6.0D.2  
December  
Roads  
Commission  
Minutes

Noted.

**7.0**  
**Department**  
**Reports**

None.

7.0A  
Community  
Development

7.0B  
Engineer

None.

7.0C  
City Attorney

None.

7.0D  
Finance

None.

7.0E  
Public Works

None.

7.0F  
Fire  
Department

None.

7.0G  
City  
Administrator  
7.0G.1  
Anoka  
County  
Recycle  
Contract

Davis presented the staff report indicating the Anoka County Department of Integrated Waste Management has notified the City that we are eligible to apply for up to \$22,052 in additional funds for drop-off, municipal park, and community event recycling programs. These funds are a 100% reimbursable grant, meaning that the City would only be eligible to receive monies actually spent on those activities. No local matching funds are required. Utilizing this additional funding would enhance our current Recycling Program.

In 2014, our recycling tonnage goal was 1,091 tons and we were able to meet 96.5% of our goal. Should the County increase the tonnage requirements for this Program, these additional monies, over and above the basic grant, would be beneficial in providing a means to achieve any higher goals that may be imposed.

The City will receive \$30,260 from Anoka County in 2015 to operate the Recycle Center. These are the basic funds that we receive every year from the County for the Program. The \$22,052 that we're eligible for are additional funds.

Staff recommends City Council authorize the approval of the additional \$22,052 in grant funds that have been made available for this Program. We were able to do this last year and utilize the majority of these funds. We even actually got approval from the County for some additional funding too, to correct and remediate the old oil tank removal at the Recycle Center and that covered all those costs.

Voss stated so you're looking for a motion. **Ronning stated I move to approve the additional \$22,052 grant funds that have been made available for this Program. Harrington stated I'll second.** Voss stated any discussion? Jack, if I understand correctly, if the City were to increase the amount of recyclables that we collect and account for, our grant reimbursements will increase as well? Jack stated we'd get a nice 'pat on the back.' Voss asked that's it? Davis stated yes. It's a formula based on population and households. It's not based totally on performance or there'd be penalty clauses in it. Actually, the last three years, we've come very close to meeting our goals, which I think is a very good statement on our recycling activities here. We don't have a full-time Recycling Coordinator like a lot of other cities do that devote full time to this activity. But, unfortunately, if we exceeded our goals, we don't get any extra funds.

Voss stated the Lions do a lot of that work. Davis stated that's correct. We actually contract with the Lions. They essentially run the Recycle Center on Mondays through Friday. They do a fantastic job. We pay them \$12,000 a year but if we did it with City staff, it would cost us much, much more than that. So, that's a cost savings. In my opinion a very, very good use of a very important community organization.

7.0G.1  
Anoka  
County  
Recycle  
Contract

Voss asked, in terms of that accounting of recycle, what the haulers pick up, does it count towards our number? Davis answered it does. They report those wastes to us and that's probably our biggest number. The second largest number now is the Saturday drop off programs that we run once a month, 12 months out of the year. The other major source of tonnage that we get is from our Recycle Day. Also, John Freimuth who runs the recycle center across from the Theater, all of his tonnage is reported to us so we get credit for that. Voss stated that's good, I was going to ask about that.

Davis stated also too, any individual that takes recyclable materials to any of the County centers, if they'll get their receipt and turn it into the City, then we'll get credit for that also. Voss asked do we get many that turn in receipts? Davis stated occasionally we do. We've got a drop box here. It's probably a very low amount that we receive on receipts for that.

Voss stated it sounds like the only way we can really increase our numbers is to have folks put less recyclables in the trash and get them in the recycling bins. Davis responded that's correct. Voss stated it's going to make our goal. It doesn't get us any more funds necessarily. Davis stated actually the City did get an award the year before last for the Most Improved City's Recycling Program because we went from approximately achieving 85% or our goal to 99.1%. So, from a percentage increase, we had the best increase rate in Anoka County.

Voss asked any more discussion? All in favor say aye?" **All in favor.** Voss asked opposed? Hearing none motion passes. **Motion passes unanimously.**

7.0G.2  
Connectivity  
Services  
Contract

Davis presented the staff report indicating the request is to consider approving the renewal of the Connectivity Services Agreement with Anoka County for the provision of broadband service.

The Connect Anoka County Broadband Project was completed in 2012 and links 145 anchor institutions with three broadband fiber core rings, creating a 286-mile fiber optic backbone that connects police, fire, public works, libraries, K-12 schools, colleges, city and town halls, and county buildings.

The term of this Agreement expires on August 16, 2015, and the County desires to renew the terms of the Agreement. The renewal will be three five-year terms. The County is requesting a Letter of Intent and Resolution approving Amendment 2 should the City decide to approve the proposal.

The service sites that are served in East Bethel are the Ice Arena, Fire Station #1 on Viking Boulevard, and City Hall. The cost for this service is \$225 a month. Staff recommends approval of Resolution 2015-11, Renewal of the Anoka County Connectivity Services Agreement Amendment 2.

**Ronning stated move to approve Resolution 2015-11, Renewal of the Anoka County Connectivity Services Agreement. Koller stated I'll second.** Voss asked any discussion? All in favor say aye?" **All in favor.** Voss asked opposed? Hearing none motion passes. **Motion passes unanimously.**

**8.0 Other**

None.

## 8.0A

## Staff Reports

## 8.0B

Council  
Report –

## Member

## Harrington

Harrington stated this last weekend he attended the Leadership Conference for Newly Elected Officials. Very interesting. Some of the subjects, what City Councils can and cannot do, working together, the keys to a strong Council-staff relationship, there was some good information there.

Harrington stated second, this Saturday, Fish for the Cure at Coon Lake from 10 to 2, \$10 a hole. Come on out. Voss asked do you know where the entry point is? Harrington stated I think it's in the narrows again. That's all they say in the flyer.

Council  
Member  
Ronning

Ronning stated I don't have anything.

Council  
Member  
Koller

Koller stated I attended the Planning Commission meeting and we went through both of the CUP and IUP for those. I have a Watershed meeting tomorrow. That's about it.

Council  
Member  
Mundle

Mundle stated I had kind of a busy week last week. Monday I had the EDA meeting and talking about that Business Expansion and Retention Program. It sounds like it is a pretty good Program. The catch is we have to do it and the average Program takes anywhere from 25 to 100 volunteers running the Program, well not running the Program but working within and for the Program. What the U of M extension would do is actually advise us and guide us, in helping interpret the information. But, it sounds like if we could do it, it would be good. It sounds like the timeline would be, if we can get some stuff set up throughout this year, that at the start of 2016, we would be able to implement this Program if that's the direction that we want to go.

Mundle stated Tuesday, Wednesday, and Thursday was the first meeting for the new Anoka County Joint Powers Agreement. Basically, that's a Joint Power Agreement to help pay for and run the Public Safety Data System, the PSDS. That's basically their own kind of internet that when they get a call or anything, they can punch in an address or phone number and it will bring up this history, it will bring up the directions too. It will bring up anything that may be correlated and helpful to them. And that's just kind of the 'CliffNotes' version of what the JPA is.

Mundle stated we did vote on a budget, a 2015 budget that was approved is \$530 for East Bethel and that will be due by July of this year. 2016 budget was voted on and that would be \$2,967 for 2016 that would be billed January yearly. They figure about a 3% inflation for the budget yearly and that's because some of the data systems have that so it's passed on. But, at the October meeting of this year, the 2017 budget will be proposed.

Voss asked, Brian, that \$2,000 budget, that's what we expected, right? Davis stated that's correct. Voss stated so that hasn't changed. Mundle stated I do have some numbers that, if you want to see after the meeting, I can show you. Voss stated no, I was just curious whether it changed. Mundle stated it hasn't changed. They may come back this year with some addendums for a couple small increases, they're talking. But, they didn't have any numbers in front of us and I wasn't going to vote on anything that I didn't know.

Council  
Member  
Mundle

Mundle stated Friday and Saturday he attended the same conference as Tim. We attended that together for the Newly Elected Officials and it's pretty interesting because you talk to a lot of people and you realize that every city has an issue, a big issue that they call it. Comparing our City to some of them, we're pretty normal. So I felt pretty good about that. There was a lot of classes, a lot of information. Something that was really pushed on is how well a City Council can work together and the time that a City Council has. So, this is just 'food for thought' but at our next Work Meeting, whenever we have it, that we talk about setting a one-year and a two-year goal that all five of us can want and want to work together on. I say a one and two year goals because that's what we are guaranteed as a Council as we are right now. That's what we, the five of us, could work towards.

Voss asked if this would be a two-year cycle. Mundle stated yes and the basis behind that is if we can learn to work together to accomplish something that all five of us want, some of those skills we learn of working together may help us to work together when we are debating something that we are not all in agreement in. And, I hope that there are things that we aren't all of us aren't in agreement in. But we maybe will work better as a Council and be just so that it could work better. So, just 'food for thought' for the next Work Meeting.

Mayor Voss

Voss asked, we touched on it earlier and it just came to mind of where are we at in terms of the Wastewater Treatment Plant on the north side? Davis asked if he was referring to the decommissioning of that facility. Voss answered yes. Davis stated Craig and Nate and I met two weeks ago and Craig is going to start developing plans and specifications to bid that decommissioning work. The decommissioning would focus and the bid would probably be done, in two parts or maybe two separate bids. The first one would be to remove the sludge from the lagoon, the drying beds, the tank itself and do what basic grading would be required to reclaim or renovate that lagoon. We currently have \$150,000 left over in the bond money that's been dedicated for that. We are looking at doing a land application to dispose of the sludge. We have a couple property owners that are interested. Craig will be doing work getting the soil tests and hopefully getting those sites approved. Land applications are limited as to their window of when they can be done. Generally, it's after crops are removed, late September through October to early November. So, hopefully, we're looking to try to get the bid sometime in June or July of this year.

Voss stated and obviously the new force main is conveying the waste. We're not having any issues with that lift station? Davis stated we've had no issues at all since that has been in operation and it's been in operation now for over four months.

Voss stated back to the P & Z report and the IUPs and CUPs that we talked about earlier. You know, one thing we didn't have in our packets was the minutes of that last meeting. The importance of that is the public hearing and being able to see the public hearing. The nice thing is that we have our meetings on the web where we have the ability to watch it. I'm just wondering if, in the future, given that short time frame between P & Z meetings and the first Council meeting, it makes it tough to get draft minutes done by then, that consideration shouldn't be made to not push it onto the next Council meeting to make sure we have all that information because I think only one of us was at the actual meeting. We were able to watch it, but just to make sure Council has all their information when we actually act on it. It's just a consideration I want to throw out.

Voss stated also to 'piggyback' on what Brian was talking about with the EDA meeting with the Business Expansion Retention Program it's going to be, I think, a very important

Mayor Voss piece for the City and I say that it's a piece of what we need to do. I think it has a lot of good long-term possibilities as long as we can build up that base that wants to support it and talking with Dan and others at the Chamber of Commerce, they're going to embrace it. So, I think it's a good move forward. The 100 volunteer thing sounds scary but really what it is for those who are interested, it's part of the interview process. It's sort of mini ambassadors to dealing with and talking with the business owners. Because that's one thing that I saw from the whole Program. It's a nice way for Council to get feedback directly from the business owners, which is very difficult for us to do. I'm excited about it and bet you were disappointed it's going to take so long to get going but those things take some time.

8.0C None.

Other

8.0D

Closed  
Session

Vierling stated with that I'd recommend that the Council go into Closed Session at this time pursuant to the authority of Minnesota Statute 13.D.05(3) to review issues with possible land acquisition or eminent domain as it affects Parcel 36 33 23 13 0015. As Council does go into Closed Session, we note for the record the Council will return to Open Session and announce any action that's taken at the Closed Session for the benefit of the public record. With that being said, I'd recommend that a motion be made to go into Closed Session for the purposes I've indicated.

Move to  
Closed  
Session

**Harrington stated I'll make a motion to go into Closed Session at 8:44 p.m. for the purposes Mark explained. Mundle stated I'll second.** Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated opposed? Hearing none motion passes. **Motion passes unanimously.**

Reconvene  
Open Session

Vierling stated we're back on record at this time. Council has concluded the Closed Session with regard to the possibility of discussion of land acquisition or eminent domain. Council did have Closed Session. All members were in attendance as was the City Administrator, Mr. Jack Davis, and myself as City Attorney. Council reviewed the issues with staff, gave instruction on strategy and process, but took no formal action at the Closed Session. With that being said, Mr. Mayor, I suggest you can move to adjourn.

9.0  
Adjourn

**Harrington stated I'll make a motion to adjourn. Koller stated I'll second.** Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated opposed? Hearing none motion passes. **Motion passes unanimously.**

Meeting adjourned at 9:30 p.m.

Submitted by:  
Carla Wirth

*TimeSaver Off Site Secretarial Inc.*

## EAST BETHEL CITY COUNCIL WORK MEETING

JANUARY 28, 2015

The East Bethel City Council met on January 28, 2015, at 7:00 p.m. for the City Council Work Meeting at City Hall.

MEMBERS PRESENT: Steve Voss Ron Koller Tim Harrington  
Brian Mundle Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator

**1.0 Call to Order** The January 28, 2015, City Council Work Meeting was called to order by Mayor Voss at 7:00 p.m.

**2.0 Adopt Agenda** **Harrington stated I'll make a motion to adopt tonight's agenda. Mundle stated second.** Voss stated discussion? All in favor say aye? **All in favor.** Voss stated opposed? Motion passes. **Motion passes unanimously.**

**3.0 2014-15 Ice Arena Review** Davis presented the staff report, indicating the City of East Bethel managed and operated the City Ice Arena with City staff from 1997 until 2006. From 2006 to 2008, the City contracted with the National Sports Center for management services for this facility. The National Sports Center declined to exercise their option to extend their contract at the end of the 2008 season. As a result, the City solicited other management proposals for operation of the facility and awarded a contract to Gibson Management Company for a one-year period. Gibson Management's contract was extended in 2009 to 2011 and another extension was granted in 2011 to 2014.

The City requested proposals for the Arena management in 2014 and received responses from four firms:

- 1.) Rink Management Services Corporation;
- 2.) National Sports Center;
- 3.) North Metro Community Association; and,
- 4.) Gibson Management, LLC.

Two of the firms, National Sports Center and North Metro Community Association, withdrew their proposals. Council interviewed the two firms, Gibson Management and Rink Management Services, and awarded the contract for 2014-2015 to Gibson Management.

Davis stated I've presented in the write up kind of an overview of some issues, rates, and some problems and things that we've encountered and I want to bring up tonight to get some direction on. We currently have 1,178 hours of prime ice time available and we sold 1,049 for the 2013-2014 season. Our current breakdown of sales is 89% of primetime hours sold and no sales of non-prime hours. For 2014-2015, through January, our ice rental sales are \$152,739. Our projections for ice sales for the 2014-2015 budget were \$220,500 and we are on pace to reach approximately \$192,000 in sales.

There is a budget attachment included in your packet, if you can turn to that you can see what our actual revenues and expenses were for 2013, 2014, and what is projected for 2015. Keep in mind, too, that there is some crossover because we're budgeting on a calendar year

basis and some of these figures for the Arena are based on a seasonal year, which runs from September through February.

In 2013 and 2014, the revenues from the cell tower were allocated to the Ice Arena. This has been a tradition and pattern which has been going on for several years. In 2015, we have proposed to eliminate that from the Ice Arena Fund in order to make it more self-sufficient and divert those funds to the General Fund. In 2015, we are projecting we're going to need \$234,000 in revenues to break even on the facility. That includes \$72,000 in depreciation expense. So our projected operational expense will be \$172,000.

In order to meet our financial goals for the facility, we are attempting to achieve, at a minimum, the following:

- Maximize the sale of prime-ice time and set a goal of selling 95% of available time
- The ability to negotiate the cost of the non-prime hours to increase the potential use for additional sales
- We'll check existing agreements to determine if locker rental rates can be increased
- We'll negotiate minimum requirements in the management contract for generation of revenues for dry floor events and ad sales in management contracts
- Provide incentives for sales of ads and non-prime hours over a set limit
- We'll continue to look at what other arenas are doing in terms of their rate charges
- Phase incremental rate increases to produce additional revenue sources
- We're in the process of developing a Capital Improvement Plan for the Arena to identify future projects that need to be done and identify ways to fund those
- We're seeking ways to reduce the management fee for the Arena or ensure that management fee is linked to the generation of a specific dollar amount over and above this fixed cost
- We're wanting to do things to improve the attractiveness of the facility to enhance sales of ice time and use and provide additional value for fee increases

One of the things that we've discussed in the past, in addition to continuing the operation of the Arena, is the opposite option. That would be to discontinue the operation. A sale of the facility would remove the City from the Arena operations business and generate funds that could be applied to utility debt or other economic development activities. It would also place this property on the tax rolls if it were sold to a private entity. The property has a tax valuation of \$953,000 but its true market value may be significantly less for another use. The building was designed as an Ice Arena and the costs of conversion to a secondary use may diminish the value of the building. If the sale of the building is considered, access to and the acreage for the Mn/DOT Park and Ride and Cell Tower Site would have to be excluded from the purchase offering.

Should a decision be made to sell the facility we would need, at a minimum, to consider the following:

- The community impact of closing the facility as an Ice Arena/public event site
- We would need to provide ample time for the current users of the facility to find other facilities
- There would be a professional appraisal of the facility that would be required, which could cost approximately \$3,000
- We would have to establish the value and a market value sale price.

3.0

2014-15

Ice Arena

Review

Should a sale or discontinuance of the use as an ice arena be considered it could be:

- The outright sale of the property; or,
- Closing the facility and marketing the building as an industrial/commercial property that could be part of an incentive plan to attract a user.

Other options for continuing the operation of the facility would be:

- Leasing the facility to a user(s); or,
- Hire a contract manager and run the facility under the umbrella of the City.

Both of these options would provide a means to initially reduce costs but could have consequences that may be more expensive in the long run. The major issue with leasing is protecting the City's investment in the facility and establishing responsibilities for maintenance of the equipment. Directly contracting the management as a City function, while a consideration, could create a position and role that has the potential to expand well beyond its anticipated purposes and produce an additional level of management and possible expense.

There are issues with the facility that we have to deal with going forward in the use of it and trying to generate more revenues. These are:

- Its location in relation to the north Metro market area
- We only have a single sheet of ice that we can use, when it is available
- Space for expansion of the facility is very restricted
- There is no air conditioning in the building, which provides issues for dry floor events in warmer weather
- Approximately 14,000 square feet of the building is utilized for and divided into spaces that can only be used for their designed use, which is bleachers, office, locker room, dressing rooms, rest rooms, and lobbies
- There's been a decline in participation in youth hockey, which is one reason our revenues have decreased in the past three years
- We have certain issues with outside advertising on our sign as it is not extremely visible unless you're in the parking lot of the facility

The City has the goal of making the Arena a self-sufficient operation for the 2014-2015 Season. To accomplish this goal, Gibson Management would have to increase their sale of prime ice time from 1,049 hours to 1,100 hours, and increase the sale of non-prime ice time by 50 hours and, at a minimum, maintain the current rates received for lockers, ads, concessions, vending, and dry floor events at \$12,800 or any combination of these revenue sources that would produce \$230,000 net to the City.

Moving forward to subsequent seasons, we're going to have to look at selling almost 100% of the prime ice hours, and maximize the revenue from other sources listed above and implement rate increases for ice rentals to meet the goals of maintaining this as a completely self-sufficient facility. There will come a point time where necessary rate increases may be counter to the ability for the sale of ice time. It appears that we could operate the facility for another year at a break even proposition but unless adjustments are made in depreciation or management charges, we could be faced with continuing to absorb or write off a portion of the depreciation cost of the operation.

The City of St. Francis has approved funds for a feasibility study for a community center. An indoor ice rink would be part of their consideration; however, the study is not complete

and the recommendations of the study and intent of the city are not known at this time. Should the study recommend and the City of St. Francis approve such a facility, then we would have to examine the continuing operation and strategies of our Ice Arena. Until we know the direction of the City of St. Francis on their proposed community center project, we are limited as to commitments for improvements and what we need to do from a management standpoint of the City Ice Arena.

We feel that the Arena does have value. It is a symbol and point of identity, it draws people from outside East Bethel into the City, and provides an attraction and service that is associated with developing and developed cities.

Davis stated with that information, I'd like to open discussion for direction and Council thoughts on how you wish to proceed not only with the management of the facility but directions on your thoughts as to the long-range plans for continuing the operation of this building as an Arena.

Voss stated I guess I'd like to say first, personally, that I think the last thing we want to happen is that the facility not to be used for its intended purpose. I think that, to me, that's the last resort. If it's sold and still used as a skating/hockey facility, that's great because it is a service to the City. As you pointed out Jack, it is something that folks associate. I remember when it opened. Between that and the theater is what put East Bethel on the map, the Ice Arena and the Theater. So, I think that's the last resort. Other than that, and just to add too in terms of the options you laid out, I think there's, if an organization is interested in buying it, one other option would be a land lease. Sell the building but we retain the land.

Davis stated we have explored the option of the sale of the facility to the current users. We had some in-depth meetings with both of them last year. While both would like to be the owner of the facility, neither had the financial means to really, seriously negotiate any kind of a price. One other thing, too, when we look at these numbers, a couple things I'd like to point out is, number one, this facility is currently not a financial drain on the City. All the revenues for the Ice Arena comes from user fees. Essentially, it's other people's money that we're using to fund the operation of it. Where we're falling short in our budgets on the Ice Arena, is the depreciation account. We do have a positive cash balance in the account now of \$134,000. We've been positive with the cash balance, which is going into the third year. So, we've been making steady improvements over the years and we're now currently in the 'black.' However, we don't meet our depreciation budget goals, which are \$72,000 a year. The depreciation fund is set up to a.) Replace the facility at some point in time or provide for some major capital improvements projects, or some large expenses of maintenance items that are outside the annual budget. Depreciation is money we essentially owe ourselves. Some of it could be written off. The main thing we have to make sure is we cover our operational expenses. If we don't do that, then we'd be looking at having to subsidize the operation of the Arena with some City funds.

Davis stated I think we've discussed, in the past, that the users of the facility, primarily are St. Francis High School and St. Francis Youth Hockey Association (SFYHA), which comprises a great deal of East Bethel. The Youth Hockey Association didn't have any exact numbers but it's estimated that 30% of the hockey players that use the facilities are East Bethel residents. So, in effect, we're also providing a facility for Oak Grove and St. Francis. At some point in time, we've also discussed or thrown around the possibility that if there were looming or it looked like potential revenue shortfalls, that we'd have to approach those other two entities and ask them for a contribution. That could be another

3.0

2014-15

Ice Arena  
Review

solution on the financial end of it.

Davis stated but, one of the things that we're trying to get out tonight is just what your thoughts and feelings are on the Arena. As we move forward into next year, Gibson's contract was for one year, it expires on July 31<sup>st</sup>. We're looking for direction on how we want to proceed with that. Do we want to go out for RFPs again? Do we want to wait until we get some word from St. Francis to see what they're going to do with their proposed arena? What do we want to do with the management of this as we approach the termination of his contract?

Ronning asked how long the window is open for time to achieve these 1,049 and expected 1,100 hours? Davis explained they're just about gone because the season will essentially be over in another month. Ronning asked if it's November through February. Or, December through February? Davis stated it's essentially November through February. There is some use in October but it's kind of sporadic and often times it's more practice times.

Koller asked when they pull the ice off. Davis stated generally we kind of wait and see how their season's going. If they're going to be in the play offs, which it doesn't appear they're going to be this year, so generally it's right at the end of February and it takes a week, approximately, to get the ice out.

Mundle asked what would be the cost of keeping it open for another month? Davis asked if it would be as far as using it for skate time for the public? Mundle stated sure. Davis stated it would just essentially be whatever added utility costs there are, gas and electric. One of the things that we're looking at, we've been talking with the Andover Lacrosse League and they're interested in renting two to three weeks of time. Another thing we started last year, we had a Booster Day fundraising event called the Beach Party, which is kind of scheduled for March 28<sup>th</sup>. There are some other things that may preclude us from keeping it open longer but, you know, that's always been an option too and something we've discussed.

Mundle stated keep it open as long as there aren't any more events coming up.

Davis stated one thing that we've been able to do this year and the success is not, the numbers are not outstanding, but we're having it open one early afternoon a week for open skating for the public. We've notified Gibson that if there are any cancelations of evening hours, that he's to let us know as soon as possible so we can post this and make it available for public use at more times that more people could participate.

Mundle asked what kind of number of people are coming in for those free skating hours? Davis stated the first one we had two. The second one we had seven and it was open yesterday but I haven't had a chance to see what those numbers are. We do have another date scheduled for next week too for this.

Koller asked where it is advertised. Davis stated it's advertised on the website, Channel 10. Mundle asked if an e-mail is sent out. Davis stated our reader board. Yeah, e-mail if you get City notification. So it's something that unless you contact those or word of mouth gets out. We use every means we have to get the word out.

Ronning asked do we have the schedule for current use? Davis stated the schedules are current now. One of the things that we were very insistent on with the contract was we wanted the communications presence improved. To a certain degree, that hasn't been done.

Here, lately, it's improved quite a bit. We did check the schedules. Their current on the website as of yesterday. There is still a large area for improvement as far as communications go with keeping schedules updated and things like that with the contractor and the City.

Voss stated Jack, you mentioned Andover Lacrosse; you talked with them. Now, did they rent dry floor time last year? Davis stated they rented dry floor time in 2009. That was the last time they rented that. Voss stated I remember that. They rented quite a bit. Davis stated yeah, they did. They had indoor lacrosse and indoor soccer and they were active for about, maybe, three to five weeks from the first week in March to about the middle of April.

Voss asked but these last two springs they haven't? Davis stated the last three springs we've had nothing. Voss stated I'm shocked because as wet as springs as we've had, like for baseball we were looking for facilities everywhere to practice in the spring.

Davis stated and, we did have an inquiry from the St. Francis High School about use for some baseball rental. But they haven't responded. We told them we'd negotiate a fee with them. And even with Andover Lacrosse, we haven't arrived on a set fee. Our non-prime hour rate is \$140 but I think that's probably extremely expensive to attract things so we want to be able to negotiate some of those. Even if you get \$50 or \$60 an hour, the contract costs are covered. It's better than getting zero dollars.

Voss stated yeah, that's about twice because I think at Forest Lake we were paying \$75 an hour. Davis stated the St. Francis baseball team could rent space somewhere in Coon Rapids, I forget where it was, for \$60 an hour.

Mundle asked, out of curiosity, what is the primetimes and non-prime times? Davis stated the primetime would be considered 3 to 11, Monday through Friday. Non-prime is any time before 3 o'clock and not on the weekends. Mundle asked not on the weekends? Davis replied not on the weekends, correct. Mundle stated okay. And are there any restrictions to hours that the facility's open? It can't be open 24 hours? Davis stated it probably could but around 10 o'clock we've found out the demand diminishes greatly after that. We haven't really had any requests, even with Youth Hockey. Of course, they want to get their kids home and get them to bed. If we kept it open much later than that, we'd probably have to look at some other arrangements with the contractor on having some personnel there. It could be kept open later at night if there was a real demand for it. The problem with that is it probably wouldn't be too much of a revenue generator.

Davis stated whenever we've had the open skate and we did charge one time, and I think we charged like \$3 per person and we made \$60. The big thing about using it for open skate or public use is, you know, do you want to make \$40 or \$50 an hour or \$200 an hour. Fortunately and unfortunately, the High School and the Youth Hockey utilize most all of the primetime, the 'low-hanging fruit,' and they 'cherry picked' hours. But they're the ones that pay for the use of it. There's a little graph in there that shows that our ice time sales to them is going to be \$192,000. So, that's where most of the revenue for the facility comes from, it's from their use of it. That's the problem with a single sheet of ice. If you had two, then you could be a little more flexible, maybe offer some programs, have more public use for it. But, we have the one and we have to try to maximize the revenue from it to cover our expenses.

Voss asked other than St. Francis Hockey and the High School, are there any other associations that rent time? Davis stated North Branch has rented up until this year. They were trying to work something out to rent some time to North Branch but it didn't work out. North Branch has been a renter of some time, say from maybe 20 to 40 hours a year in the last three or four years. Voss asked no adult leagues or anything like that? Davis replied no.

Voss asked how many dry floor events do we have scheduled this year? Davis stated we have the pet clinic. We have the gun show, which is, we haven't received a contract or haven't signed a contract but their probably going to be here. We have the Lions Club garage sale. Voss stated now, do the Lions Club and the pet clinic pay for the..." Davis stated the pet clinic does not. The Lions Club pays a small deposit to cover any kind of cleaning cost or damages. We just, more or less, let them use the facility. The Gun Club pays the \$600.

Davis stated one of the things we also did this year, too, to try to improve the communication and coordination between the current manager and the prime users, the High School and the Youth Hockey Association, was that we meet with all three of those groups. And, the City started meeting with, especially, the Youth Hockey Association to find out what their needs are, address their concerns. Things have worked out fairly well. We did present some offers to the Youth Hockey Association and told them, you know, if they could get Gibson's approval, that anything they sold in ads over \$2,000, that's Gibson's minimum, they have to sell \$2,000 in ads, if he doesn't sell it, he still pays us, and then the split is 50/50 after that. If he didn't want to do that then we certainly wouldn't have any problem with them taking it over. They were very excited about that and they were confident that they could sell \$15,000 worth of ads. Well, we cut them a check for their ad sales, \$250. So, they've also said that they would try to assist us in coordinating and scheduling, maybe arranging, some dry floor events but we haven't heard anything yet. You know, again and I've heard all kind of things, you can have weddings there and somebody wanted to do an ATV/snowmobile show, we've never received any of those requests. Marketing the dry floor events is a huge challenge.

Davis stated I'm going to say this about Gibson Management, I think they've done a good job with the day-to-day operations, their not really marketers or promoters. In order to maximize these dry floor events they really don't have any incentives to do it because they have to show up and man it. It's in their contract. They have to do that but there's no extra revenue for it. Moving forward, whoever does the management, I want to provide, hopefully, some incentives so there will be reason for them to try to get these things and not be disincentives not to.

Mundle asked what about the possibility of having two different management companies, say Gibson for the ice time and another management company for the dry events, a company that more specializes in any of those types of features? Davis stated I wouldn't mind doing it, you know, if we could do it on a cost basis. If the non-ice management would be willing to say, 'We'll do it for whatever percentage is acceptable to Council and acceptable to them.' Whether it's 50/50 or whatever. I don't think we can pay too much. I don't think we want to increase our management cost on the contract basis. But, if something can be worked out, I certainly would be interested in exploring that.

Mundle stated if we have a facility that's dry for how many months and we only have three events. Davis stated yeah. This year even if we rent to Andover, if we're able to work

something out with them, that would put it to the middle of April. Oh, we have the beauty pageant there too but the beauty pageant is a non-revenue dry floor event. So, from the middle of April until the first of September or middle of September when ice goes in, the building sits, essentially, vacant and empty.

Voss stated I think that's where we need improvement. Davis stated it definitely is and, you know, we need somebody to try to maximize the use of the facility during that time. Again, there are limitations and there are some obstacles in promoting that. Some of it is our location and some of it's the fact that we have no air conditioning. For the most part, unless it's just an extremely hot humid day, and of course you never know what the weather is, you can kind of regulate the temperature in there with keeping the doors open and the roof vents open. But we definitely need to try to increase revenues by making it a year-round facility.

Koller stated our biggest customer is St. Francis Hockey. I'd like to hear from some of them and I see by the hat, we might have some St. Francis hockey people here. Voss asked is there anyone here tonight that wants to say anything to us at all about this. I'm sure you're all here for interest but is there anyone? Mundle stated come talk to us. Let us know things.

Voss stated actually, one of the things we'd like to find out about is where you all are at with the City and with the potential plans for creating those opportunities in St. Francis. Because obviously, it effects what we do. Could you come up to the microphone? Thanks. I should have said that first before you decided to come up. Can you state your name and address?

Karen Hartstrom, 19940 Kiowa Street NW, Oak Grove, stated I am the vice-president of St. Francis Youth Hockey. I honestly don't know what's going on with the community center in St. Francis. I'm not involved with that now so I have no idea where that's even sitting. As far as the rink goes, Gibson has done, in my opinion, an okay job.

Hartstrom stated communication has been horrible. I for one did not know that the open ice was out on the website for scheduling. Had I known that, it would have saved me some grief. He was asked, I believe by you and by us, to put in the new scheduling software. That never happened. I was given, in September, the schedule for the High School and said, 'Here you go; this is the schedule.' I went through then and put the High School games on, put their practices on, and then picked our hours from that. I was never given a schedule from him saying, 'Here, these are your available hours.' It's caused some issues because, you know, if I have to go and change the schedule, or whatever, I have to change it and then I have to make sure I send it to him and he gets it. If I get busy and I forget, then we have teams that the boards are all wrong and people are having problems. It would have been nice if he would have followed through and put in that new scheduling system like we had requested.

Davis stated he wasn't required to do that and that's, if his contract's extended, that's something that we will require him to do. It may be a little extra expense but that's something that he's going to have to update his ability to put those schedules on the website.

Hartstrom stated right, it would make it easier for everybody concerned. Otherwise, I don't know, do you guys think he's doing an okay job?

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Audience member stated it's cleaner this year.

Hartstrom stated yup, that I will say. It's cleaner, for the most part. I do know that the women's bathroom went for five days without toilet paper. One week until somebody went up there and said, 'You know, there's no toilet paper in the women's bathroom. This is the fifth day there hasn't been any toilet paper.'

Davis stated one of the things I'd like to stress on that is, if there are issues those should be reported immediately. There's somebody, there's a sign there in the Arena that says if there's any issues or problems, please report it to the Arena Manager. Hartstrom stated right, and I was just told this by somebody so I'm like, well did you say anything?

Davis stated and, you know, from my talks with them, the restrooms are cleaned and checked daily. So, five days without toilet paper seems to me to be, I'm not saying it's not accurate but I find that they would not do that. And, here again, I'm not saying it's not accurate but they do clean and stock those on a daily basis. You know, there could have been a big game or a lot of use and they could have run out. Here again, they don't have enough people to have an attendant in the restrooms so please, if you see any issues there, go tell the Arena Manager. If you don't get any response, then come and tell me. Hartstrom stated all right. You guys have anything? I haven't been in the rink much because we've been at the other one.

Voss stated I think for us, it's not so much a critique of what Gibson's doing or not doing. It's more the bigger picture of where we go as a City with the facility. Gibson's contract's up in July and we have decisions to make on how we proceed. That's some of the things that Jack laid out was different options. I'm going to assume, at least for the next few years, depending on what happens in St. Francis, there's a desire to keep this facility operating for the Youth Hockey.

Hartstrom stated we would love to keep it operating and keep skating there. You know, the hours, if I could get more week night hours I would love it. It's just not possible with the High School schedule. They're on until 6:30 and I know that the High School coaches have expressed an interest of getting more of those week night hours, which then is going to push the youth out. I don't feel comfortable having kids on the ice until 10:30, 11 o'clock. So, it's, that for us has been a stressor.

Voss stated just so we're clear ourselves. In terms of rental fees between the High School and St. Francis Hockey, there's no difference? Davis stated St. Francis Hockey pays two-thirds of our ice rental fees. The High School pays one-third. Voss stated but, in terms of hourly rate? Are the rates the same? Davis stated the rates are the same.

Davis said one of the things that we did and there was some, we weren't as successful as we hoped to be, we tried to coordinate schedules of the High School and the Youth Hockey Association. The High School comes in, actually, and they're the ones, traditionally they have first shot at the hours. So they pick the hours and then the Hockey Association is left with what's remaining. Then if there's anything left, then whoever wants to rent that gets the next shot at it. We had some talks with the High School and we're telling them that they needed to try to get out of there a little earlier and to see what they could do to try to rearrange some of their schedules. One of the things they've talked about was trying to arrange study halls for some of their hockey players as the last period of the day so they

could come over early. Apparently, that didn't work out. We're still going to be talking with the High School to see what they can do to help accommodate the Youth Hockey Association to better enable that facility to be shared by both groups.

Voss stated I assume you have communications with the varsity coach too. Hartstrom replied oh yes. Voss stated I'm not sure how to interpret that response but from doing this for 15 years, I understand what you're saying.

Hartstrom stated we have requested some of those 5:30 hours back and we're shot down. They changed a game. And there again, this is where having that board up-to-date would have been helpful. They changed a game date that we were not told about, which then pushed off six teams because we have three hours of practices. We then requested to get those hours back from them somehow and were told, 'No, that wasn't going to happen.' They weren't going to give us any hours back.

Voss asked, strictly from a fiduciary standpoint, they still pay for those hours? Hartstrom stated right. Voss stated I agree with you that...we had the same issues in Forest Lake too.

Hartstrom stated so it was like, okay, you just, we have six teams now that we have nowhere to put because you have a game. And there, John didn't notice it until this was Saturday, the game was on Monday. So, it was a huge mess. I had to e-mail those teams and say, 'Look, you don't have practice now. Sorry, we'll try to get you on.' Davis stated for your information, I have been notified of that issue by Jen Smith and I've spoken with John. Supposedly, he's correcting that so it won't happen again.

Hartstrom stated well, I also asked him when he sent me that to please go through the schedule and double check that we don't have any more issues like that. But, I would love to see more stuff in there during the summer just like you guys. I drive by and it's just a lonely little building sitting there with nothing going on and it could be utilized for so many great things that it's not being utilized for. If you clean it up a little bit, paint it, spruce it up and it could be a good place. It could be a nice place.

Davis stated one other thing I'd like to mention too, in some of our conversations with some of your members, is that one of the things that I wanted to see done is the lobby spruced up. The lobby is dull. You go in there and it's colorless, it's dark. We were supposed to have some of your members that were going to volunteer to paint that. We were going to provide the materials, but we never did get any feedback from that. We also told certain members of your group too, you know, if there's any projects that you're looking for and you want to do, let us know and we'll work with you to try to achieve them through your volunteer labor and we pay for the materials. Or, you do fundraisers to pay for the materials. As long as you've got somebody that's, if it's a trades activity like electrical or plumbing, we just have to make sure somebody is licensed and bonded and certified. But, we'll work with you to do volunteer projects and at least try to help in providing some of the materials to get those done. Those are things that we can continue to work with. I know that this is the first year that we, as a City, has really reached out to you as a user group to try to bring you in, not necessarily to the decision making process but at least to try to coordinate and address your concern so that you'll be a satisfied customer.

Hartstrom stated I agree with these guys that it is cleaner this year than it has in the past. You feel like you can sit on the bleachers and not have gum stuck to you or be sitting in somebody's, I don't know, spilled cocoa with mud in it. If we could just, cleaning it up

would be, that's one huge thing. It needs to be spruced up. It needs to look nice. It needs to feel like it's 'home' when you walk in there. I just don't know that that necessarily feels that way because it's not kept up as it maybe could be.

Voss stated with those things aside, and I understand there's expectations, one of the considerations we have is to change the fee structure, raise fees basically, which is something no one wants to hear, no one wants to do. I think if we ever entertain that, we need to make sure that things like you're identifying are addressed. You want to get what you're paying for. It's not just for the kids on the ice. It's for everyone else that uses the facility so that's important. Does St. Francis Hockey use any other facilities? Do you use Isanti or..." Hartstrom explained because we are co-oped with Isanti at the traveling level, which is all the Squirts, Mites, Bantams, we are skating half-time up in Isanti.

Voss stated okay, and do you have scheduling issues there as well? Hartstrom replied oh yes. Voss stated I schedule ballfields. Hartstrom stated I do have to say their scheduling issues there have been worse than ours this year. Yeah, we have those issues up there too.

Voss asked how do their rental fees compare to ours? Davis stated theirs are the same as ours. We raised our fees last year and our fees and Isanti's and Andover's are identical. We're charging less than the National Sports Center and Forest Lake. Of course, they have more to offer than we do. Our hourly rates are the same as Isanti's and Andover's.

Ronning stated to your experience, you're commenting about the schedule and having access to it, did you become aware at any time that the place was open and you would maybe have used it if you'd known the schedule? Hartstrom stated, well, the open ice, the open skating, we all sat and looked at each other and went, 'Really? There's open skating?' Nobody knew about that. We could have put that out on our website had we known and advertised for you on our website. But, we didn't know.

Davis stated it was on our City's website. You know, if we want to put it on other city's websites that would be a direction we would have to have from Council. Hartstrom stated we could put it on St. Francis Youth Hockey website.

Voss stated Jack, you mentioned it goes out by e-mail. Is it just the general e-mail notice? Davis stated just the people that signed up for the e-mail notices. Voss stated that's one thing you could do. Get it on our e-mail list serve. Hartstrom stated okay. Voss stated you'll get things that probably don't interest you but you'll know when.

Hartstrom stated we could certainly put that kind of stuff out on our website so our, when our parents go out there and look... Voss stated well, they're the users. I'd think that would be a great target. Hartstrom stated right, and if say there's not, you have a day off school, President's Day, whatever, and you decide to open it early for open skate, I'd bet you'd get some of our parents with their kids up there skating. Voss stated but it's not, correct me if I'm wrong, there's no sticks allowed. Right? Davis stated that's correct. It's not for hockey. It's not for hockey practice.

Hartstrom stated they could still just skate. I don't think that there's been any ice open, maybe ice taken that I thought was open, that we didn't know was taken. That would have, if I had known that was out there, I could have gone and checked all that before I scheduled practices.

Voss stated well part of it, too, and again I've done baseball for years in Forest Lake, it's also helpful internally. So, if your High School program knows you're not going to use ice they had reserved, I think there's a little bit of an expectation that the coaches should let you know too. Hartstrom answered right. But this was a weekend where we had thought North Branch bought some hours and we were not aware of that and we had scheduled a team and John text me and said, 'Well, North Branch has these hours and these hours and these hours.' I'm like, nobody every told me that they bought these hours. We didn't buy them but traditionally this season they've not been sold. Nobody told us they were sold, so I put a team on the ice thinking the hour was open for us to take if we needed it. So, if I had known that, I could have gone out there and checked. Now that I know, I will. I can go double check. But, I do have John's text message. I do text him and e-mail him a lot if I have questions so that communication has been awesome. That part.

Davis stated I do think we've made a lot of strides and I appreciate your comments about John. The gentleman who was there last year did a better job than his previous predecessor so they are making progress in communicating at the day-to-day management level. We used to have to work to keep, to do things, to make sure all these schedules were coordinated and put out where everybody can access them.

Harrington stated just for some general information too, for 2015, our Parks Commission okayed some upgrades for that outside rink. We're going to level that, new boards, new lights, and a warming house. I know kids don't like to be outside but, you know, it's going to look a lot nicer. So, that rink will be available.

Hartstrom asked will you be charging for that rink as well? Davis answered no. But there will be no practice times allowed. It's just for open public skating. Hartstrom stated all right, just public skating.

Voss asked is it an option? Davis answered it could be an option.

Voss stated we could get the Zamboni out there, right? Davis stated I'd rather not take the Zamboni out there. Actually, they took it out there a couple times this year and I told them to keep it inside. That Zamboni is 20 years old. We'd like to get another.

Voss stated 20 years, right? Davis stated at least another four or five years out of it because, you know, the replacement cost on that, depending on what you get, could be in excess of \$100,000.

Voss asked, if the outdoor rink was made available for rental, is that something that St. Francis would be interested in for practice? Hartstrom stated we might have a chance to be interested, yeah. If they couldn't get indoor ice they would possibly be interested.

Davis stated the big problem with that, though, is maintaining it on a timely basis. If we have a big snowfall, it may be at least a day after the snow falls that we can get to it, to scrape it off and clean it off, depending on what our street crew schedule is. Voss stated there's 24 kids. Just each bring a shove. Hartstrom stated that would work.

Voss stated to me, even if we don't charge rental for it, as long as we're not putting expense into it and they want to reserve it for use as an extra rink, that's something for Parks to talk about.

Harrington stated they were going to fix the hockey rink and we had brought up a little small casual rink next to it. Because I said, why have kids skating and somebody wants to play hockey, let them play hockey.

Davis stated one year, we actually did have two rinks out there. We had the rink with the boards and then we kind of graded off that gravel parking lot and flooded it so there would be two areas available. The problem is that it's hard to maintain that one on the gravel. It too has got a fairly significant grade to it and you have one end that's 4 inches thick and the other one's 12 inches thick. When the sun hits the one, on the 4 inch, it tends to melt down to the gravel. It's the same way with the one with the asphalt. That's why we want to level it out, so we can flood it to a consistent depth and it will be easier to maintain and keep up. So, again, we welcome your participation and your input and we want to work with you because you're our customer and you're what enables us to keep the facility open. We appreciate your time and want to try to address your problems.

Hartstrom stated thank you. Any other questions? Mundle asked would you want to give your e-mail to Jack right now so you can get on the list and know when open time is? Voss stated well, you can just go to the website and sign up. Hartstrom stated actually, you might have it. It might be on some e-mails that Jack has sent me but I'll send it to you. Davis stated all right; that will be good. Thanks. Hartstrom stated thanks.

Voss stated the challenge Jack earlier mentioned and it's in your write up too, is how, you know, there's only 30% of the users in hockey are from East Bethel. But, we can say the same thing for baseball. We can say the same thing for football. And, years ago, we had the argument that Parks felt the same thing with Soderville Baseball. When it comes down to it, well, they also, maybe not so much for hockey but for baseball or all-season fields in Oak Grove, and Andover, and elsewhere, so it's kind of a shared thing. We could support our own baseball league or football league on a border basis.

Davis stated another way to look at that too is these are rec type problems that are collectively run so we do receive benefit from that whether it's the hockey or our rental to Soderville for the baseball, for the field rentals. So, even though we may have a minority of the kids that participate here, there is other value. It does give them an opportunity to do something and have these organized leagues.

Voss stated to me the challenge with hockey, I mean not only is equipment and player stuff more expensive, the facilities are far more expensive for the City to maintain than a ballfield or soccer field or anything.

Harrington asked in the summer, is that advertised for batting cage at all? Over at the Ice Arena? I know that they said they had the netting there for batting cages and things like that. Davis stated there is an overhead frame that can be lowered and a net for a batting cage. We would have to man it and I just don't think it would be profitable to have it open for that. I don't think there'd be that many users.

Voss stated we did it one year for Soderville and we had quite a few teams in there early on. But that was the challenge because you had to have an East Bethel employee there. Harrington stated yeah, because a gal came to one of the Parks meetings and she said they were looking for batting cage places and she didn't know that the Ice Arena was set up for batting cages. I mean it's nice dry floor, something in the summer. Voss stated it takes time to set it up too; that was the problem.

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Davis stated I think most of the demand for that, you're going to find out, is probably in the early spring or spring. Once the seasons start, if they want to take batting practice, they want to do it on the field they play on. They don't want to drive to the Arena and then drive to the field. One of the things we've talked about, and this is off subject too, but there is a batting here at Booster West. It will be one of the things we are looking to upgrade and approve.

Voss asked if the cage is still there? Davis stated the cage is too narrow and the material covering it is chain link so it's really not suitable for that use. Voss stated that's the problem with baseball and lacrosse too. As soon as the fields are usable, they're not going to do anything inside any more. That's why these last two years, I'm surprised we didn't have more demand.

Harrington stated as I said, like June was so wet last year that... Voss agreed it was. I mean, we didn't get into the fields until the first week in May, which is three to four weeks after we normally do. So, seems like the message is, in order to increase revenue at the facilities is the dry floor or raise our rates because we're pretty well utilized.

Davis stated we're at about 90% utilization on the hours, the primetime hours. The non-prime hours are always going to be a challenge to sell any of those. That's why we even thought if we could sell 50 we'd be doing well because kids are in school, you know. There are some times during Christmas when they're out but I think those are reflected in some of your schedules. Hartstrom stated we just have the evening hours during the holiday break.

Davis stated okay. With the exception of that, the potential for sale of non-prime hours is really limited because the people that use it are either in school or working. Raising our rates, I think, we have to be very careful with that. We have to do it incrementally and match what others are doing. We don't want to price ourselves out of the market or drive people away from us. Also, too, people expect to get something for their money. One of the things going forward as far as a capital improvements program for that facility is the place needs to be spruced up a little bit. Just some basic painting. At some point, maybe our next project, and we have great complaints about restrooms. Well, those restrooms are 20 years old. They're served by water from a well which has some high mineral content so there's staining of the facilities. Even when they're 'spic and span' clean, they still look dirty. The fixtures are all old. The lighting can be improved. There's lots of things that could be done to spruce it up and that we may have to take a look at it some time. So, that will be part of the capital improvements plan. As I said before, now that we are starting to generate a little bit of a cash balance, we may have some funds to address some of those issues.

Voss stated in terms of the advertising, what would you put in terms of percentage of how well it's utilized? Davis stated almost zero. I think there's a good potential for that. The contract with Gibson Management requires them to sell \$2,000 worth of advertising, at a minimum. If they don't sell it, they still owe us \$2,000. Any sales over \$2,000 are split 50/50 between the City and Gibson. We were able to, I don't think we had to do too much, but we were able to get Gibson to relinquish their advertising incentive over that \$2,000 mark and let the Youth Hockey Association sell the ads this year. So, while their early projections were optimistic, for whatever reasons, they did not meet those and it may be for reasons that I don't know. But, hopefully, we'll be able to do the same thing next year and they'll be able to have some more success. We've got businesses in Oak Gove, St. Francis,

and East Bethel that if the right person can go out there and has the contacts and ins, I think they can sell a lot of ads.

Voss stated that seems to be one of the areas where there's room for significant improvement and revenue. We had the same issues at Forest Lake. Soderville, we talked about too, and it's like anything else. You need the right person. Sports guys aren't always the best sellers.

Chris Baumgardt, 20167 West Fordbrook Drive, Anoka, stated I'm the Squirt director. I have three kids that skate. I have U-8, which is a Mite girl. I have a second year Squirt that skates in the Squirt A team, and I have a U-12B. I've been part of the Association for five years, six years. As far as the advertising this year, we did try to sell and it's been really hard because when you see a blank wall, they're going, 'Why should we put our name up there, nobody else is up there.' So we've been trying. We've got a few of them up there now. We're trying to get more but it's the same thing. 'Well, there's not many up there. Does that mean, is there a reason why, is there not enough people coming in here to see it?' So, it has been a little bit trying for us to get some up there. We're hoping next year is a better sell just because, 'Hey, we got a few up there, look at this.' As far as that, Gibson was not very happy that we put some up there, which I don't understand why. That was the whole goal, was to advertise. I don't understand them anyways.

Baumgardt stated Jen Smith is our president. She had e-mailed me prior to the meeting on a few things that she wanted me to just bring to note. They are the kinds of things that you guys were asking. I'd like to read that to you guys real quick if that's all right. Voss stated sure.

Baumgardt read Smith's comments as follows: SFYHA is clearly the largest customer per the pie chart. St. Francis Youth Hockey does not support a rate increase to the facility as the facility itself does not support the increase for the following reasons, most of which were acknowledged in the report itself: facility does not offer enough amenities for \$207 an hour rate; facility is not appropriate proximity to needed amenities, food, drink, to support the \$207 hour rate; the facility simply has degraded over time and overall does not support that fee; the depreciation costs are highlighted as a negative impact but needs to be stressed/acknowledged in the report; that fee is on paper only; the financials are missing the cash flow point of the view for the operations, which should exclude depreciation. What constitutes primetime ice for SFYHA for this season? We purchased all week night hours available to us. Does primetime include the 14 hours of weekend ice as well during the day? Primetime ice timeframe may need to be reviewed to entice additional hours to purchase either by us, SFYHA, or other associations. Gibson Management review section, SFYHA concurs with the first two bullets and the fourth bullet. The third bullet of responding to the issues within the facility is listed as satisfactory. SFYHA would say it's slightly less than satisfactory due to the management company representative indicates items which need to be fixed are not their responsibility and point back to the City. At the time, was unwilling to help assist or improve. Second to last bullet, SFYHA does not agree with the communications and scheduling less than satisfactory. Systems not in place to provide proper communication and visibility to scheduled events. SFYHA agrees, thought about brining management under City umbrella might actually be beneficial for the City if they hire a proper type of management group or personnel. The management of this facility, for things outside of the ice, could benefit the City with greater revenues. At the minimum, the management company for this space must have the requirements attached to their contract to manage, promote, and schedule the facility outside of the hockey ice

season. It is the only way to improve the facility over time.

Baumgardt stated the biggest thing that we'd like to stress is I think there's a lot more things that can be done there. Like you said, the ballfields, lacrosse. I know a lot of kids that go down to Coon Rapids and use the batting cages down there. Being the ice gets pulled out February 28<sup>th</sup>, there's a whole month that could easily be used for batting cages. If you don't have any other dry land, you set it up for one month solid. I would almost guarantee you'd have kids in there. I'd be willing to bet there'd be a lot more dry land events done throughout the summer.

Baumgardt stated this year we started skating October 1<sup>st</sup>. That was our first day in there. We normally start the second to the last week in September. This year we co-oped with Isanti, we were up there earlier this year. It was easier to coordinate teams, 'Okay, you're trying out, everybody here rather than here and here.' So this year was a little bit of a challenge only from that aspect. But, I think that you could get the rink open a little bit sooner. There are a lot of kids out doing other training events. My kids skate almost year round, amongst other sports to do. I would think that would be more of an attraction, if you could get in, in September. There's a lot of pre-skate stuff that kids like to get warmed up for the season to make that better top team, where they don't have the facility to do it. They're trying to get into Andover or Coon Rapids or somewhere else. Sometimes they won't allow outside kids to skate in their program, their preseason program, because they're trying to get their kids ready. So, it would be something that could be attractive to the youth this way too, and maybe in the high school. I don't know how soon they can actually, physically, start skating without, with Captain's Practices. But it might be something attractive to them as well, if you opened it September 1<sup>st</sup>.

Davis stated we'll certainly consider opening September the 1<sup>st</sup> if we can get some rental rates for it. But in the past, nobody wants to pay for the early ice, it's been too sporadic, and there's been really nobody that's presented us with a schedule that says we'll take this number of hours. The biggest problem we have is the start-up costs for the Arena. Putting the ice in is around \$20,000 to \$30,000. It's a huge cost, that initial electrical cost is big. We've always coordinated that with the billing cycle for Connexus as soon as we can get ice time so we minimize our exposure to having the facility have ice in it and sit idle. It's something we can talk about. We're open to discuss anything to make it more available and increase revenues and do it in a way that everybody can still afford it. Anybody that has any ideas, we're willing to sit down and discuss any of them with you.

Davis stated one thing that I'd like to point out, the e-mail that he read was from Jen Smith. Jen was the lady that gave the presentation to City Council last May for the North Metro Association's proposal before they backed out. So, I've worked closely with Jen. She's very good to work with and she's got a lot of great ideas. Ronning asked if she's the lady that came in and had to pick up the... Davis stated she is and she gave the presentation ice cold and 'knocked it out of the park.' Ronning agreed she certainly did.

Baumgardt stated she has taken our Association that was crashing and she's turned it around quite well. With the economy, the failing, hockey is not a cheap sport, let's face it. And, I know first hand with having three kids skating, it's not cheap. But to get new kids in, that's been a struggle, to get kids to start skating again and get families to come skate. But, with the increasing ice fees, it's hard to get families to come in. You know, it's expensive and I agree but there's dancing and it's expensive too. But people look at it as, 'Oh, it's so expensive.' With that increased fee, it may make it even harder to get more kids

to come in. I know St. Francis, right now, at my level, under my group, is only 22 kids. That's probably the least amount of kids we've had in several years. This year we've had a huge increase in kids wanting to come in and try the Learn to Skate Programs. It's been really good for us. But now to get those kids to retain, how do we do that? With increased costs, as an Association, I've been out there trying to get larger companies like Total Hockey to donate equipment. This year we got, I think, a total of eight new sets of hockey equipment that for the young ones, we can rent to them and say, 'Here, you can use this for the year.' And, we don't charge them anything, 'It's yours.' We take a \$70 check, which check comes back to them at the end of the year when they return the equipment. It's just basically a fee to hold on to it. Once they give us this equipment back, they get it back, to try to get more kids in there.

Baumgardt stated this year, just today actually, I filled out a thing to try to get more goalie equipment because at the youth level, the young ones, we don't have that goalie equipment and it's very expensive. When you get a kid who wants to be a goalie, it's very expensive. You just can't get it done. So, I'm trying to get some goalie equipment now for the Mites so we can get more kids interested in goalie because if you don't have a goalie, you don't have a hockey team. There again, with increasing fees, it's hard to keep these kids going.

Davis stated one thing I'd like to make clear and maybe it's a misunderstanding, is we weren't proposing to increase the rate this year. If there was a rate increase, it wouldn't be from \$192 to \$207. It would have to be incremental to match, I think, what other arenas comparable or semi-comparable are charging so that you get something for your money. The \$207 figure was a projection figure if we had to get \$255,000 to operate our budget.

Audience member off mic asked was that based on the way the facility is used now and the revenue you see coming in. So, if you were able to increase the dry land use of the facility or maybe you put in ice a little bit early and bring more skaters in earlier in the season, will that help offset that ice time and the costs?

Davis stated he won't say it will help offset the ice time but it would certainly preclude a raise in rates for quite a while. It would do a lot to offset some of the paper loss that we have now for not meeting the depreciation part of our budget. Anything we can do to raise revenues is going to benefit not only the City but also the users because it's going to help us spread those costs out and prevent increases.

Baumgardt asked have you checked into Chisago at all to see what their fees are? Davis stated no, I haven't. Baumgardt stated that would be a good one to check into. I don't know their current, but I want to say it's close to \$160 an hour. Their significantly less and I don't know what's run differently over there but I know they're a lot less. Davis stated and I don't know how they account for it but I'll just be right up front with you, and this group can tell me I'm totally off base, but there's no way we could charge \$160 an hour.

Baumgardt stated no, and I understand that but what I'm saying is, what are they doing differently. I know just last year Hubbard Marine just donated a brand new Zamboni to them. It was a \$140,000 brand new electric Zamboni. They kept their old one just to use on their outdoor rink. I mean, those are things that maybe somehow we can reach out to them and say, 'What are you guys doing? What can we do?' Granted, we can't go backwards in fees but if we can hold our fees and continue to keep it going.

Davis stated that's where we're hoping we'll get some assistance from your group too to put

us into contact with that because as a City, we're managing it. We're not promoters. We're not professionals in managing the rink or keeping up with certain things like this so any information that you give like this, or leads, or contacts that you can make, by all means let us know or follow up on it and have somebody get in contact with us.

Baumgardt stated because I know ice arenas, in general, they're black. They don't make a lot of money, you know, they keep open, it's for the youth, for the kids. But, like I said I know that one and Fogerty have always done really well. What are they doing? What can we mirror them to keep this one going? To get the improvements? To get the dry land areas? Get a new Zamboni?

Voss asked how many sheets of ice does Chisago have? Baumgardt stated they just have one. I don't have a contact over there. He was just telling me that this year they just put a brand new scoreboard in and that cost \$22,000 but that was money they had in a slush fund at the arena to put in there.

Voss stated I think the other thing too, and obviously not knowing the facts, but I know their ballfields, and those are football fields, in Chisago's an aberration. If you look at their facilities they have there, it's amazing for a town like that. I'm assuming it's the same way. You know, when it comes down too, with the arena, it's like Jack said. It's not ever meant to make money, you know. As a City we need to justify the cost that we put into facilities and knowing that it provides recreational opportunities for our community and surrounding communities. But we've also go to look at what the costs are. And, you know, I was involved when that was built and the costs that the City was incurring back then were just astounding. It's gotten so much better over the years. It's going to be a constant battle.

Ronning stated when you mentioned early ice, you live with this stuff so you're much closer. Would you mind contacting Jack or come back to us or something mid-July or maybe August or something and just communicate?

Baumgardt stated I know we have, we actively buy ice throughout the summer in other arenas and they get pre-season warm ups. He struggles with getting it because, you know, at Isanti they're trying to get their Isanti programs going. Andover, you know, a lot of times we're at Andover or the Super Rink. But, yeah, there's tons of other possibilities out there. I just don't, with Gibson I just don't think they're like, 'September 28<sup>th</sup> its ice going in and it's leaving March 1<sup>st</sup>, we're done, goodbye, it's closed.'

Voss stated that's something we can define. Davis asked to clarify that a little bit. For this year, the decision to put the ice in later was based on the fact that your group merged with Cambridge/Isanti and didn't need any of the early ice or practice time, which was a benefit to us too because it saves on operational costs. So, Gibson does not have the 'say' on when the ice goes in. The ice will be put in when there's demand for it. So, if there's demand for it, we'll make sure it goes in.

Baumgardt stated he should clarify. What I'm saying is they've never come up to us and said, 'Hey, would you guys be interested in buying some ice early? Or, this is, when are you going to start skating?' They've never really, to my knowledge, never come up and said, 'Hey, would you guys like some earlier ice?' That's what I'm saying. Maybe that's something we need to sit down with you and with them, or whoever. If there's a new management company this year and try to get something else going, you know, sell it out to some of the other associations. 'Hey, we might have some ice, would you guys be

interested if we opened it early?' It's something unfortunate with hockey, it's a planning strategy, and I know people are planning now already for next winter. So it's something that they need to get on right away and try to figure out.

Davis stated as he mentioned earlier, I think maybe one of the oversights in the operation in management of the whole facility was not getting feedback from the users, which we have at least started on that process now. I want to see that continue to the point of where we can identify these issues prior to them becoming a problem and take care of them, be proactive with them. As we move on, your organization will be invited to some preliminary meetings that we'll probably start having in June. We can have them in May, whenever you think we need them. Just somebody let me know, we need to have a meeting. We'll sit down. I want to hear what your problems, what your issues are, and what we need to solve them and coordinate those then with the operation at the Arena.

Baumgardt stated I do want to say too, talking with Jen at all of our board meetings, every time she's talking to Jack she's said how well it's worked working with him and things have gotten a lot better. We are appreciative of the things that have gotten better so please don't think anything's negative by any means. We're just stating how we feel and this last year has been 100% better. There's still things that need to be worked on but it has been a lot better.

Davis stated that's our goal and until we can exchange these ideas and let each other know what the problems are, they're never going to be fixed. So we welcome this interchange. Baumgardt stated okay, thank you. Voss stated thank you. Ronning stated thank you.

Harrington stated I just wonder if we shouldn't be looking to do proposals for a new management group or something. I mean, these St. Francis has had troubles and there's been troubles in the past. Maybe go out and see what we get for bids. Voss stated I don't see any reason why not to go out for RFPs. Harrington stated we've had trouble with Gibson in the past. Sounds like it's gotten better but they're still having some problems. So, see what else is out there.

Voss asked if you had something to add.

Chris Gutierrez, 21261 Rum River Boulevard, Oak Grove, stated I just want to kind of supplement what Chris was saying as well. I'm actually a director of the Mite program so my big challenge is bringing in young skaters and helping build the program and making sure that directors above us have a substantial number of players to continue playing. So, I opened the idea to potentially getting ice in earlier. If I can work through the summer months to kind of gauge and get an idea with you folks, you know, what the interest levels are at that age level, we might be able to work something out there and see if there's interest in putting that in. Secondly, from the management perspective, I don't think any of us have mentioned yet, but Victory Management came in and did a presentation to us as a board about a month ago and she brought together some pretty good ideas in how to use the Arena in the off season. That may be of interest to you folks as the Council. Had some good ideas in terms of how to spruce the place up in the short term and what not. So, I just wanted to make mention, give her my backing and I believe my peers would do the same as well.

Voss stated okay, thanks. Jack, if we go out for bids, what timeframe would we do? Davis stated I would like to start that process and have all that done by no later than May so we can start, if there is a change. Voss asked if the contracts end in July? Davis stated it ends

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July 31<sup>st</sup>. Voss stated I think I want to start a little earlier than that even. Davis stated we need to have, as you said, ample time for transition. So what we should probably do, what we'll do is sit down with Gibson and give him what our evaluation is and let him know what the process is going to be for the upcoming season, that we are going out for RFPs again.

Voss stated I guess we haven't decided but if we were to do another RFP process again, I would suggest that we also include, at some point, representatives from St. Francis Hockey and get their input on it and if there's anything in particular that we should consider have in the RFP as they're the users. That would be something to consider. Any thoughts on what direction we should take this? Do you want to go out for open bid again?

Mundle stated we could see what's out there. See if there's, last time it was out for bid was it four years ago? Davis stated no, it was last year. Mundle stated last year? Okay.

Harrington stated one wanted a three-year contract and we just wanted to go one year just to see how things go.

Voss stated he hesitated at one year, you know, two years is a little more surety and if there's goals that have to be made and there's out clauses. Davis stated we had talked, there were two firms that were submitters and the one firm, Ring Management Company, had wanted a three-year contract. Due to the nature of the fact they had an established business presence in Vadnais Heights but their contract with them expired last year, they had no other real business presence in the State. They're a national organization. We didn't feel comfortable with a three-year contract with them so we'd ask them if they'd consider less than three. Their original response was 'No, they would not, nor would they come down on their fee proposal.' So, with that, Council decided that they would not consider them. After the meeting, then they decided, 'Yeah, we will.' But, it was too late then. So, for that reason, Gibson was kind of the 'last man standing' the last time we went out for the RFPs.

Voss asked was Vadnais Heights contacted to see how well they're liked? Davis answered yeah, they were and they were doing fine with them and they had done some work with the City of Red Wing too. But there's other issues down there so they went in a different direction.

Ronning explained for your information, if you're not aware, these are recorded and then transcribed later on so your comments aren't lost. They're being saved. At the point, if we do entertain other proposals, we should have a list of expectations as well.

Voss stated that's what would be in the RFP. Davis stated we have those and I would be more than willing to sit down with representatives from your group to show what we're requesting for a management contract and get your input because, again, you account for probably 60% of our revenue so we want to make sure your 'voice' is heard.

Ronning explained even though we're not in the Ice Arena/ice hockey business, this is the customer. Davis agreed it is and stated one of the things we're looking for from the City's standpoint as far as hiring a manager to do this and a contract, is to get us as far out of this business as we can. We've got other things to do and running the day-to-day operations, I feel this is something better outsourced rather than the City trying to do it. We just have to find that one person or whoever's doing it has to make sure that they are meeting our

expectations. I will say this about Gibson, is they're good to work with, they've been trying to do better. They have made some progress on some of the fronts that we've told them that they need to make improvements on. Whether they're getting their quick enough is yet to be determined.

Voss asked Jack, is there any other discussion on this subject? Jack stated no, I just want to kind of review this with the Council and kind of get your feelings on it and get some direction as to at least what we want to look at as far as trying to address the issue of the management contract going forward.

Ronning stated I mentioned about the recording and transcribing. If you go to the City website, you can go to the Council and most recent minutes, or all the minutes, and just select the ones you want. Then you can, if there's something that you missed or something we should know, please forward.

Voss asked if there's any more discussion on this? Davis stated one other thing I'll ask the group, if there's a time after the end of February that you think we need to get together, please let me know. Let's do it as soon as possible so we can begin talking about the upcoming season.

*Baumgardt made a comment off mic that was inaudible.* Jack stated again, and I appreciate your concerns, and my comments aren't meant to be critical either. They're just things sometimes life just happens and things get in the way and things come up and we can't always implement some of the things that we'd like to. So, the sooner we can start addressing those again and get a time frame to do them in, the better. We're here to work with you as the user group to address these concerns.

Voss thanked all for being here tonight.

#### **4.0 Commission Duties**

Davis presented the staff report, indicating City Council requested that the role of Commissions and Authorities and their activities and relationship to City Council be discussed. The purpose of this discussion is to explore means to insure that all groups are delivering the same message and to coordinate the responsibilities of each of these groups.

As part of the discussion, the following are some considerations that may be of interest:

- Scheduling of a joint meeting of the Planning Commission and EDA with the City Council on at least an annual basis to discuss visions and goals
- Include a Planning Commission, EDA, Roads and Parks update as part the City Council Agenda
- Consider adopting some sort of a Code of Conduct that would be applicable to all Commissions, Authority, Council, and staff to define expectations for the conduct of City business

Davis noted Mark did send an attachment that's in your packets that's kind of an outline of what the City of Woodbury has done. That's for your review and comment on.

Voss stated on that subject first, I recall that years ago we had a Personnel Code of Conduct in our *Employee Manual*. Davis stated there is but it primarily refers to staff. Voss stated I thought it applied to Council. Davis explained there are parts of it that do apply to Council but there are parts of it that exempt Council. The Personnel Policy is generally applicable to staff. There are a few issues that relate to travel and filing of expenses that relate to

Council but for the most part, conduct and issues like that are... Voss stated so we don't have it. I just wanted to make clear whether we had it or not. All right.

Ronning stated well, I was one of the ones that's behind this and I'll just explain what I've seen. When I was the liaison, and if you were just in for another meeting, as a Planning Commission, when somebody like a developer, comes before us and you start asking, when they come up with a concept, you know you don't have detailed questions and then start commenting, 'Well, I don't like that. I don't like this. I don't like that.' We don't have likes and dislikes. We're listening and make recommendations based on what we hear. I don't know if anybody sees it differently than that but I saw it as discouraging to some of these people. There was another group that came in representing the developer and the way some of the comments were going back, they were starting to panic, thinking that we're losing this thing. This is 'going down the tubes.' If you watch it, you can see. It was kind of like the head bee and the worker bees and the head guy gets up and starts trying to save the day. Those things shouldn't happen. I don't know if you follow what I'm saying or not.

Voss asked is your concern that the individual Commission members were expressing opinion on the way a development was laid out? Ronning answered the way it was laid out, how many contractors, are there going to be tract housing, is it going to be like Blaine so you know what your neighbor across the street's doing because they're just reversed. If they did it like my house it would be enhancement for the City. That sort of thing.

Voss asked well with that in mind, what's your vision of how Commission members should respond to a proposal that's put in front of them? Ronning responded what's the responsibilities? It's not a legislative group. It's a planning and information gathering group, in my mind. Is it more than that? Define what the goals are.

Voss stated I was there for eleven years so I'll tell you what, kind of, we looked at it was, I mean there's the aspect of making sure, well to an extent, making sure that what's being presented follows the ordinances. Ronning stated absolutely. Voss stated now more so that burden is put on the staff because as volunteers you can't expect to know everything especially when the book went from this thick to that thick. Ronning stated they're good, these guys have a lot of knowledge.

Voss stated the other aspect of it too is, and just to focus on Planning because it's probably the thing that's got the most different variations on anything that comes in, it is sort of how it fits into the community as a vision. If somebody comes in and wants to put up, you know, 'plain Jane' housing in an area that we think as a City should have a different 'feel' to it, I think that's valuable input.

Ronning asked isn't that the sort of thing you would take under advisement? What authority do you have to turn somebody away? What authority do you have period? Voss asked Jack, if a proposal comes forward, you know, let's say we still do sketch plans, right? Sketch plan comes in first? Davis answered preliminary.

Voss asked does it just go right to preliminary? Davis stated you can do sketch plan but let me back that up just a little bit. We had a preliminary plat or a sketch plan, the first one we had was last year. That's the first one we've had since 2009. Our experience in that has been limited. I know at times they did permit a sketch plan to be discussed so they could kind of review it before they committed any monies to a preliminary.

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Voss stated oh, we literally had sketch plans on the back of a paper. That's how it used to be. Davis stated yeah, and we still do that but we haven't had any sketch plans. We have preliminary hearings for variances and things like that so people can kind of get an indication of which way the Planning Commission is leaning.

Voss stated the question I have then is procedural. If a preliminary plan comes before Planning Commission, Planning Commission does not pass it. It's three/four vote, whatever it is. It can still go to Council. Davis stated correct. Ronning stated it should anyhow. Voss stated it has to. Mundle stated it does. Voss stated it's not that it stops from going to Council.

Mundle stated that's just Planning's recommendation. They have no authority. They're just saying this is our professional opinion as a Commission. Ronning stated if you say it like that, that sounds great. But if you say, 'Nope, I don't like it. I don't like it.' That's not the way that... Voss asked why shouldn't they be able to say they don't like it though? I don't understand. Mundle stated they are there to give their opinion. Voss stated it's an advisory Commission.

Ronning stated I guess it depends on what you see the authority is. I see it as information gathering and educate people about the ordinances. I see the League of Minnesota Cities says they're the prime movers on the Comprehensive Plan. Thank goodness. I wouldn't want to. And they all seem very good at what they do and they all care, a lot. But the way that we communicate, we aren't supposed to communicate with residents in an insulting or any kind of a berating.

Voss stated I don't know if it's necessarily insulting to say you don't like what they're proposing. You know, I don't have any problem with them taking some offense to it. They're being criticized for what they are going to propose. But, that's what everyone that sits at the table, whether it's us or the Planning Commission, we all have different views. To me, the three primary Commissions, Roads, Parks, and Planning, what they do is take a lot of burden off this body. They do the work. I've always said, well back when development was going on, Planning always did all the work. Council just said, 'yes' or 'no.'

Ronning stated you do the work, we'll take the credit. Voss stated credit or flack. In years past, we used to have three- or four-hour meetings all the time because we'd have three, four developments on our 'plate' every month. But they do the work and because they're focused, and you can say the same thing for Roads, you can say the same thing for Parks, they're focused on a certain segment of what we do as a City. It's a great service to have that. And, like you said, to have these people that are so dedicated to it. Amongst the Commissions, between the Commissions and Council, there's never going to be absolute agreement on everything. Ronning stated I don't expect there should be.

Mundle stated I can offer my view of how I remember it. I was chosen and appointed to Planning. They dropped off a packet at my house. I read through it. I went to a meeting. Then I went to another meeting. I went to another meeting. There wasn't any other information provided besides what was going on at the meeting. There wasn't education of, okay, you're now on the Planning Commission, these are the aspects that you should be looking for and this is how you should act, blah, blah, blah. Not that that information isn't out there but it's not merely provided.

Ronning stated there's no evidence that any information has been passed to anybody. Voss

asked you mean educational in terms of how? Ronning stated guidelines, this is your responsibility, this is your authority, this is etc, etc.

Mundle stated there pretty much isn't. I've tried to look for them in the City. Ronning stated the League of Minnesota Cities doesn't do much better. Mundle stated yeah, but to define roles. Ronning stated it's intentional that those things are left ambiguous, I believe, because you should make what fits you instead of what Wayzata did.

Mundle stated maybe one thing we should do is set forth some guidelines of very, nonspecific, just general, you know when somebody comes onto a Planning Commission or Roads or what have you that these are, I'll call it a summarized *Robert's Rules*. This is how a meeting should be run and this is things that should be discussed. These things should not be discussed.

Ronning stated as far as displeasure with something, I hope I would think of saying that, 'Well, the ordinance says such-and-such and your area is this and that. Have you considered that?' I, maybe that's a little too.

Davis stated I think both of you have touched on some very important points and it may be that we do need to adopt some type, or develop some type of little information sheet for new Commission members. What is your role, what are the expectations? You know, here is the decorum we follow at meetings and here's how they're conducted. Just to give you some basic information because now Commission members, they're thrown in there and it's either 'sink or swim.' And, you learn on the go and you 'fly by the seat of your pants' initially until you pick up what they're doing. So, it may not be a bad idea to at least have some type of little information sheet available and review it with the new appointed members.

Mundle stated right, an information sheet or possibly even put together a half an hour program. When new members are appointed they can come to City Hall and this little program is put on.

Koller stated I think part of this is we never replace all the people at one time. We always have a couple of the old-timers and then some new people so there's a lot of cross-training going on.

Voss stated years ago, long years ago, we were really lucky to get Commission members. So, you didn't have, we had a lot of people that came onto various Commissions that wanted to be on a Commission, wanted to be involved in the City but didn't necessarily have the expertise in those areas. I think what we have now and have seen in the last several years is the people want to be on specific Commissions, have an interest whether it be Roads or Parks or Planning, and have that kind of background. So, I think that's part of when we do make appointments, is there's hopefully always desire of everyone to serve but then how does their skill set fit into what we're trying to do on each Commission. And that's what, hopefully now that the interviews are at the Commission level, they're looking at too. It is, well, the three of you have probably been on Council for a couple years. I mean the first few meetings, I remember being at Council and you didn't really know what Council was until you get into it. So it's kind of a transition. The same thing with Planning too. You kind of sit and learn what others have done and you have that institutional knowledge that passes down. But I think Tom, it sounds like your concern is more of not so much content of what they're doing it's was decorum, I think, I remember you saying it.

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Ronning stated probably, how we conduct ourselves with our developers, with our citizens, that sort of thing.

Voss stated I read through, I'm sure everyone else did too, that from the City of Woodbury. I thought there was a lot of really good things that were in there. Some of it's common sense. Ronning stated I think most of it's common sense and it's written as recommendation rather than as, it says 'guideline' but the way it reads it comes across as... Voss stated I think that's the problem too, as elected officials, none of that can really be held to us. We had that discussion years ago too. For the five of us, you know, there is no other power can remove us so it's meant to be guidelines and the best that we can hope to do is we embrace it and try and follow it and keep each other in check.

Ronning stated self policed. Voss stated yeah, but in terms of Commissions, if we see issues like that at Commissions now, there is a higher power they report to.

Koller stated but then I'm the liaison to the Planning Commission for a while now and those guys, they're very thorough and professional at every meeting I've been to. So I think they are doing a very good job. It's not like, I can see having some instructions for new members. When I came on the Council I'd never done anything before and they're talking *Robert's Rules of Order* so I go out and buy the book. It's very dry. But, it would be nice to have a little information when you first go into a position on what's expected of you.

Voss stated and not just getting this big binder of the rules. It doesn't help a whole lot. Koller stated and how the meeting proceeds, I had no idea.

Ronning asked what is Brian's thought. I'm looking mostly at communication. How we communicate with our citizens and developers. Do you have a comment, not necessarily a recommendation but a comment you could share?

Mundle asked of communication between the City and developers? Ronning stated the Commissions. Mundle asked between the Commissions and developers? You mean anybody that's in front of Commissions? Ronning stated I'm sorry. Mundle asked or anybody else? Are you saying how the Commissions should? Ronning stated yeah, you come and ask for a variance or explain your IUP, CUP, and such like that.

Mundle stated I think just what I kind of proposed that nobody was really giving anybody, I'm guessing, any instruction when they got on there so they're doing the best that they can to what they think is right. And so if there's some education, I think that would be great. And, I'd think if Council does have any say, disagreements, with how a Commission, it should be relayed through Jack and have that be done not at meetings. It should be done privately and let Jack be the intermediary.

Ronning stated that's been attempted more than once. Mundle stated I know, I was participant in one of them and it doesn't always work but we're here to serve the City. They're here to serve the City. Hopefully, we can both work together and reach a professional agreement.

Ronning stated the other day I used the term 'ambassadors' and I don't know if anybody appreciates it like that. The Planning Committee, if somebody's dealing with building or something, that's who they see. They would see you guys when you were here still. When

I think about something else about the City, Jack's face or our faces are going to pop up. So what we do effects the opinion of the City quite a bit. Mundle stated I know.

Voss stated keep in mind though too, just because an individual or whole body disagrees with something that a developer's proposing, that's not necessarily anti-City. Mundle stated if everything was passed without being questioned or... Voss stated ask Brian's dad about the run-ins we had years ago. And, in the end, you hope that it's for the better in the end. Part of it too, and I keep focusing on Planning Commissions because I think that's the one that has the most influence of how we do things, is for that developer that's there. They have their idea of what they want to do based on their experience and sometimes based on knowledge of the City and what we want. But what seven citizen members and the Council presents is much more perspective.

Voss stated I remember many times, there's things that the developer didn't think about and it actually turned into a better development because of it. And, there's times that it's confrontational because when it comes down to it, anything that we say, 'Oh, we want that changed.' Well, the first thing the developer thinks is dollar signs. You know, it changes costs to their business. But, we've got, or supposed to have, our City's best interests in mind too. I agree Tom, that when there is exchange it's got to be respectful exchange. It always has to be.

Ronning stated respectful and instead of a person or a group saying, 'Nope, sorry.' Make the recommendation. Let us be the 'bad guys.' That's more our job. Voss stated that's what they should be doing. Ronning stated right.

Mundle stated we don't always want to be known as 'bad guys' either because, you know, 'the buck stops with us,' with what we're going to allow and not allow but we also want to maintain a professional relationship with everybody. Hopefully, we can do that respectfully and disagree.

Voss stated for the most part with these developers, this isn't the only City a developer works with. They work with a lot of different cities. If there's a disagreement or something, it's not the first time they've had a disagreement. Well, what do we feel about having a policy like the one that was, you said Mark found that one? Davis stated yes, Mark. That was something the City of Woodbury had adopted. If nothing else, I think it could be a good part of an orientation for new Commission members. I think it's a good point that's something we probably neglected. I don't know that we've ever done it here as part of the City but it might be very beneficial. Especially for a new Commission member to have a little orientation whether it be a sit down with staff to go over some of these points, give them some expectations and go over their duties and responsibilities. I certainly think that's a good idea. Maybe have a little training session with them. Something that's not too long, at least to give them some exposure so you're not coming in and having to 'feel your way' at the first. Sometimes the learning curve is steep, you know, depending on what Commission you're on. It could take you three, four, five, six months to kind of get up to speed on it. Maybe this will help accelerate that process.

Ronning stated it's pretty much the way everything is. Nobody told you what. You've got to learn your job real fast. It's the same with all of us but when I was with UAW Ford, people get elected and they just go into the bargaining process, representation process, and they don't have a clue what they're supposed to do. They don't have a clue how to communicate with somebody. How to take some abuse on the floor or something. And the

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same thing happens with the HR people. So what we started doing the last three, four years I was there is we'd bring in hundreds of people at a time and just go through what the agreement says, what it means. That was considered very helpful because you're dealing with thousands of these characters then.

Voss stated part of the onus too of learning, particularly this type of job because it's volunteer, is for those individuals to take the effort to learn what they're supposed to do. I mean there's a lot of opportunities for planning. I think most of us probably took the Elected Official's Training at the League, which is not all perfect but it gives you information. I know when I was on Planning, because I had the interest when I first got on the Planning, is okay. Now I'm here, same thing. I knew what I wanted to do but didn't know what it entailed. I think our members do, I know some of the Planning Commission members do take a lot of pride in that and keep up on publications.

Ronning stated I'm grumbling but I think they all do. I firmly believe they all do. They all care about what they're doing and they're doing it for a purpose.

Voss stated no one wants to look like an imbecile sitting here. We all try to learn something. Well, is there anything that you want to change? Do you want to do a policy like was presented? Ronning stated well, before we react, I wonder if we should just think about it, 'sleep on it' or something. But, if I'm full of it, tell me I'm full of it.

Voss stated the one that was presented, I'm supportive of having it. I think it's nice for the public to see that we have something. Mundle stated yeah, I think we need something. At least some kind of orientation and outline of duties and responsibilities.

Ronning stated the minutes don't reflect the inflection, context, but when you read some of these minutes, and I have gone back through a year of them, it depends on what you are looking for or looking at as well. If you're looking for 'eggs' you might not find 'chickens.' But what I see is obstructionism instead of working with a developer or with a citizen on how do you, a couple of them have said, and you have heard them I'm sure. That sounds like it will make things harder for people. I thought we were going to try to make things easier. Instead of less complicated or less controlling or some such. That's a couple of years ago.

Voss asked to a proposal, you mean? Ronning stated to a Commission member, well no, a Commissioner's comment during a discussion. That seems to be making things more complicated than necessary. I see us as trying to help people, not discourage anybody. If there's a way to figure something out, figure it out, make it better.

Voss asked so where do you want to go with this? I'm still not clear on that. Do you want to go towards a policy? Do you think that would help your concerns if we had a policy like that?

Koller stated I think it would be nice to have something in writing that a new member could reference. Ronning stated when you do that sort of thing, and once again I'm the grumbler, you don't want to stifle somebody. You want to 'dot your own i's and cross your own t's.' Voss stated when I read through that I didn't see anything that, on your concern, that would stifle anybody. Ronning asked in Woodbury? Voss stated yeah. I don't think anything is stifling. Ronning stated nope, not a bit.

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Voss stated it's almost like here's sort of your bounds of don't go beyond the bounds. This is kind of the expectations. And, it would seem to me too, and hopefully we'd never have to do this, but if we ever get into a situation where there is a Commission member that's an issue, then at least we have a document to say, you know, it's almost like an employment thing. I know they're 'at will.'

Davis stated we at least set up a standard for, a basic standard, for evaluation. And I think Ron made a good point too and I think you did too Steve. If we do adopt something like this, I think it's great for public perception because it gives more credibility that Council's going to act, Commission's are going to act in a certain way. There's an expected mode of decorum that's going to be at these meetings and that it just gives, I think, a more professional look from the public. At least it defines the boundaries within which we are going to work. It doesn't define how we're going to do it but it says, you know, we're going to be respectful. We're going to follow certain rules and the conduct of the meeting. So, people should know then and have an expectation of what they're going to come into when they present.

Ronning stated something fairly loose parameters, you know, if you're getting outside of this then you're a little too far. Voss suggested to take the Woodbury example as a base and just send to Jack comments we have on that or things you'd like to add, things you wouldn't do, and see what Jack can pull something together and present it to us at some point. Does that sound like an idea? You good with that Tim? Harrington stated yeah, that's fine.

Davis stated my question on this is, does the Council have a desire to have a joint meeting with the Planning Commission, the EDA, to more or less discuss visions and goals? To kind of make sure that everybody is looking in the same direction and everybody's 'pushing' and not some 'pushing' and some 'pulling?' We could do this as a Work Meeting, on a Work Meeting night. We had a joint meeting two years ago. I think some fairly good things came out of it but it's always a good way just to communicate with the Commissions and then have them communicate back to us on some of the things they're looking at, basically in terms of economic development and how everybody's function ties into that.

Mundle stated I think some sort of communication, a meeting like this maybe at least once a year with the entire Council, Planning, and EDA. Maybe once or twice more or as needed where there'd be one or two members from Planning, EDA, and Council, maybe Roads and Parks, dependent on, would get together and probably, typically be headed by EDA so that each Council knows actively what's going on and can offer information from Planning to EDA or vice versa. And, just like I think at the EDA meeting, this last one we had presentation for the Business Retention and Expansion Program. Considering that and it may take 50 to 100 volunteers to get that Program to be successful, I think those kinds of meetings would be very essential for incorporating the other Commissions to help with any other program in any other way.

Voss stated he would throw out sort of a hybrid of that. Yeah, we can have a joint meeting with all the Commissions, but is to have that type of meeting with just the Commission Chairs. I remember back during the development of the Comp Plan, we had quite a few joint Council and Planning Commission meetings. And, they were difficult to get things done. Now they are adding more people to a meeting. In that case, it was 12 of us but it's not just 12 people, it's 12 people have a lot of views and we're all willing to share their views. So, the meetings got, we didn't get a whole lot done at times because of it. I'm not

saying that's a bad thing because that's how you get better ideas, is to debate. But, it almost became unmanageable at times. So I think if we meet with the Chairs.

Ronning stated there's a reason for small group meetings. Voss stated that's what I'm getting at. And, perhaps it's all of us as a Council with the three Chairs and just have a Work Meeting that way. I don't think we want to take a subset of this body to do that. It's helpful for them and I'll say, well because I was Chair for so long, of the three, Planning wants as much autonomy from the Council, they want almost their own deal in a way. Every planning, go to the City of Minneapolis, there isn't a more powerful commission. They're more powerful than city council, the planning commission. It's incredible what it is in the big city. And there's drawback of that but there's a lot of benefits to it too. I think having a joint meeting, at least first as a Work Meeting, with just the Chairs.

Mundle stated something like that, yeah. Just where we can get information. Ronning stated you are the closest one to the 'life' of it and you're okay or in favor of something like that? Mundle stated yeah, if all of the Chairs got together and we had a simple agenda to get through or just updates that the Chairs can bring information back to their own Commissions and possibly get ideas from their Commissions. Say if there's an agenda item at the end of the meeting where Chairs present his information or some question that was proposed by the EDA or by Council for them to discuss, maybe brainstorm. Some ideas could come back to EDA.

Voss stated along those lines, and Jack and I have talked about this too, when it comes to the Department Reports at our meetings. Well say Roads, you know the Roads Committee report comes up, years past we used to get minutes for every meeting and the liaison used to present the summary of the Roads meeting, what they did. Then it got shifted to staff. There was a time, actually, when, well Nate comes in and he presents it or Parks and Roads. Then the Community Development person would present that. We can have the liaisons present or, I don't think they'd want to do it, but you could even have the Committee Chairs come in and present it. I'm not sure whether they'd be willing to do that or not. But that way there's interaction. That way if we have questions for a Committee you don't have to talk to the whole Committee.

Davis asked if it would be beneficial to include the minutes of the Commission in your Council packets. Would that make it easier to access? Do you want us to start doing that? Voss stated I would like it. Harrington stated yeah I would. Voss stated then it's in the Council packet too. Obviously we're not going to go through the minutes during the meeting. Davis noted it is a one-stop source, you don't have to go back and find the information under the different Commissions. So, we'll start including those.

Voss asked if there's any thought, because we kind of do it in the Council Reports, you know, 'I was at the fire meeting or I was at the Planning meeting.' When it comes on the agenda is for the liaison to discuss, at that point, rather than the Council Report. 'Here's what happened at Planning Commission meeting that week, that month.' Are any of us uncomfortable with making a presentation like that?

Davis stated in this next agenda we're going to have, as part of the Staff Report, I'm going to present what happened in the Commission meetings. A general summary so that if the liaison wants to expand on any of that, that would be very beneficial.

Mundle stated yeah, that would probably be better than having the Chairs come up. Voss

stated I'd rather, I mean, that's what we're supposed to be doing. We're the liaison between the Commission and this body. But during that part of the agenda, not wait until the Council Reports to do it, that's kind of my point. Then we were talking about it all at one time.

Davis stated we'll have a summary of what the actions were of the meeting and the liaison can then add any additional detail to that information. Voss asked if all liaisons were agreeable with that. And, the Fire meeting too. Ronning stated that's kind of the way most of this has gone in the past. That's what Ron does, Tim does. Voss stated except they do it in the Council Reports. What I'm saying is do it in the agenda because we always have those Department Reports on the agenda and we never have anything under it. So when someone in the audience looks at the agenda and we kind of skip over Planning and Zoning, they say, 'Well, wasn't there a Planning Zoning meeting?' So we just, whoever is the liaison give that summary.

Davis stated and I agree. I think, then too, if somebody's interested in hearing it, they get it done at the first of the meeting even if we list it as part of Staff Reports or Council Reports. Some people may not want to stay for the whole meeting so we address that first hand. So we'll have that change with the next agenda then.

Voss asked if all want that adjustment. Ronning stated it's about 166 hours from now. Voss asked what? Ronning stated the next meeting.

**5.0  
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Minutes**

Voss stated minutes is one thing he added but he didn't think it would go this long. To me, one thing I have I'm uncomfortable with and I said it last time, is the fact we have direct quotes in our minutes. Secondly then is just the style of the minutes. There's many different styles, so I'm told. I understand that the minutes are part of the record but I think when it comes down to it, in discussions I had with Mark too, every single time if there's an issue of debate, they go right to DVD and see for themselves on what was said and what was recorded. So I know there's issues in the past about what precisely was said at meetings. I guess my suggestion to deal with all that is, do we designate what the official record is?

Ronning stated minutes are the official record. That's statutory. Voss stated so are DVDs though. Ronning stated no, the minutes are the official record of the meeting. That's the statute. Voss asked so we can't designate anything else? Davis stated I'd have to look into that. I'm not sure. Voss stated that's fine and he doesn't disagree that they should.

Ronning stated you made mention of this before, just to clarify, and Mark said, 'Yes, the minute are the record, the official record.' It might be a moot point anyhow. We've had I don't know how many discussions about verbatim versus summary minutes and there is a Council, there's a motion, and an affirmative action that we will have verbatim minutes. As far as this format, March 19th of last year, we had an action, unanimous, about this particular place. TimeSaver currently providing recording secretaries for 30 accounts includes 22 municipalities: Andover, Anoka, Arden Hills, Blaine, Brooklyn Center, Champlin, Coon Rapids, Edina, Fogerty Ice Arena, Long Lake, Maple Grove, Medina, Mounds View, North Branch, Osseo, Roseville, Ramsey, St. Anthony, St. Louis Park, Vadnais Heights, Victoria, and Wayzata, in addition to Lower Rum River Watershed Management Organization, Minnesota Government Finance Officers Association, Nine Mile Watershed District, Northwest Hennepin Human Services Council, Quad Cities Cable. They have a pretty long resume. We looked at this. So it came up for discussion at the

March 19<sup>th</sup> meeting and we passed, unanimously like I said, to, we liked their proposal.

Voss asked to use TimeSaver? Ronning replied yes. Voss stated he's not suggesting we change that. Ronning stated as we did it, it would be my understanding that we didn't pick and choose anything. We just took the package. Voss stated I think they'll do the minutes any way we ask them to. Davis agreed they'll do minutes any way you want them to.

Mundle asked if TimeSaver does the minutes exactly the same for all these other places? Davis stated I haven't checked to see what the format of the others are. I'm sure they vary quite a bit. We're actually one of the few, I won't say few but we're probably in the minority of cities that does a transcribed-style of minutes. I'm not saying that's right or that's wrong. You look at some minutes and they're minutes are two or three pages and essentially all they do is they record the item, who makes the motion, how the vote was, and it was approved.

Voss stated I think those are worthless. Davis agreed, they are. There are one or two sentences written up and the more I've looked at it, I think you need to be able to read the minutes and get some sense of the meeting. I appreciate your comments on the direct quotes. Maybe it's exactly correct, maybe it isn't. You do have to go back and check that. Maybe the way to address that is put a disclaimer at the bottom of the minutes with a statement that these may or may not be the quotes of the maker of the statement.

Voss stated once you think about it, if the minutes say 'Voss said the chairs are red and the walls are beige.' Now use that same statement in the way you are doing minutes, it will be in quotes. So whenever you do them in quotes, just think about what a newspaper article is or book or anything. Anything in quote is exactly how it was said, mis-spelling or mis-pronunciations, everything. So, how is that different in terms of what's being tried to be conveyed. The issue I have with that is that as a Councilmember approving those minutes, we as individuals and as an entity are saying we agree with those minutes, which means if it's in that quote, that is exactly what was said. So, to me at least, if I'm doing my job and saying, 'Yeah, these minutes are correct.' I need to check to make sure that was exactly said. So, why would five of us do this when the statement, if it's in the minutes and we agree with the statement, that yeah you said the chairs...did you say chair or chairs? You know? Did he say walls or wall? That's the kind of thing, it's meaningless to what the record is.

Ronning stated I have no problem with being quoted. None whatsoever and I would suggest that if we have a problem being quoted here, we shouldn't be going to the papers. Voss stated no, I'm not saying I have a problem being quoted. Ronning stated not minding being quoted in the general whole public.

Voss stated if I approve that minutes and you said something, I'm saying, 'Yeah, that's what you exactly said.' Ronning stated sure. Voss asked so when you read the minutes, are you watching the DVD to make sure everything in quotes is exactly as saying? Ronning stated no, no I don't. I might see some of it but I'm not going to say that I do all of it. What I do is go back and read and say, 'Yeah, that's my recollection of what I said.'

Voss stated recollection, yeah, and that's fine and if there's an, because we've had this before, if there's ever an issue what was actually said, it's not the whole meeting, it's going to be this one little thing. Okay, you can watch this section of the DVD. Because, that's exactly what TimeSaver is doing, is just watching the DVD, and see what was said. You

know? I know it happened in the past, in the past couple years, that there's disagreements over what was exactly said in the minutes. People went back and re-read it and still argued.

Ronning stated tell them to take the quotes off the Mayor. I'm fine with mine.

Voss stated no, because I still won't approve the minutes because if you're quoted and I'm approving those minutes, I'm saying, 'Yeah, that's exactly what you said.' Which means I would have to watch the DVD to see exactly what you said. Well, that's, what I don't understand and maybe you can convince me of this, what then is the importance of having quotes on there? If the minutes are still the record, what's the importance of having quotes on there? So, let's get away, you know, this is not the verbatim question any more. You want verbatim minutes, that's fine. But verbatim and putting quotes on there is not exactly the same.

Davis asked what if you approached it in this manner and prepare the minutes when the discussions began, and it would have 'Ronning:' and then the transcription of what Ronning allegedly said. Then 'Voss:' and no quotation marks. It's not a quote.

Voss stated it's attributed to who made the statement, yeah. Davis stated it's attributed, it is. Voss stated that's fine. I think it should be that way.

Ronning asked what would be the difference? Voss stated because it's not, it's not necessarily being an exact statement.

Mundle stated usually a quote means this is what he said exactly, quote, quote, quote, and instead of just having an assimilation of... Ronning stated the reason I mentioned, went through these 30 accounts including 22 municipalities and what have you, what have you, is that we're not the first one or only one they do.

Voss stated that according to Mark, we're the only City that he works with that does them that way. Mark Vierling. I don't know how many cities he works with. Ronning stated yeah, he works with several. Voss stated he said we're the only ones that do quotes. There are a lot of them that do verbatim. Verbatim and quotes are not the same thing. It's like, the way it used, years ago, it used to be like a summary of what it was. So, what it amounted to was Wendy, whoever was taking minutes, would use their judgment on presenting what the issue was said. I know there's issues with that too. It made the minutes a lot shorter but I know there were issues with that. If they try to encapsulate and do the verbatim as discussion, which they should be able to, but just not put quotes on it. I mean, that's the hang up I have. Honestly, and I'll tell you right now, I'm not, hypocrisy is, my biggest waste I think people have is hypocrisy. I will not go there because I can't say that, 'Yeah, that is exactly what you said' without watching the DVD and seeing exactly what you said. I'm not going to do that. That's not the best use of anyone's time. That's why we pay TimeSaver to do that. If we remove the quotes, I'm fine with what it is. And, I don't think it diminishes the record at all.

Ronning stated pardon? Voss stated I don't think it diminishes the record at all of not having quotations in there. Do you? Ronning stated it makes it more real. Voss stated I think it makes, the other aspect of it is... Ronning asked what are we going to say that we are going to be concerned about quotation marks? Voss stated I don't understand. Ronning asked what would we be flawed, misunderstood, as having said with quotation marks versus not? Voss stated he is not saying that. I'm saying that in order for us to approve minutes

that say, that have quotation marks, I think we all have the duty to make sure those minutes are exactly correct then. Because, that's what it's saying. It's saying this is exactly what was said. So, I don't want to be challenged at some point and say, 'Hey, I just watched the tape and this wasn't exactly what was said but you just approved that.' So, now you just lost some credibility. It comes down to, I mean, the litigations I've been involved with the City, they never, ever went by our minutes. They take the DVD and they transcribe their own minutes. And, Mark will tell you the same exact thing. If there's a legal issue, they will have the minutes transcribed themselves. Then it will be verbatim. But I think, like Jack said, if we do things right, we're not talking over each other.

Ronning stated you can't put a disclaimer on something and say, well these aren't really the minutes. Voss stated no, I didn't say that. Ronning stated it depends on how loosely you interpret something, if you put a disclaimer that this may or may not be what somebody said. Davis stated the disclaimer was just something he threw out. But, why don't we have them do the minutes one time and instead of Voss stated "X plus Y plus Z equals the size of Elvis's shoe." It would be Voss: and then...

Ronning stated it is very common for somebody to be attributed to a paragraph and have comments in the paragraph that says Ron said 'blah, blah, blah' then Tim said and then Brian, whatever. So, what's the majority think? We've already had a motion on the books. Voss stated there was no motion. Davis stated we don't have any motion. Ronning stated yeah, I don't have the time, *Moegerle motioned we enter into a temporary recording secretary up to and including when Wendy returns.*

Voss stated that was an action by a previous Council. Ronning stated that doesn't mean nothing from the previous Council counts. 'Cards laid are cards played.' Voss stated I'm suggesting that we change that. That's what I'm saying. I'm not saying there was anything wrong. Ronning stated I think you have to rescind it at that point. *Koller seconded. All in favor; motion carries unanimously.* Davis stated correct me if I'm wrong, I think that motion in approval dealt with contracting with TimeSaver to do our minutes. And, I don't think anything in there gave them any direction as what they were to do. I did furnish them copies of what our practice was and instructed them to follow the procedure that we'd been using.

Voss stated here's an example and this is from our January 21<sup>st</sup> minutes. It was a discussion on the paper. There's just a short paragraph. I wish we could show it. But it says, *Voss*, and then in quotes, "*I guess my question was for Anoka County Herald. Do we know what their circulation is?*" That same thing could be said, or could be put in the minutes as, *Voss stated my question was for Anoka County Herald. Do we know what their circulation is?* I don't see any difference in the way that statement's conveyed with or without quotation marks in it.

Ronning asked what's the group want to do? And, there's no actions at these meetings. It's a discussion. Voss stated well I know. Ronning asked what do you want to do Tim? Voss asked quotes or no quotes?

Harrington stated he reads the minutes and it really doesn't matter. I guess somebody quotes something, they quote something.

Mundle stated I believe that we'd have a little bit better protection or wouldn't lose the credibility if we would remove the quotes and just displayed it in a different way, say with a

semicolons or what have you. I think we'd be safer because, you know, Steve is right. We're saying that everything in these minutes is exactly what's said and we should not have to go back and watch the DVD just to make sure everything is 'picture perfect.' That you say that's what you recollect, that's what you said; that should be good enough. Some times your recollection can be wrong, mine can be wrong. It just offers that little bit of 'wiggle room' of having somebody come up with quoted minutes and saying, 'You said exactly this.'

Ronning stated unless I misunderstand, that's the intention. We're leaving without punctuation. Is that correct? Mundle stated just take the punctuation away, the quotations. Ronning stated it is a punctuation matter. What's Ron's thought?

Koller stated I really don't think there's a whole lot of difference. And I wouldn't, it doesn't bother me either way. Ronning stated okay, I withdraw my, remove the quotes. But, the understanding is that all this is a punctuation matter.

Voss stated it's more, it's not really, well I guess you could call it punctuation in the way it is presented in the minutes. But, it's more, again, to me it's more of making sure we as a body retain the credibility.

Ronning stated if we're not willing to take credit for what we say here, we shouldn't be willing to take credit for what we say outside. Voss stated no, again that's not the point. Ronning asked why isn't it the point? Voss stated if TimeSaver made a mistake in something I said and you approved it, then you made a mistake because you didn't read and say, 'That's not exactly what Voss said.' How would you respond to that if somebody came up and said, 'You approved those minutes. It's not what Voss said. Go look at the tape.' How would you? Ronning stated I'd say, 'Well, I have to go look at it I guess.'

Voss stated but you already approved it. Ronning replied sure. Voss stated and you've proved yourself wrong. Then what? You didn't do your job? Because that's what they'll say, I'll guarantee it. I'm not saying there's, I just don't see the need for it.

Ronning stated I wasn't going to do this but, we shouldn't be willing to take quotes in here and be happy with it and not be willing to get credit for what we say in this. Voss stated no one is denying that Tom. My point is that if you're certifying what I said or what Tim said, or what anyone else said, then you better have certified it and better have read and watched the DVD and made sure it's exactly what was said. I just don't see a purpose for it.

Ronning stated in what we did, we were obligated by law to record everything. We had court reporters for years and then we took the tapes and had it transcribed. But, it all ends up in the record. And of the thousands of people I've seen in those things, those settings, nobody had a problem being quoted. Voss stated no, it's not a problem being quoted, but do you certify that something that someone else says is exactly what they said? No, you didn't vote as elected officials to say that. It's not the record until this Council approves those minutes. That's then the record. Well, if we're making it the record, it dang well better be right and if we have all those quotes in there, we better be making sure every one of those quotes is right. So when you sit in front of a court, and if you sit at this table long enough you will, and someone asks you, 'Is that exactly what you said? Well, that's what's in the minutes isn't it?' And then they're going to show you that's not exactly what you said. It's going to come and 'bite' us.

5.0  
City Council  
Minutes

Ronning stated everybody's spoken. It's remove the punctuation. Voss stated the quotation marks. Ronning stated yeah, the punctuation. Otherwise there's no change in the content. Content, context, inflection, nothing's different. Just the quotation marks are, the punctuation. Voss stated I'm fine with that.

Davis stated I'll give that direction. Voss asked all fine with that? Ronning asked if that's okay with you guys? Koller stated that's fine. Voss stated a caveat with that, for something that's extraordinary that needs to be quoted, I can see that. But not 17 pages of quotations. Ronning stated with the examples I give, that's... Voss stated with the motions, I mean motions is probably something that needs to be for sure. But, I'll leave it up to Jack. You work with them.

**6.0**  
**Ham**  
**Operator**  
**Antenna**  
**Request**

Davis stated I've got one quick item. I sent an e-mail out last week about a gentleman that requested to locate a ham radio antenna on our water tower. I think the intent is good but I would have to advise against that. Number one, one of the first things we would really require him to do would be an interference study to make sure that his use of that facility was not interfering with any TV signals or radio reception.

Voss stated I think that's required by our ordinance. Right? Davis stated it is required by the FCC too. Those studies aren't expensive, I mean they're not inexpensive. Also, too, if we open it up for him, we're setting a precedence that may come back to cause us some problems when somebody else wants to put another antenna up there and just pay electrical costs.

Voss stated I assume he wasn't paying rent? Davis explained he said since he's a non-profit he would pay the electrical costs and he mentioned a small amount of rent that wasn't discussed to a dollar amount. But, I think that although it's a great service, it could have some potential value in case of an emergency if all other forms of communication went down, but I think we're probably going down a dangerous 'road' if we entertain this as a consideration.

Ronning asked where's he from? Do you know? I read that thing and I don't recall. Voss stated his name is Miller. I know we've got a couple ham operators in town. It's on Jewel. I don't think this is the one we, we had something not like this but we had something years ago. A ham operator wanted to put up a tower.

Davis stated 22531 Jewel Street. Voss stated they wanted to put a tower on this building or the fire station one time. That was a long time ago. I don't know if it's the same fellow.

Davis stated so I told the gentleman that I would discuss this and see what Council's feelings were with it before I respond to him. Ronning stated you can tell him we 'threw rocks' at you when you said it.

Voss asked any feedback for Jack? Ronning stated it wouldn't be unreasonable to deny a request like that. Davis stated the other thing, of course, the tower doesn't have lights on it. From an FAA standpoint, it doesn't have to have them but if you add another ten foot height, it may also require additional lighting because if it's over 200 feet, it has to comply with FAA regulations. So, it would be opening some other 'doors' too that could increase some of our costs and responsibilities.

Voss asked would it also not potentially affect use of the tower for other uses. Davis stated

6.0

Ham Operator  
Antenna  
Request

it possibly could and from what we've determined, the going rate for rental space for cell towers and tower uses is about \$2,000 a month. Voss stated my guess is they're not going to go with that. Davis stated no, and I don't think this gentleman would even be prepared to pay \$2,000 a year. Voss stated okay. Anything else?

**7.0**

**Adjourn**

**Ronning stated motion to adjourn. Voss stated I'll second.** Voss asked any discussion? All in favor say aye? **All in favor.** Voss stated opposed? We're adjourned. **Motion passes unanimously.**

Meeting adjourned at 9:30 p.m.

Submitted by:

Carla Wirth

*TimeSaver Off Site Secretarial, Inc.*

DRAFT

# LG240B Application to Conduct Excluded Bingo

## No Fee

### ORGANIZATION INFORMATION

Organization name SEHS DANCE TEAM Parent Booster CLUB Previous gambling permit number N/A

Minnesota tax ID number, if any 20-1718874 Federal employer ID number (FEIN), if any \_\_\_\_\_

Type of nonprofit organization. Check one.  
 Fraternal  Religious  Veterans  Other nonprofit organization

Mailing address 21211 Yellow Pine St City Oak Grove State MN Zip code 55011 County ANOKA

Name of chief executive officer [CEO] TONYA Shampine Daytime phone number 612-306-1910 E-mail address Shampine710.comcast.net

### NONPROFIT STATUS

Attach a copy of ONE of the following for proof of nonprofit status.

Nonprofit Articles of Incorporation OR a current Certificate of Good Standing.  
 Don't have a copy? This certificate must be obtained each year from:  
 Secretary of State, Business Services Div., 60 Empire Drive, Suite 100, St. Paul, MN 55103  
 Phone: 651-296-2803

IRS income tax exemption [501(c)] letter in your organization's name.  
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization [charter]  
 If your organization falls under a parent organization, attach copies of both of the following:  
 a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and  
 b. the charter or letter from your parent organization recognizing your organization as a subordinate.

### EXCLUDED BINGO ACTIVITY

1.  No  Yes Has your organization held a bingo event in the current calendar year?  
 If yes, list the dates when bingo was conducted. \_\_\_\_\_

2. The proposed bingo event will be:  
 one of four or fewer bingo events held this year. Dates 3-22-15

OR

\_\_\_\_\_ conducted on up to 12 consecutive days in connection with a:  
 county fair. Dates \_\_\_\_\_  
 civic celebration. Dates \_\_\_\_\_  
 Minnesota state fair. Dates \_\_\_\_\_

3. Person in charge of bingo event TONYA Shampine Daytime phone 612-306-1910

4. Name of premises where bingo will be conducted Hidden Haven

5. Premises street address 20520 POLK SE NE

6. City EAST BETHEL If township, township name \_\_\_\_\_ County ANOKA

Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. Otherwise, bingo hard cards, bingo paper, and bingo number selection devices must be obtained from a distributor licensed by the Minnesota Gambling Control Board. To find a licensed distributor, go to [www.gcb.state.mn.us](http://www.gcb.state.mn.us) and click on **Distributors** under the **WHO'S WHO? LIST OF LICENSEES**, or call 651-539-1900.

**Be sure to complete page 2**

**CHIEF EXECUTIVE OFFICER'S SIGNATURE**

The information provided in this application is complete and accurate to the best of my knowledge.

Chief executive officer's signature *Imp Sp* Date 2/4/15  
 Print name TONYA Champagne

**LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT**

**CITY APPROVAL  
for a gambling premises  
located within city limits**

On behalf of the city, I approve this application for excluded bingo activity at the premises located within the city's jurisdiction.

Print city name City of East Bethel

Signature of city personnel \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**Local unit of government must sign**

**COUNTY APPROVAL  
for a gambling premises  
located in a township**

On behalf of the county, I approve this application for excluded bingo activity at the premises located within the county's jurisdiction.

Print county name \_\_\_\_\_

Signature of county personnel \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**TOWNSHIP - If required by the approving county.**  
 On behalf of the township, I acknowledge that the organization is applying for excluded bingo activity within the township limits. [A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.166, Subd 2.]

Print township name \_\_\_\_\_

Signature of township officer \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**MAIL APPLICATION AND ATTACHMENT**

Fax the application and a copy of your proof of nonprofit status to (651) 639-4032 or mail to:  
 Gambling Control Board  
 1711 West County Road B, Suite 300 South  
 Roseville, MN 55113

You will receive a document from the Gambling Control Board with your excluded permit number for the bingo activity. Your organization must keep its bingo records for 3-1/2 years.

**Questions?**  
 Call the Licensing Section of the Gambling Control Board at 651-539-1900.

This form will be made available in alternative format (i.e. large print, Braille) upon request.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board.

All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney

General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **SEP 04 2014**

SFHS DANCE TEAM PARENT BOOSTER CLUB  
C/O TONYA SHAMPINE  
3325 BRIDGE ST NW  
ST FRANCIS, MN 55070

Employer Identification Number:  
20-1718874  
DLN:  
504233030  
Contact Person:  
CUSTOMER SERVICE ID# 31954  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
February 28  
Public Charity Status:  
509(a)(2)  
Form 990/990-EZ/990-N Required:  
Yes  
Effective Date of Exemption:  
August 6, 2014  
Contribution Deductibility:  
Yes  
Addendum Applies:  
Yes

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

Based on the information you submitted on your application, we approved your request for reinstatement under Section 7 of Revenue Procedure 2014-11. Your effective date of exemption, as listed at the top of this letter, is the submission date of your application.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar

Letter 5436

**CITY OF EAST BETHEL  
EAST BETHEL, MINNESOTA**

**RESOLUTION NO. 2015-12**

**RESOLUTION APPROVING APPLICATION FOR AN EXCLUDED BINGO PERMIT  
FOR ST. FRANCIS HIGH SCHOOL DANCE TEAM WITH NO WAITING PERIOD**

**WHEREAS**, St. Francis High School Dance Team has made application for a gambling permit for an excluded bingo event to be held on Sunday, March 22, 2015 at Hidden Haven Golf Club, 20520 Polk St NE, East Bethel, MN 55011.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT:** the gambling permit application for the St. Francis High School Dance Team for an excluded bingo event to be held on Sunday, March 22, 2015 at Hidden Haven Golf Club, 20520 Polk St NE, East Bethel, MN 55011 is approved with no waiting period.

Adopted this 18th day of February, 2015 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

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Steven R. Voss, Mayor

ATTEST:

---

Jack Davis, City Administrator

## **SIXTH AMENDMENT TO JOINT POWERS AGREEMENT**

### **TRAFFIC MARKINGS, STREET SWEEPING CRACK SEALING, SCREENING AND SEAL COATING**

This Sixth Amendment to Joint Powers Agreement (“Sixth Amendment”) is by and between the cities of Anoka, Andover, Brooklyn Center, Circle Pines, Columbia Heights, Coon Rapids, East Bethel, Fridley, Ham Lake, and Mahtomedi and (hereinafter individually the “City” and collectively the “Cities”).

WHEREAS, the Cities shall collectively be known as the North Metro Regional Street Maintenance Consortium.

WHEREAS, on February 1, 2005 the cities of Coon Rapids, Andover, Brooklyn Center, Columbia Heights and Fridley entered into a Joint Powers Agreement pursuant to Minn. Stat. §471.59 for the purpose of combining together for bidding purposes for street maintenance services (hereinafter the “Joint Powers Agreement”); and

WHEREAS, the City of Ham Lake joined the Joint Powers Agreement in August, 2006 by an agreement entitled First Amendment to Joint Powers Agreement (hereinafter the “First Amendment”); and

WHEREAS, the Cities in the First Amendment, paragraph 3, authorized the City of Coon Rapids to allow a new member City to join the Joint Powers Agreement when, in its sole discretion, the City of Coon Rapids determines that it is in the best interest of the Cities to allow the new member City to join; and

WHEREAS, the City of East Bethel joined the Joint Powers Agreement in February, 2008 by agreement entitled Second Amendment to Joint Powers Agreement (hereinafter the “Second Amendment”); and

WHEREAS, the City of Anoka joined the Joint Powers Agreement in March, 2010 by agreement entitled Third Amendment to Joint Powers Agreement (hereinafter the “Third Amendment”); and

WHEREAS, the City of Mahtomedi joined the Joint Powers Agreement in January, 2011 by agreement entitled Fourth Amendment to Joint Powers Agreement (hereinafter the “Fourth Amendment”); and

WHEREAS, the City of Circle Pines joined the Joint Powers Agreement in March, 2011, By agreement entitled Fifth Amendment to Joint Powers Agreement (hereinafter the “Fifth Amendment”); and

WHEREAS, the Cities met on December 2, 2014 and agreed to amend the opting out period in the Joint Powers Agreement.

NOW, THEREFORE, by virtue of the powers granted by law and in consideration of the mutual covenants and agreements of the parties hereto, it is agreed as follows:

1. Definitions. All capitalized terms, not otherwise separately defined herein, shall have the meanings ascribed to them in the Joint Powers Agreement.
2. Opting Out. Paragraph 4 of the Joint Powers Agreement is hereby amended to the parties hereto recognize that municipal funding sources and spending priorities may change throughout the bidding and award process. In recognition thereof, within thirty (30) days after a bid has been awarded, a City may opt out of any individual bid award and contract by providing written notice to the Director of Public Works, City of Coon Rapids, 11155 Robinson Drive, Coon Rapids, MN 55433.
3. Full Force and Effect. Except as expressly amended herein, the terms and provision contained in the Joint Powers Agreement and its Amendments shall continue to govern the rights and obligations of the Cities, and the Joint Powers Agreement and its Amendments shall remain in full force and effect.

*[Signatures on following pages]*

Dated: \_\_\_\_\_

**CITY OF EAST BETHEL**

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Administrator

# Medical Direction Agreement: City of East Bethel

January 01, 2015

# EMS EDUCATION PROPOSAL

## OVERVIEW OF ALLINA HELATH EMS EDUCATION

Allina Health EMS provides EMS education to over 300 employees each year through its Clinical Services Division, Internal Education Department and includes: new hire academies, fall and winter education sessions (16 hours face-to-face and 4 hours online), Advanced Cardiac Life Support (ACLS), Pediatric Advanced Life Support (PALS), and emergency vehicle operation courses.

Allina Health EMS also provides EMS education to its first responder agencies which includes both fire and law enforcement agencies through the Clinical Services Division, External Education Department. This education is often delivered as 2-3 hour continuing education sessions, EMT certification courses, EMT refresher courses, first responder courses, and specific topics as requested by departments.

Allina Health EMS also offers the Pulse Check Conference each year which is one day EMS conference covering various timely and relevant EMS related topics.

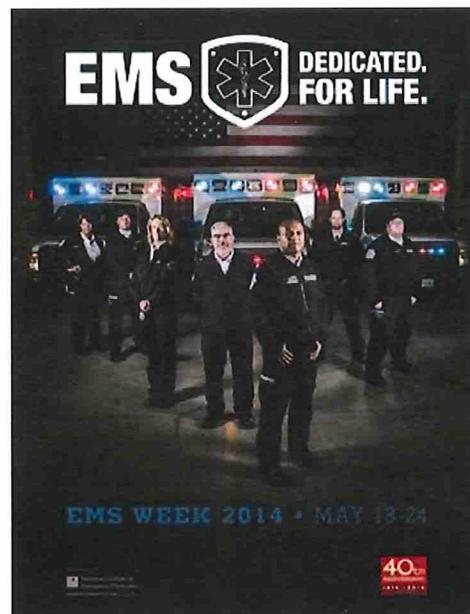


## EDUCATIONAL PHILOSOPHY

Allina Health EMS believes that excellent patient care begins with EMS education that is rooted in foundational basic life support skills/interventions and enhanced by appropriate, evidenced-based advanced skills/interventions. Allina Health EMS also believes that not all care is clinical in nature and often, it is non-clinical care that can enhance the care given to a patient. Allina Health EMS believes it is the intersection of clinical and non-clinical care that leads to excellence in patient care.

# Medical Direction

**“Allina Health EMS is much more than an ambulance and medical transportation service,” says Medical Director Charles Lick, MD. “One of our highest priorities is aggressively investigating new EMS technologies and techniques, determining their value based on the latest science, then putting those methods and devices to work as early as possible.” This focus has evolved along with the growing recognition of the value of evidence-based medicine. “As EMS departments became more sophisticated, we began to realize that we should become more data-driven so that we could document reasons for everything we did,” says Susan Long, director of Clinical and Support Services.**



**Our approach has given us a reputation in the EMS field as not just early adopters, but innovators. More important, it lets us bring the latest proven clinical advances to our patients more quickly than most EMS systems.**

# Agreement:

This Agreement is made and entered into this 1st day of January, 2015 by and between Allina Health Emergency Medical Services (“AHEMS”), a division of Allina Hospitals and Clinics, a Minnesota nonprofit corporation having principal office at 167 Grand Avenue, St. Paul, Minnesota 55102 and City of East Bethel, a municipal corporation under the laws of the State of Minnesota (the “City”) having principle offices at 2241 221<sup>st</sup> Avenue, NE, East Bethel, MN 55011

Witnesseth

WHEREAS, First Responder is an entity engaged in providing emergency response, care and treatment services to patients within its geographical service area; and

WHEREAS, Allina Health EMS is the ALS and/or BLS service provider in First Responder’s service area and has the personnel and resources to provide medical direction services to First Responder; and

WHEREAS, First Responder wishes to utilize those medical direction services in the manner and to the extent set forth in this Agreement and the attachments hereto;

NOW, THEREFORE, the parties hereto hereby agree as follows:

1. Medical Direction. Allina Health EMS hereby agrees to provide medical direction to First Responders throughout the term of this Agreement. For the purposes of this Agreement, medical direction services will include:

- a. Training as specified in Exhibit A.
- b. Annual physician/designee skills review.
- c. Use of Allina Health EMS protocols.
- d. Medical direction oversight will be provided by the Allina Health EMS Medical Director such other physicians as Allina Health EMS may contract with from time-to-time for such services.

2. Contract Administration. Communications between the First Responder and Allina Health EMS shall be coordinated though the education coordinator of Allina Health EMS assigned to First Responder. Physician medical direction services will be provided through the Allina Health EMS Medical Director and such other physicians as Allina Health EMS may contract with from time-to-time for such services.

3. Conditions of Medical Director Services. As a prerequisite of condition to Allina Health EMS providing the Medical Director services contemplated herein, the First Responder agrees that it will at all times during the term of this Agreement:

- a. Operate under Allina Health EMS Services' protocols.
- b. Utilize only certified EMT's and/or First Responders (EMR) to provide direct medical care.
- c. Document the care and services of the First Responders utilizing the standard format provided by Allina Health EMS.
- d. Consult with the Allina Health EMS Coordinator and/or Medical Director on major equipment purchases.

4. Additional Services. In addition to the Medical Directorship Services identified above, Allina Health EMS may make available from time-to-time other services including, but not limited to, those services set forth in Exhibit A attached hereto.

5. Fee. In exchange for the services to be provided by Allina Health EMS, First Responder agrees to pay Allina Health EMS the annual fee(s) set forth in Exhibit A attached hereto. Payment shall be due Allina Health EMS within thirty (30) days following the effective date of this Agreement and the remainder paid quarterly over the term of the Agreement. In the event Allina Health EMS terminates this Agreement prior to the expiration of the term hereof, Allina Health EMS shall refund to First Responder a pro rata portion of the annual fee(s).

6. Term and Termination. This Agreement shall be effective for a term of TWO (2) years from the date hereof. This agreement will have an auto-renewal date of December 31, 2016. The auto-renewal will be for a period of TWO (2) years and will include a FIVE (5%) percent increase per year. This Agreement may be terminated at any time by either party, with or without cause, upon the giving of thirty (30) days written notices to the other.

7. Insurance.

- a. Allina Health EMS. Allina Health EMS agrees to maintain such policies of insurance, self-insurance reserves, or combinations thereof in amounts not less than \$1,000,000.00 per occurrence and \$3,000,000.00 umbrella coverage. In addition, Allina Health EMS agrees to hold harmless and indemnify First Responder from any and all liability which Responder may occur as a result of the negligent or intentional misconduct of any Allina Health EMS employee providing services pursuant to this Agreement.

b. First Responder. First Responder agrees to provide and maintain insurance with limits of not less than \$1,000,000.00 per occurrence and \$3,000,000.00 annual aggregate unless such entity is governmental entity. First Responder agrees to indemnify and hold harmless Allina Health EMS from any and all liability arising out of the negligent or intentional misconduct of any of its employees.

8. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.

9. Nothing herein shall constitute a waiver of any defense or limitation on liability established by M. S. Chapter 466. No person shall be considered as a third party beneficiary of this Agreement.

IN WITNESS WHEREOF, the parties have entered into this Agreement this 1st day of January, 2015

Allina Health EMS:

By: \_\_\_\_\_ Date: \_\_\_\_\_

Brian LaCroix, It's President

By: \_\_\_\_\_ Date: \_\_\_\_\_

Charlie Lick, M.D., It's Medical Director

City of East Bethel:

By: \_\_\_\_\_ Date: \_\_\_\_\_

Steven Voss, It's Mayor

By: \_\_\_\_\_ Date: \_\_\_\_\_

Jack Davis, It's City Administrator

**Allina Health**  
**EMERGENCY  
 MEDICAL SERVICES**

Mail Route: 54101  
 167 Grand Avenue  
 St. Paul, MN 55102  
 Office: 651-251-4479  
 Fax: 651-228-8496  
[david.gammell@allina.com](mailto:david.gammell@allina.com)

DATE January 1, 2015  
 CUSTOMER ID East Bethel Fire Department  
 EXPIRATION DATE December 31, 2016

TO Steven Voss  
 City of East Bethel  
 2751 Viking Blvd. NE  
 East Bethel, MN 55011

Clinical Lead	Medical Direction Agreement	Payment Terms	Initial Contract Expiration	Renewed Contract Expiration
David Gammell	Dr. Charles Lick	Quarterly Billing, Due post 90 Days	12/31/2016	12/31/2018

QTY	ITEM #	UNIT PRICE	LINE TOTAL
			-
1.00	*Medical Direction Administration and Education for 2015-2016	\$7,592.00	7,592.00
	*Medical Direction Administration and Education for 2017-2018	\$8,351.20	-
	*Medical Direction includes education at the EMR and EMT level with annual CPR to meet EMSRB Standards. 10 hours of instruction will be provided per year. One EMT Skill exam will be provided every two years.		
	Additional classes and topics available upon request		
			-
			-
	**Quotes for other classes will be provided when requested**		-
	Quarterly Bill	8	949.00
	<b>Total</b>		<b>7,592.00</b>



# City of East Bethel CITY COUNCIL Agenda Information

\*\*\*\*\*

**Date:**

February 18, 2015

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 A.1

\*\*\*\*\*

**Agenda Item:**

Interim Use Permit for a Major Mining Activity, Article V Extractions; Appendix A, Zoning Ordinance, Section 43

Property Owner: Martin Johnson

Applicant: Classic Construction, Inc., 18542 Ulysses St NE, East Bethel MN 55011

Address: 1965 Briarwood Ln NE, East Bethel, MN

PIN: 333323230005

Zoning: Rural Residential (RR)

\*\*\*\*\*

**Requested Action:**

Consider the approval of an Interim Use Permit (IUP) for Classic Construction, Inc. for a Major Mining Activity.

\*\*\*\*\*

**Background Information:**

The area proposed for the IUP/Mining Permit is located at 1965 Briarwood Lane and would create a pond approximately 2 acres in size. Total excavation would be approximately 11,000 cubic yards. The proposed excavation would commence as soon as possible and be completed in twelve months.

Excavated soils and sand will be removed from the site. Classic Construction will be the only company transporting the material and their proposed route would follow Briarwood Lane west to the Highway 65 service road and then north to 187<sup>th</sup> Lane where they would deliver the fill to a vacant lot owned by Classic Construction in the Classic Commercial Park. All hauling activities on City streets will be subject to Spring Road Restrictions or other restrictions and routes as directed by Council.

Erosion control both at the excavation site and stockpile site is a condition of the permit and is included in their plan. The applicant has completed their Joint Application Form for Activities Affecting Water Resources in Minnesota and has received a Notice of Decision from the City and from the Army Corps of Engineers and have been permitted through that process. The City Engineer has also reviewed the project and provided comments. The applicant has responded to those comments.

\*\*\*\*\*

**Attachments:**

Attachment #1 – Joint application

Attachment #2 – IUP application

Attachment #3 – Aerial photo of 1965 Briarwood Lane

- Attachment #4 – Project Location map
- Attachment #5 – Memo from Hakanson Anderson
- Attachment #6 – Memo from Classic
- Attachment #7 – Wetland Notice of decision
- Attachment #8 – Army Corps letter
- Attachment #9 – Mining Performance Agreement

\*\*\*\*\*

**Fiscal Impact:**

None at this time

\*\*\*\*\*

**Recommendation(s):**

The Planning Commission convened a Special Meeting on Tuesday, February 10, 2015 to review and consider the IUP/Major Mining Permit for Classic Commercial, Inc. and Martin Johnson to permit the excavation and transport of materials under Section V – Excavation, East Bethel City Code of Ordinances at 1965 Briarwood Lane subject to the following conditions:

1. All permits from jurisdictions under the Joint Application Form are required before any work can begin.
2. All comments of the City Engineer shall be addressed.
3. Property Owner and applicant shall meet City, State, and Federal regulations for the protection of air quality, erosion control, dust control, and noise.
4. Hours of operation shall be 7 am to 5 pm Monday through Friday, and Saturday 8 am – 1 pm only.
5. Truck Hauling signs shall be posted on the site.
6. NPDES permit is required.
7. Erosion control shall be required at the stockpile site.
8. Stockpile site is allowed on Outlot A, Classic Commercial Park 3<sup>rd</sup> Addition. For a period of one year.
9. Property Owner or Applicant shall provide a Letter of Credit or an escrow in an amount determined by the City Engineer.
10. Enter into a Mining Performance Agreement with the City of East Bethel
11. Comply with all Road Restrictions and transport routes imposed by either MnDOT and/or the City of East Bethel.

The Planning Commission is recommending City Council consider the approval of the IUP/Major Mining Permit for Classic Construction, Inc. with the conditions as noted above.

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_



CONCRETE • MASONRY • EXCAVATING • GENERAL CONTRACTING

**TO:** Andy Beaudet, Becky Wozney, Joan Spence, Dennis Rodacker  
**FROM:** Kristin Erickson  
**DATE:** December 3, 2014  
**SUBJECT:** 1965 Briarwood Lane NE, East Bethel, MN

Thank you all for your time at the pre-application meeting held at our office on November 19<sup>th</sup>.

We were contacted by Mr. Martin Johnson to create some wildlife ponds for him at his homestead. The area we are proposing to work in had been a sod farm back in the late 1960's; Mr. Johnson had a small hobby farm and had a 2-3 acre sod field at his property. Adding these ponds to his property would benefit him by enhancing the wildlife and improving the wetland community.

We had an onsite review done by the Anoka Conservation district and that review shows the groundwater elevation is around 901.0' and the approximate wetland boundary appears to be around 902.0'. We will be working in a 2 acre area – see attachment – we will be working in the area that is a Type 1/2 wetland; we are requesting a no loss provision. This area is nearly 100 percent reed canary grass/monotypic plant community which is currently mowed and with this ponding being created it will benefit the native plant community. The open water community will have higher diversity.

Classic Construction, Inc. will be performing the excavation. We will perform the excavation with a backhoe for digging and loading purposes with dozers and skid loaders for grading. We will not be removing any trees from this site. The approximate quantity of material to be excavated would be 11,000 cubic yards.

Most of the excavation process would be done over a 12 month period and would be started in the winter months. The 12 month period would include the digging of the pond and grading of the slopes with seeding of disturbed areas to follow. We will maintain 10:1 slopes. We would seed with a drill type seeder pulled behind a tractor. Straw mulching and disk anchoring would follow the seeding to eliminate erosion. The seed mix we plan on using is Minnesota State Seed Mix 34-262 Wet Prairie.

We will use the current driveway to haul the material out – material would be hauled offsite by Classic Construction, Inc. solely, and used for spreading topsoil on residential

and commercial yards around the Anoka County area. We would load the black dirt right as we are digging it out and place in our dump trucks and stockpile it at the Classic Commercial Park 3<sup>rd</sup>, Addition (1415 187<sup>th</sup> Lane NE, East Bethel, MN) for a short period of time until it was needed.

With all that being said, attached please find the following:

- Joint Application form
- Parcel Information from the City of East Bethel;
- Wetland Review from onsite meeting with the Anoka Conservation District;
- Certificate of Survey prepared by EG Rud & Sons, Inc.
- Grading Plan prepared by Plowe Engineering, Inc. and revised on 11/26
- Plat of where the black dirt will be immediately hauled to

Thanks in advance for your attention to this matter and I look forward to hearing from you.

# Joint Application Form for Activities Affecting Water Resources in Minnesota

This joint application form is the accepted means for initiating review of proposals that may affect a water resource (wetland, tributary, lake, etc.) in the State of Minnesota under state and federal regulatory programs. Applicants for Minnesota Department of Natural Resources (DNR) Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. Applicants can use the information entered into MPARS to substitute for completing parts of this joint application form (see the paragraph on MPARS at the end of the joint application form instructions for additional information). This form is only applicable to the water resource aspects of proposed projects under state and federal regulatory programs; other local applications and approvals may be required. Depending on the nature of the project and the location and type of water resources impacted, multiple authorizations may be required as different regulatory programs have different types of jurisdiction over different types of resources.

## Regulatory Review Structure

### Federal

The St. Paul District of the U.S. Army Corps of Engineers (Corps) is the federal agency that regulates discharges of dredged or fill material into waters of the United States (wetlands, tributaries, lakes, etc.) under Section 404 of the Clean Water Act (CWA) and regulates work in navigable waters under Section 10 of the Rivers and Harbors Act. Applications are assigned to Corps project managers who are responsible for implementing the Corps regulatory program within a particular geographic area.

### State

There are three state regulatory programs that regulate activities affecting water resources. The Wetland Conservation Act (WCA) regulates most activities affecting wetlands. It is administered by local government units (LGUs) which can be counties, townships, cities, watershed districts, watershed management organizations or state agencies (on state-owned land). The Minnesota DNR Division of Ecological and Water Resources issues permits for work in specially-designated public waters via the Public Waters Work Permit Program (DNR Public Waters Permits). The Minnesota Pollution Control Agency (MPCA) under Section 401 of the Clean Water Act certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards. One or more of these regulatory programs may be applicable to any one project.

## Required Information

Prior to submitting an application, applicants are **strongly encouraged** to seek input from the Corps Project Manager and LGU staff to identify regulatory issues and required application materials for their proposed project. Project proponents can request a pre-application consultation with the Corps and LGU to discuss their proposed project by providing the information required in Sections 1 through 5 of this joint application form to facilitate a meaningful discussion about their project. Many LGUs provide a venue (such as regularly scheduled technical evaluation panel meetings) for potential applicants to discuss their projects with multiple agencies prior to submitting an application. Contact information is provided below.

The following bullets outline the information generally required for several common types of determinations/authorizations.



For delineation approvals and/or jurisdictional determinations, submit Parts 1, 2 and 5, and Attachment A.

For activities involving CWA/WCA exemptions, WCA no-loss determinations, and activities not requiring mitigation, submit Parts 1 through 5, and Attachment B.

- For activities requiring compensatory mitigation/replacement plan, submit Parts 1 thru 5, and Attachments C and D.
- For local road authority activities that qualify for the state's local road wetland replacement program, submit Parts 1 through 5, and Attachments C, D (if applicable), and E to both the Corps and the LGU.

## Submission Instructions

Send the completed joint application form and all required attachments to:

**U.S Army Corps of Engineers.** Applications may be sent directly to the appropriate Corps Office. For a current listing of areas of responsibilities and contact information, visit the St. Paul District's website at:

<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx> and select "Minnesota" from the contact information box.

Alternatively, applications may be sent directly to the St. Paul District Headquarters and the Corps will forward them to the appropriate field office.

**Section 401 Water Quality Certification:** Applicants do not need to submit the joint application form to the MPCA unless specifically requested. The MPCA will request a copy of the completed joint application form directly from an applicant when they determine an individual 401 water quality certification is required for a proposed project.

**Wetland Conservation Act Local Government Unit:** Send to the appropriate Local Government Unit. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site ([www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)) to determine the appropriate LGU.

**DNR Public Waters Permitting:** In 2014 the DNR will begin using the Minnesota DNR Permitting and Reporting System (MPARS) for submission of Public Waters permit applications (<https://webapps11.dnr.state.mn.us/mpars/public/authentication/login>). Applicants for Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. To avoid duplication and to streamline the application process among the various resource agencies, applicants can use the information entered into MPARS to substitute for completing parts of this joint application form. The MPARS print/save function will provide the applicant with a copy of the Public Waters permit application which, at a minimum, will satisfy Parts one and two of this joint application. For certain types of activities, the MPARS application may also provide all of the necessary information required under Parts three and four of the joint application. However, it is the responsibility of the Applicant to make sure that the joint application contains all of the required information, including identification of all aquatic resources impacted by the project (see Part four of the joint application). After confirming that the MPARS application contains all of the required information in Parts one and two the Applicant may attach a copy to the joint application and fill in any missing information in the remainder of the joint application.

### PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

Applicant/landowner Name: **Mussic Construction, Inc.**  
Mailing Address: **14542 Ulysses St NE, East Bethel, MN 55011**  
Phone: **763 434 8870**  
E-mail Address:

**KRISHI@MUSSICCONSTRUCTIONINC.COM**

Authorized Contact (do not complete if same as above):

Mailing Address:  
Phone:  
E-mail Address:

Agent Name:  
Mailing Address:  
Phone:  
E-mail Address:

### PART TWO: Site Location Information

County: **Anoka** City/Township: **East Bethel**  
Parcel ID and/or Address: **1905 BRIARWOOD LN NE, 333323230005**  
Legal Description (Section, Township, Range): **33, 33, 23**  
Lat/Long (decimal degrees): **See attached**

Attach a map showing the location of the site in relation to local streets, roads, highways. **see a Hanner**  
Approximate size of site (acres) or if a linear project, length (feet): **2 acres**

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

[http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform\\_4345\\_2012oct.pdf](http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf)

### PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted **prior to** this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

**See attached memo & plans**

## PART FOUR: Aquatic Resource Impact<sup>1</sup> Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) <sup>1</sup>	Size of Impact <sup>2</sup>	Overall Size of Aquatic Resource <sup>3</sup>	Existing Plant Community Type(s) in Impact Area <sup>4</sup>	County, Major Watershed #, and Bank Service Area # of Impact Area <sup>5</sup>
	WETLAND	P.L.C.	P	2 ACRES	N/A	TYPE 2 FRESH WET MOUNTAIN	Anoka 26 #7

<sup>1</sup>If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

<sup>2</sup>Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

<sup>3</sup>This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

<sup>4</sup>Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3<sup>rd</sup> Ed. as modified in MN Rules 8420.0405 Subp. 2.

<sup>5</sup>Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

## PART FIVE: Applicant Signature

Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked. Done on 11/19/14

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature: KRISHN J ERUKON Date: 12/3/14

I hereby authorize \_\_\_\_\_ to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

<sup>1</sup> The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

## Attachment A

### Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

By submission of the enclosed wetland delineation report, I am requesting that the U.S. Army Corps of Engineers, St. Paul District (Corps) and/or the Wetland Conservation Act Local Government Unit (LGU) provide me with the following (check all that apply):

- Wetland Type Confirmation** 112 Andeca Conv. District
- Delineation Concurrence.** Concurrence with a delineation is a written notification from the Corps and a decision from the LGU concurring, not concurring, or commenting on the boundaries of the aquatic resources delineated on the property. Delineation concurrences are generally valid for five years unless site conditions change. Under this request alone, the Corps will not address the jurisdictional status of the aquatic resources on the property, only the boundaries of the resources within the review area (including wetlands, tributaries, lakes, etc.).
- Preliminary Jurisdictional Determination.** A preliminary jurisdictional determination (PJD) is a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States. For purposes of computation of impacts and compensatory mitigation requirements, a permit decision made on the basis of a PJD will treat all waters and wetlands in the review area as if they are jurisdictional waters of the U.S. PJDs are advisory in nature and may not be appealed.
- Approved Jurisdictional Determination.** An approved jurisdictional determination (AJD) is an official Corps determination that jurisdictional waters of the United States are either present or absent on the property. AJDs can generally be relied upon by the affected party for five years. An AJD may be appealed through the Corps administrative appeal process.

In order for the Corps and LGU to process your request, the wetland delineation must be prepared in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, any approved Regional Supplements to the 1987 Manual, and the *Guidelines for Submitting Wetland Delineations in Minnesota* (2013).

<http://www.mvp.usace.army.mil/Missions/Regulatory/DelineationJDGuidance.aspx>

## Attachment B

### Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation

Complete this part *if* you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR *if* you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

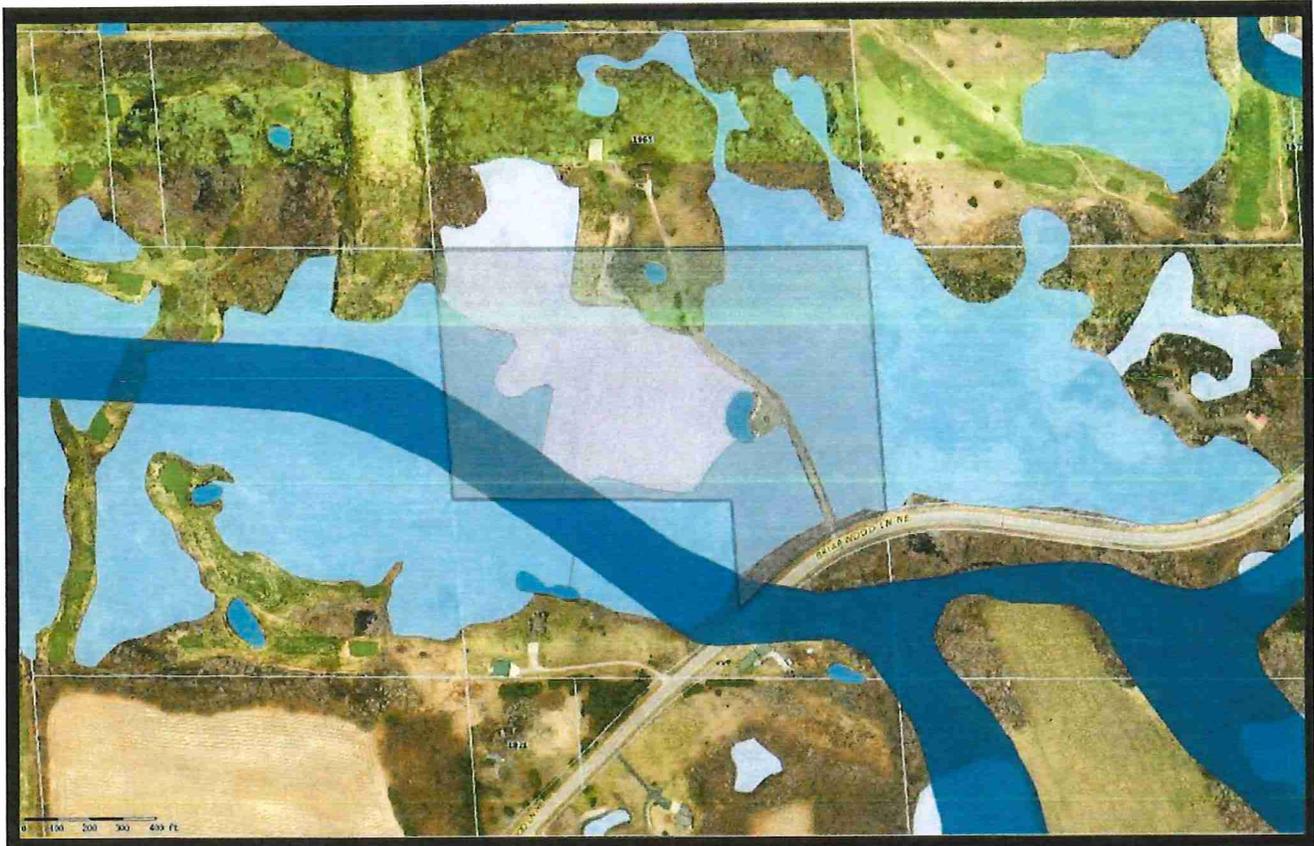
NO LOSS PROVISION WITH CN. 8420.0415 SUBPART A

Provide a detailed explanation of how your project or site qualifies for the above. Be specific and provide and refer to attachments and exhibits that support your contention. Applicants should refer to rules (e.g. WCA rules), guidance documents (e.g. BWSR guidance, Corps guidance letters/public notices), and permit conditions (e.g. Corps General Permit conditions) to determine the necessary information to support the application. Applicants are strongly encouraged to contact the WCA LGU and Corps Project Manager prior to submitting an application if they are unsure of what type of information to provide:

See attachments



# GeoMoose Map



## Parcel Information

PIN: 333323230005

Acres: 25.04057

Owner Name: JOHNSON MARTIN D & MYRA

Address 1: 1965 BRIARWOOD LN

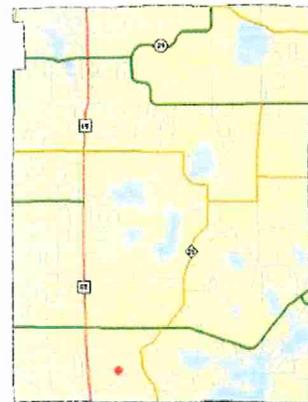
Address 2: EAST BETHEL, MN 55011-0000

Site Address 1:

Site Address 2: EAST BETHEL, MN 55011

Zoning: R-1

Shoreland: N



Legal: THAT PRT OF SW1/4 OF NW1/4 OF SEC 33 TWP 33 RGE 23 LYG NWLY OF C/L OF BRIARWOOD LN NE, EX S 540 FT OF W 850 FT THEREOF, EX RD, SUBJ TO EASE OF REC

Date: 01/15/2014



**ANOKA CONSERVATION DISTRICT**  
1318 McKay Drive NE, Suite 300  
Ham Lake, MN 55304  
Phone: (763) 434-2030 Fax: (763) 434-2094  
www.AnokaSWCD.org

6/5/2014

Martin Johnson  
1965 Briarwood Ln, NE  
East Bethel, MN 55011

Subject: WCA Wetland Excavation Guidelines  
1965 Briarwood Ln NE – PIN

Dear Mr. Johnson,

At your request, on 5/30/2014 the Anoka Conservation District (ACD) conducted an on-site review of the Area of Review shown on attached Figures 1-4. In the ACD's opinion, this Area of Review contains a Type 1/2 wetland that also includes three areas that are Type 3, 4, or 5 wetlands. The approximate boundaries (not LGU/USACE approved) of these areas are shown in Figures 1-4.

The Type 1/2 wetland supports a plant community that appears to be nearly 100 percent reed canary grass. During the 5/30/2014 site visit, the ACD determined the area to be wetland based on a 12 inch deep data point in the Type 1/2 area. At this data point, vegetation (reed canary grass); soils (10YR 2/1 muck underlain by peat); and hydrology (saturation at 6 inches) all met the wetland criteria established by the 1987 USACE Manual and the Northcentral-Northeast Regional Supplement to the USACE Manual.

The entire wetland area in the Area of Review is regulated by the Minnesota Wetland Conservation Act (WCA), which requires WCA approval for activities that would impact the wetland as defined in 8420.0111 Subp 32.

WCA's definition of wetland "impact" includes filling and/or draining of all wetland Types (see attached BWSR brochure for examples of wetland Types). Excavation within Type 3, 4, and 5 wetlands is also regulated as an impact; and excavation in all wetland Types (including Type 1/2) are regulated if the excavation results in filling, draining, or conversion to nonwetland. **Thus, excavation within the Type 3, 4, or 5 wetland areas circled in yellow on the attached Figure 1-4 would require WCA approval from your Local Government Unit (the City of East Bethel), and excavation within all areas of the wetland would require WCA LGU approval if the activity causes filling, draining, or conversion to nonwetland.**

To avoid WCA enforcement procedures for an excavation project within the Type 1/2 wetland area you must follow these procedures:

- The soil from the excavation cannot be placed into any wetland area, **even temporarily**, as this is considered fill.
- The wetland excavation cannot be deeper than 2 meters (6.5 feet) from the original soil surface as this would be considered a conversion to nonwetland (deep water habitat)
- Wetland side slopes must be 5:1 or flatter.
- No topsoil may be spread back within the excavated wetland, or any other wetland. Spreading spoil in a wetland is considered fill.

Page 1 of 2

**This is NOT a permit**

## **RECOMMENDATIONS**

- Construct the pond with an undulating bottom, keeping the pond less than 4 feet deep, with the majority of the pond less than 2 feet deep.
- The side slopes of the wetland should be constructed as gentle as you can (e.g. 10:1 or flatter). Let the side slopes determine the depth, rather than the depth determining the side slopes. The slope steepness will be the determining factor if this pond will be viable for wildlife. Most biotic activity happens on the wetland fringe in less than one foot of water.
- In Anoka County, sandy wet soils have been documented to support native plant communities, release native seed banks, and inhibit the growth of invasive and/or non-native species such as reed canary grass and hybrid cattails. If you can do so within the confines of the depth (less than 4 feet) and slope (10:1) recommendations, excavate to the zone where the organic soils meets the native sandy soils.
- The excavation shape should be natural with points and bays. Simple shapes provide minimal wildlife habitat.
- Allow trees or shrubs to grow adjacent to, or overhang the pond. This provides structure and cover for wildlife.
- Since your proposed wetland excavation would likely result in variety of wetland types, seed the wetland with suitable native seed mixes comparable to the seed mixes listed here:  
[http://www.bwsr.state.mn.us/native\\_vegetation/state\\_seed\\_mixes.pdf](http://www.bwsr.state.mn.us/native_vegetation/state_seed_mixes.pdf)

Since Minnesota WCA rules are updated regularly, if the excavation activity is not completed within one year of the date of this letter, please contact the Anoka Conservation District to determine if additional WCA review is needed. **This letter is not a WCA approval and only is only intended to serve as general guidance regarding the Minnesota Wetland Conservation Act.**

You almost certainly need approvals from other agencies, including the City of East Bethel and the U.S. Army Corps of Engineers (USACE). Information on the USACE's permitting process may be found online here: <http://www.mvp.usace.army.mil/Missions/Regulatory/PermittingProcessProcedures.aspx>. Your Anoka County USACE point of contact is Mr. Andy Beaudet:

- Phone: 651-290-5642
- Email: [andrew.d.beaudet@usace.com](mailto:andrew.d.beaudet@usace.com)

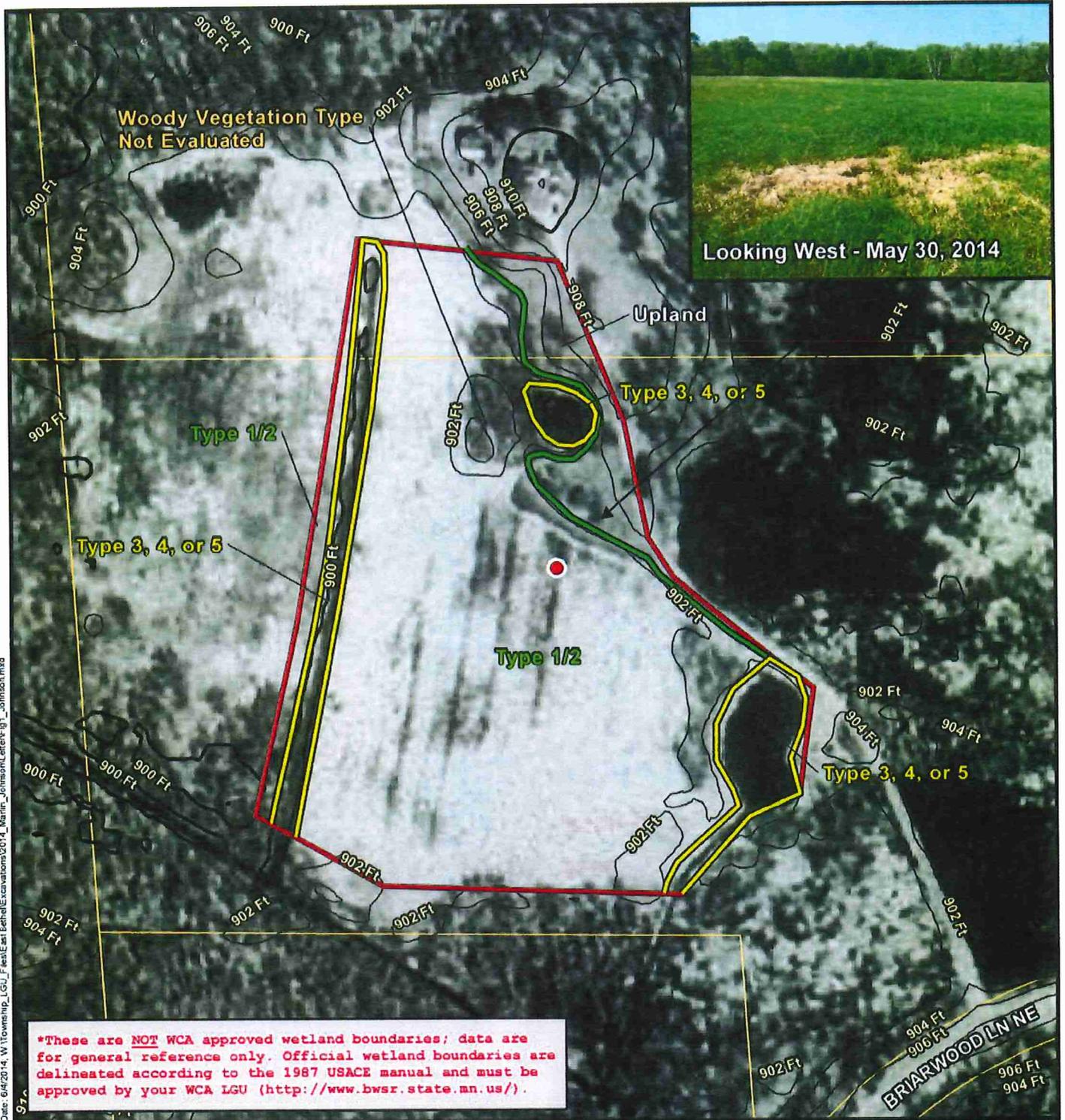
Respectfully,



Aaron Diehl  
Wetland Specialist  
Professional Wetland Scientist #2143  
MN Wetland Delineator Certified #1252

cc: Ms. Becky Wozney, Consultant for East Bethel  
Ms. Colleen Winter, City of East Bethel  
Ms. Kristin Erickson, Classic Construction, Inc

**This is NOT a permit**



Date: 6/4/2014, W:\township\_LGU\_FeastEastBethelExcavations\2014\_Marri\_Johnson\LetterFig1\_Johnson.mxd

**\*These are NOT WCA approved wetland boundaries; data are for general reference only. Official wetland boundaries are delineated according to the 1987 USACE manual and must be approved by your WCA LGU (<http://www.bwsr.state.mn.us/>).**

Coordinate System: NAD 1983 UTM Zone 15N

- Area of Review
- Data Point
- Parcels
- Approximate Boundary**
- Type 1/2 Wetland
- Type 3, 4, or 5 Wetland
- 2011 LIDAR Contours
- 10 Ft
- 2 Ft
- Sec 33, T33N, R23W**
- Map Created: 6/4/2014**

**Figure 1- 1991 Aerial  
1965 BRIARWOOD LN NE  
EAST BETHEL, MN 55011  
PIN 33-33-23-22-0002  
PIN 33-33-23-23-0005  
UPPER RUM RIVER WMO**



Disclaimer: The information provided on this map is for reference purposes only. The Anoka Conservation District does not guarantee the accuracy of the information contained herein and makes no representation or warranties, either express or implied, for the merchantability or fitness of the information provided on this map for a particular purpose.



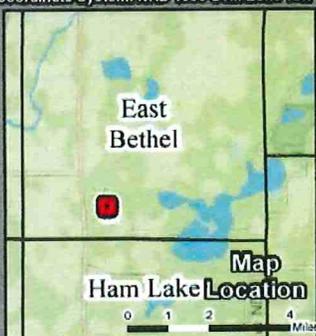
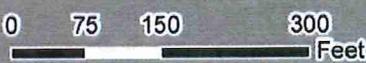
\*These are NOT WCA approved wetland boundaries; data are for general reference only. Official wetland boundaries are delineated according to the 1987 USACE manual and must be approved by your WCA LGU (<http://www.bwsr.state.mn.us/>).

Date: 6/4/2014, W:\Township\_LGU\_Files\East Bethel\Excavations\2014\_Marrn\_Johnson\Letter\Fig2\_johnson.mxd

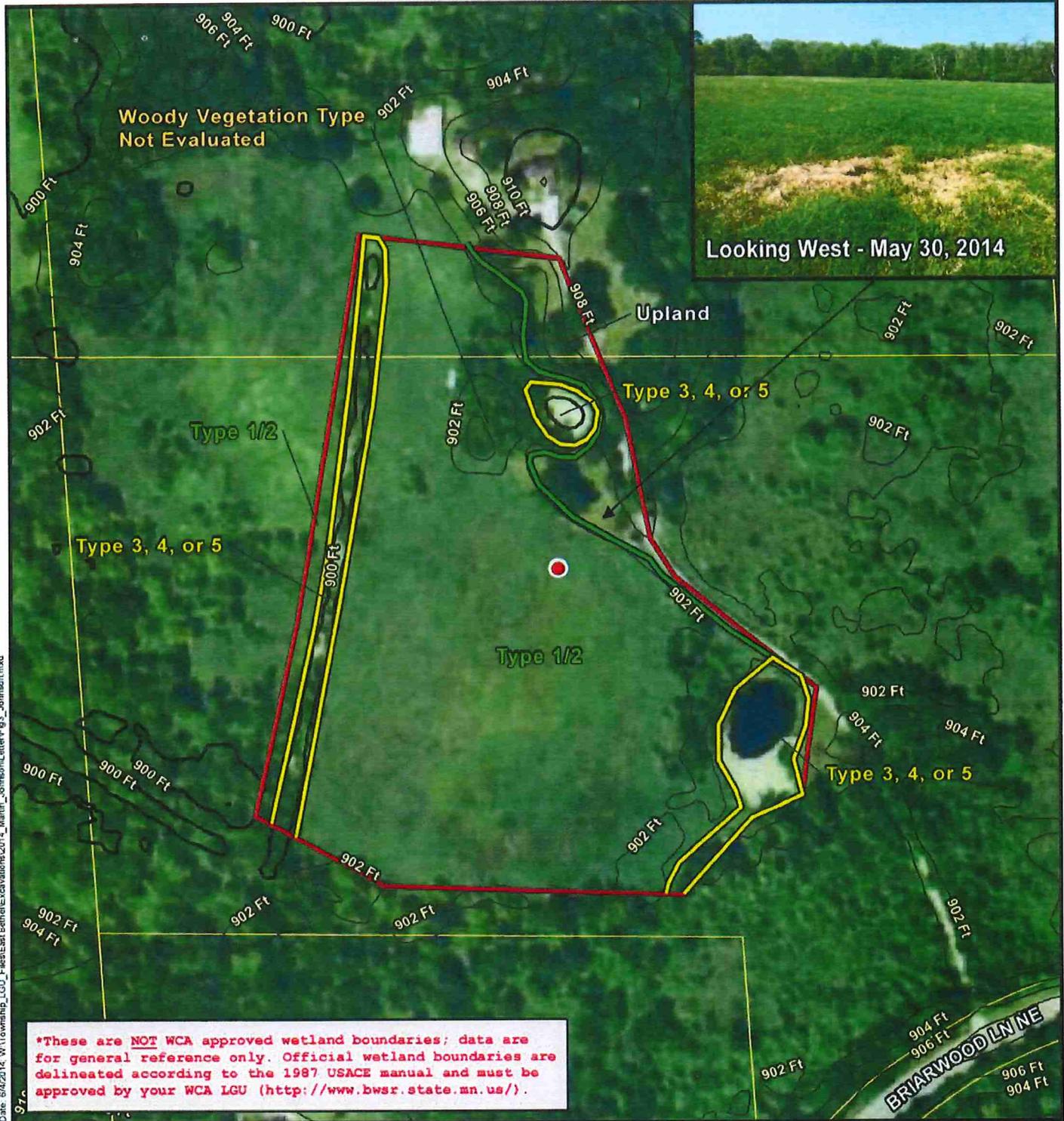
- Area of Review
- Data Point
- Parcels
- Approximate Boundary**
- Type 1/2 Wetland
- Type 3, 4, or 5 Wetland
- 2011 LiDAR Contours
- 10 Ft
- 2 Ft
- Sec 33, T33N, R23W**
- Map Created: 6/4/2014

**Figure 2-2011 Aerial**  
 1965 BRIARWOOD LN NE  
 EAST BETHEL, MN 55011  
 PIN 33-33-23-22-0002  
 PIN 33-33-23-23-0005  
 UPPER RUM RIVER WMO

Coordinate System: NAD 1983 UTM Zone 15N



Disclaimer: The information provided on this map is for reference purposes only. The Anoka Conservation District does not guarantee the accuracy of the information contained herein and makes no representation or warranties, either express or implied, for the merchantability or fitness of the information provided on this map for a particular purpose.



Date: 6/4/2014, W:\Township\_LGU\_Files\East Bethel\Excavations\2014\_Martin\_Johnson\Letter\Fig\_3\_Johnson.mxd

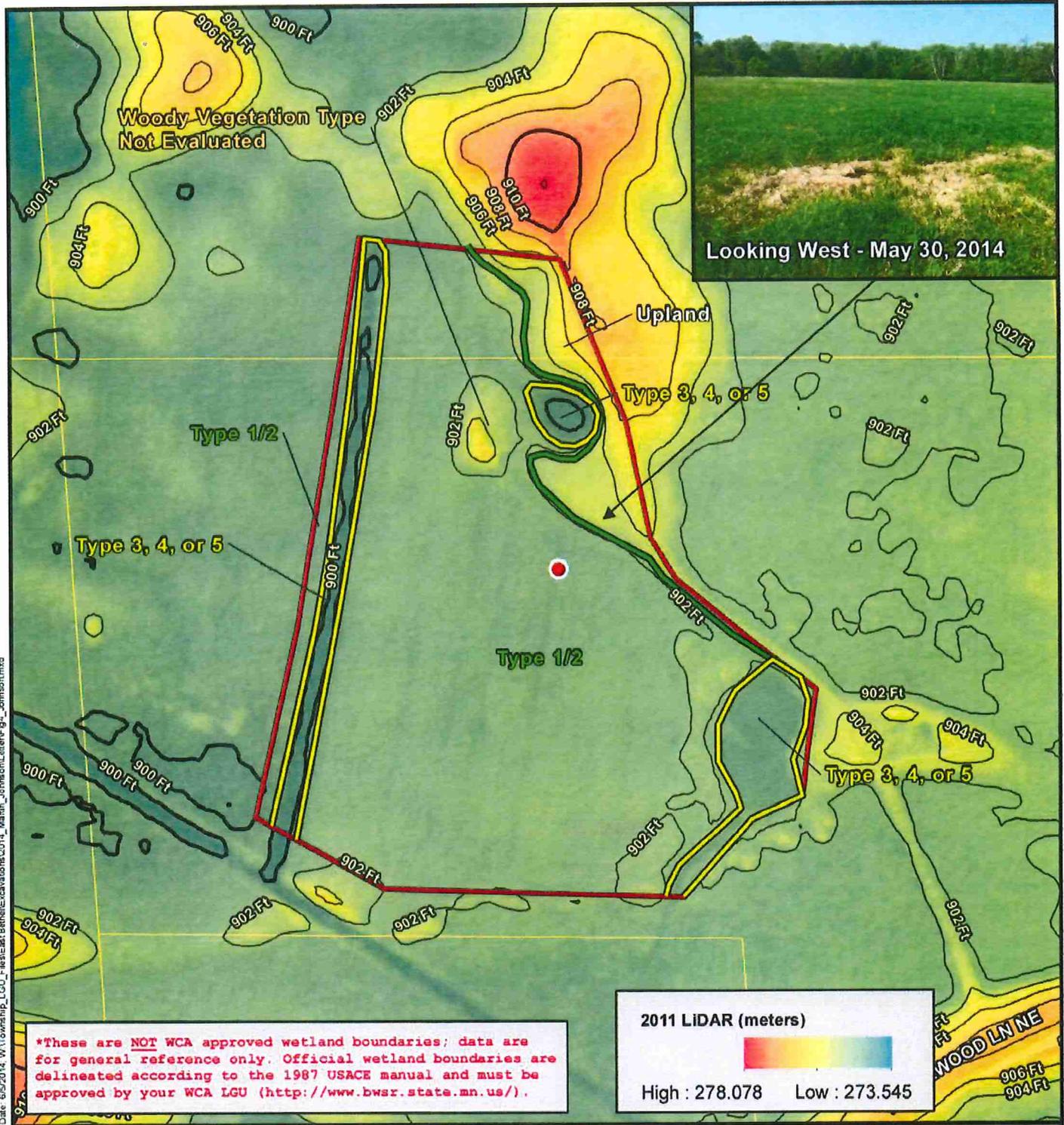
- Area of Review
- Data Point
- Parcels
- Approximate Boundary**
- Type 1/2 Wetland
- Type 3, 4, or 5 Wetland
- 2011 LiDAR Contours
- 10 Ft
- 2 Ft
- Sec 33, T33N, R23W
- Map Created: 6/4/2014

**Figure 3- 2013 Aerial**  
**1965 BRIARWOOD LN NE**  
**EAST BETHEL, MN 55011**  
**PIN 33-33-23-22-0002**  
**PIN 33-33-23-23-0005**  
**UPPER RUM RIVER WMO**

Coordinate System: NAD 1983 UTM Zone 15N



Disclaimer: The information provided on this map is for reference purposes only. The Anoka Conservation District does not guarantee the accuracy of the information contained herein and makes no representation or warranties, either express or implied, for the merchantability or fitness of the information provided on this map for a particular purpose.



\*These are NOT WCA approved wetland boundaries; data are for general reference only. Official wetland boundaries are delineated according to the 1987 USACE manual and must be approved by your WCA LGU (<http://www.bwsr.state.mn.us/>).

Date: 6/5/2014, W:\Township\_LGU\_Files\EstBethelExcavations\2014\_Martin\_Johnson\Letter\Fig4\_Johnson.mxd

- Area of Review
- Data Point
- Parcels
- Approximate Boundary
- Type 1/2 Wetland
- Type 3, 4, or 5 Wetland
- 2011 LiDAR Contours
- 10 Ft
- 2 Ft
- Sec 33, T33N, R23W
- Map Created: 6/5/2014

**Figure 4 - 2011 LIDAR**  
 1965 BRIARWOOD LN NE  
 EAST BETHEL, MN 55011  
 PIN 33-33-23-22-0002  
 PIN 33-33-23-23-0005  
 UPPER RUM RIVER WMO

Coordinate System: NAD 1983 UTM Zone 15N



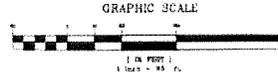
Disclaimer: The information provided on this map is for reference purposes only. The Anoka Conservation District does not guarantee the accuracy of the information contained herein, and makes no representation or warranty, either express or implied, for the merchantability or fitness of the information provided on this map for a particular purpose.

# CERTIFICATE OF SURVEY

-for- CLASSIC CONSTRUCTION  
 -of- 1965 BRIARWOOD LANE NE  
 EAST BETHEL, MN 55011

## PROPERTY DESCRIPTION:

The South half of the Northeast Quarter of the Northeast Quarter of Section 22, Township 33 North, Range 23 West, Anoka County, Minnesota.  
 and  
 The East half of the Southwest Quarter of the Northeast Quarter of Section 23, Township 33 North, Range 23 West, Minnesota (the northwesterly of the centerline of Briarwood Lane (roadway), except the south 500 feet of the west 500 feet thereof).

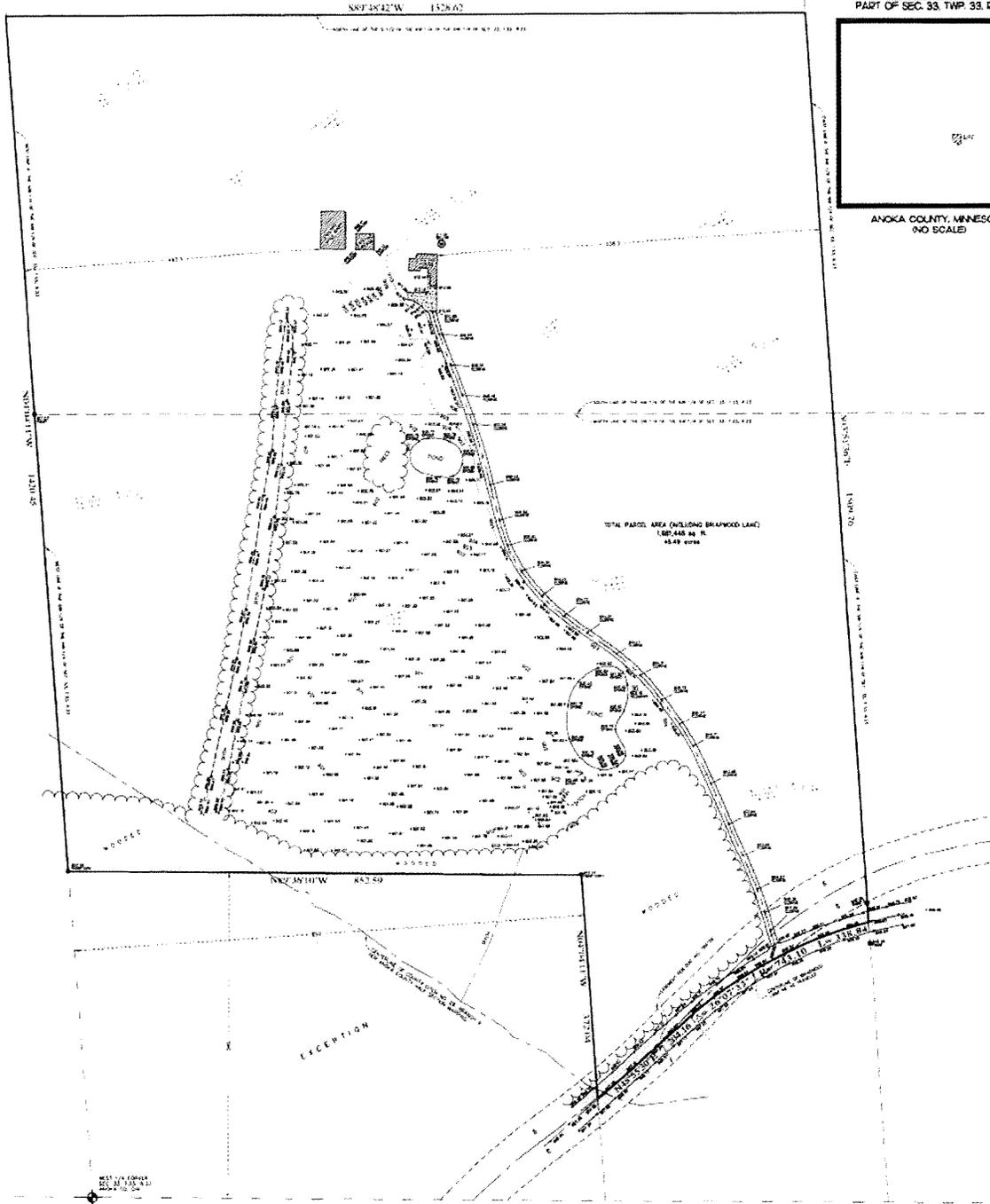


## VICINITY MAP

PART OF SEC. 33, TWP. 33, RANG. 23



ANOKA COUNTY, MINNESOTA  
 (NO SCALE)



TOTAL PARCEL AREA (INCLUDING BRIARWOOD LANE)  
 1,887,448 sq. ft.  
 43.47 acres

## NOTES:

- 1. This survey was completed by E.G. Rud and Sons, Inc. on 7/25/2014.
- 2. Bearings shown are on the Anoka County Coordinate System.
- 3. This survey was prepared without the benefit of the most recent aerial photographs, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an appropriate title opinion.
- 4. EIGHT (8) ACRES (EAST HALF) (S.E. 1/4 - 88921) (UNLACED) 1.5 miles north of Iron Lake, at Iron Highway 65, Report 232, 1.5 miles north along Iron Highway 65 from junction of Iron Highway 65 and County Road 16 (Cross-over Blvd), 10 feet west of Iron Highway 65, 81.1 feet northwest of western end of an antique sign, 22.9 feet north of power pole, 31.0 feet west-northwest of right-of-way post, 3.8 feet south-west of right-of-way post, 3.0 feet north of white oak.

## LEGEND

- DENOTES IRON MONUMENT FOUND AS LACED
- ⬤ DENOTES ANOKA COUNTY CAST IRON MONUMENT
- DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING CONTOURS
- DENOTES ADJ.
- DENOTES TELEPHONE ACCESSAL
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES GRAVEL SURFACE

This survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Date: 7/25/2014 License No. 41978

APPROVED BY:	DATE:
DATE BY:	DATE:
DATE:	DATE:
DATE:	DATE:

**E. G. RUD & SONS, INC.**  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel: (651) 361-8200 Fax: (651) 361-8701





**34-262 Wet Prairie**Seeding Rate: 14.5 lb/Acre (125.6 Seeds/ft<sup>2</sup>)

Notes: Wet prairie reconstruction for wetland mitigation or ecological restoration.

SCIENTIFIC NAME	COMMON NAME	% of Mix	Seeds/ft <sup>2</sup>	Rate/Acre
<b>GRASSES:</b>				
<i>Andropogon gerardii</i>	Big Bluestem	6.90%	3.7	1.00 PLS lb
<i>Bromus ciliatus</i>	Fringed Brome	10.34%	5.5	1.50 PLS lb
<i>Calamagrostis canadensis</i>	Blue Joint Grass	0.28%	4.1	0.04 PLS lb
<i>Elymus virginicus</i>	Virginia Wild Rye	12.07%	2.7	1.75 PLS lb
<i>Glyceria grandis</i>	American Manna Grass	1.03%	3.9	0.15 PLS lb
<i>Glyceria striata</i>	Fowl Manna Grass	0.76%	3.6	0.11 PLS lb
<i>Panicum virgatum</i>	Switchgrass	5.17%	3.9	0.75 PLS lb
<i>Poa palustris</i>	Fowl Bluegrass	1.38%	9.6	0.20 PLS lb
<i>Sorghastrum nutans</i>	Indiangrass	3.45%	2.2	0.50 PLS lb
<i>Spartina pectinata</i>	Prairie Cord Grass	3.45%	1.2	0.50 PLS lb
<b>SEDGES &amp; RUSHES:</b>				
<i>Carex pellita</i>	Broad-leaved Woolly Sedge	0.34%	0.5	0.05 PLS lb
<i>Carex stricta</i>	Tussock Sedge	0.14%	0.4	0.02 PLS lb
<i>Carex vulpinoidea</i>	Brown Fox Sedge	0.69%	3.7	0.10 PLS lb
<i>Scirpus atrovirens</i>	Green Bulrush	0.69%	16.9	0.10 PLS lb
<i>Scirpus cyperinus</i>	Woolgrass	0.21%	18.7	0.03 PLS lb
<b>FORBS:</b>				
<i>Anemone canadensis</i>	Canada Anemone	0.21%	0.1	0.03 PLS lb
<i>Asclepias incarnata</i>	Swamp Milkweed	0.55%	0.1	0.08 PLS lb
<i>Aster puniceus</i>	Swamp Aster	0.55%	2.4	0.08 PLS lb
<i>Aster umbellatus</i>	Flat-topped Aster	0.34%	1.2	0.05 PLS lb
<i>Desmodium canadense</i>	Showy Tick Trefoil	3.45%	1.0	0.50 PLS lb
<i>Eupatorium maculatum</i>	Joe Pye Weed	0.28%	1.4	0.04 PLS lb
<i>Eupatorium perfoliatum</i>	Boneset	0.21%	1.8	0.03 PLS lb
<i>Helenium autumnale</i>	Sneezeweed	0.34%	2.4	0.05 PLS lb
<i>Helianthus grosseserratus</i>	Sawtooth Sunflower	0.34%	0.3	0.05 PLS lb
<i>Liatris pycnostachya</i>	Prairie Blazingstar	0.14%	0.1	0.02 PLS lb
<i>Lobelia siphilitica</i>	Great Blue Lobelia	0.07%	1.8	0.01 PLS lb
<i>Mimulus ringens</i>	Monkey Flower	0.07%	8.4	0.01 PLS lb
<i>Pycnanthemum virginianum</i>	Mountain Mint	0.55%	6.5	0.08 PLS lb
<i>Solidago graminifolia</i>	Grass-leaved Goldenrod	0.14%	2.6	0.02 PLS lb
<i>Verbena hastata</i>	Blue Vervain	1.03%	5.1	0.15 PLS lb
<i>Vernonia fasciculata</i>	Common Ironweed	0.21%	0.3	0.03 PLS lb
<i>Veronicastrum virginicum</i>	Culver's Root	0.14%	5.9	0.02 PLS lb
<i>Zizia aurea</i>	Golden Alexanders	1.72%	1.0	0.25 PLS lb

**COVER CROP:**

Avena sativa

Oats

42.76%

2.7 6.20 PLS lb

## Kristin Erickson

---

**From:** Becky Wozney <becky@HAA-inc.com>  
**Sent:** Tuesday, January 13, 2015 11:13 AM  
**To:** dennis.rodacker@state.mn.us; Joan Spence  
**Cc:** Andy (Andrew.D.Beaudet@usace.army.mil); Kristin Erickson (kristin@classicconstructioninc.com); colleen.winter@ci.east-bethel.mn.us; Craig Jochum; Haworth, Brooke (DNR)  
**Subject:** Briarwood Excavation  
**Attachments:** Notice of Decision signed.pdf

Good morning.

Here is the Notice of Decision for the 1965 Briarwood Excavation no loss request.

This permit only covers the Wetland Conservation Act requirements as described in Ch. 8420 rules.

If you have any questions; please contact me.

Thank you.

Becky L. Wozney  
Water Resources Specialist



Hakanson Anderson  
3601 Thurston Ave.  
Anoka, MN 55303

763/852-0496 (direct)  
763/852-5860 (office)  
612/910-8016 (mobile)

[www.haa-inc.com](http://www.haa-inc.com)

# Minnesota Wetland Conservation Act

## Notice of Decision

Local Government Unit (LGU) <b>City of East Bethel</b>	Address <b>2241 221<sup>st</sup> Avenue NE          East Bethel, MN 55011</b>
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### 1. PROJECT INFORMATION

Applicant Name <b>Classic Construction, Inc.</b>	Project Name <b>1965 Briarwood Ln. NE          Excavation</b>	Date of Application <b>12/31/2014</b>	Application Number <b>EB<del>901</del>-259          2014</b>
---	--	--	---

Attach site locator map.

Type of Decision:

Wetland Boundary or Type	<input checked="" type="checkbox"/> No-Loss	Exemption	Sequencing
Replacement Plan		Banking Plan	

Technical Evaluation Panel Findings and Recommendation (if any):

Approve	Approve with conditions	Deny
Summary (or attach):		

### 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: <b>January 2, 2015</b>		
Approved <input checked="" type="checkbox"/>	Approved with conditions (include below)	Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

The 2.0 acre excavation is occurring in a Type 1/2 (PEMB) wetland. The excavation will be no greater than 5.5 feet with approximately 4.5 to 5 ft. of water with sideslopes of no steeper than 8:1. No temporary impacts are proposed.

Proper erosion control that does not allow excavated material or exposed soils to reenter the excavation or other wetlands and/or ditches must be employed at all times. A NPDES permit is required along with other pertinent permits from local and federal entities. This Notice does not cover those permits only rules associated with MN Statute 8420.

The area will need to be seeded with an appropriate native plant mix after a section of the site is final graded or proper erosion control/temporary seeding will need to be in place if soils are exposed for more than 14 days. Refer to the NPDES permit for more information. The seeding will be reviewed by the LGU after one full growing season to insure it was successful which will include at least the emergence of 5 native species in the mix utilized and less than 10% coverage of invasive species before final sign-off.

An as-built may be required if documentation of final depths or slopes is needed.

For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)

**Replacement Plan Approval Conditions.** In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

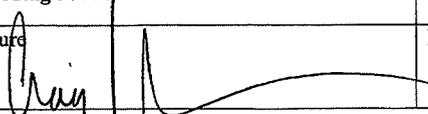
**Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).

**Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.

**Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

**Wetlands may not be impacted until all applicable conditions have been met!**

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name <b>Craig Jochum</b>	Title <b>City Engineer</b>	
Signature 	Date <b>12-15</b>	Phone Number and E-mail <b>763/427-5860 CraigJ@haa-inc.com</b>

**THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT.** Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

*Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.*

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

**3. APPEAL OF THIS DECISION**

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

Appeal of an LGU staff decision. Send petition and \$ ____ fee (if applicable) to: Colleen Winter 2241 221 <sup>st</sup> Avenue NE East Bethel, MN 55011	Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director MN Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
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#### 4. LIST OF ADDRESSEES

<input checked="" type="checkbox"/>	SWCD TEP member: <b>Joan Spence, 1318 McKay Dr. Suite 300, Ham Lake, MN 55304</b>
<input checked="" type="checkbox"/>	BWSR TEP member: <b>Dennis Rodacker, 520 Lafayette Rd. N., St. Paul, MN 55155</b>
<input checked="" type="checkbox"/>	LGU TEP member (if different than LGU Contact): <b>Becky Wozney, Hakanson Anderson</b>
<input checked="" type="checkbox"/>	LGU Contact: <b>Colleen Winter, 2241 221<sup>st</sup> Ave. NE East Bethel, MN 55011</b>
<input checked="" type="checkbox"/>	DNR TEP member: <b>Brooke Haworth, DNR Central, 1200 Warner Rd. St. Paul, MN 55106</b>
<input type="checkbox"/>	DNR Hydrologist: <b>Kate Drewry, DNR Waters, 1200 Warner Road St. Paul, MN 55106</b>
<input type="checkbox"/>	DNR Regional Office (if different than DNR TEP member)
<input type="checkbox"/>	WD or WMO (if applicable):
<input checked="" type="checkbox"/>	Applicant: <b>Curt Strandlund, Classic Construction</b>
<input type="checkbox"/>	Consultant:
<input type="checkbox"/>	Members of the public who requested notice (notice only):
<input checked="" type="checkbox"/>	Corps of Engineers Project Manager: <b>Andy Beaudet, US Army Corps of Engineers St. Paul District, OP-R 180 Fifth St. East, Suite 700 St. Paul, MN 55101-1678</b>
<input type="checkbox"/>	BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

#### 5. MAILING INFORMATION

- For a list of BWSR TEP representatives:  
[www.bwsr.state.mn.us/aboutbwsr/workareas/WCA\\_areas.pdf](http://www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf)
- For a list of DNR TEP representatives:  
[www.bwsr.state.mn.us/wetlands/wca/DNR\\_TEP\\_contacts.pdf](http://www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf)
- Department of Natural Resources Regional Offices:

NW Region:	NE Region:	Central Region:	Southern Region:
Reg. Env. Assess. Ecol.	Reg. Env. Assess. Ecol.	Reg. Env. Assess. Ecol.	Reg. Env. Assess. Ecol.
Div. Ecol. Resources	Div. Ecol. Resources	Div. Ecol. Resources	Div. Ecol. Resources
2115 Birchmont Beach Rd. NE	1201 E. Hwy. 2	1200 Warner Road	261 Hwy. 15 South
Bemidji, MN 56601	Grand Rapids, MN 55744	St. Paul, MN 55106	New Ulm, MN 56073

For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/aboutdnr/dnr\\_regions.pdf](http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf)

- For a list of Corps of Project Managers:  
[www.mvp.usace.army.mil/regulatory/default.asp?pageid=687](http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=687) or send to:  
 US Army Corps of Engineers  
 St. Paul District, ATTN: OP-R  
 180 Fifth St. East, Suite 700  
 St. Paul, MN 55101-1678
- For Wetland Bank Plan applications, also send a copy of the application to:  
 Minnesota Board of Water and Soil Resources  
 Wetland Bank Coordinator  
 520 Lafayette Road North  
 St. Paul, MN 55155

#### 6. ATTACHMENTS

In addition to the site locator map, list any other attachments:



2241 221<sup>st</sup> Ave. NE • East Bethel, MN 55011  
Phone: (763) 367-7844 • Fax: (763) 434-9578

OFFICE USE ONLY  
Date Rec'd: \_\_\_\_\_  
By: \_\_\_\_\_  
Fee \$: \_\_\_\_\_

IUP

**APPLICATION FOR MAJOR MINING PERMIT PROCESS & CHECKLIST**

Application Fee: \$150 Escrow: \$300 Filing Fee: ~~\$105~~  
Applicant is responsible for accrued consulting fees from the City Engineer, City Attorney, etc.  
\*Fee is subject to change per Resolution.

The application for a **MAJOR PERMIT APPLICATION** is processed in three separate review steps:

- CITY STAFF  
(Applicant is required to meet with City Staff prior to submittal of the application.)
- PLANNING COMMISSION  
(Public hearing and recommendation to the City Council)
- CITY COUNCIL  
(No public hearing required)

LOCATION: PID: 333323230005 LEGAL: LOT: Sec 33 33 23 BLOCK: \_\_\_\_\_ SUBDIVISION: unplatted village of East Bethel  
PROPERTY ADDRESS: 1905 Briarwood Lane NE PRESENT ZONING: 1A Residential (R1)

**PROPERTY OWNER:**  
CONTACT NAME: Martin Johnson PHONE: 763-434-0641  
ADDRESS: 1905 Briarwood Lane PHONE: n/a  
CITY/STATE/ZIP: East Bethel, MN 55011 EMAIL: n/a

**APPLICANT:**  
CONTACT NAME: Missic Construction, Inc. PHONE: 763/434-8870  
ADDRESS: 14892 Wilkes St NE PHONE: (612) 644-9431  
CITY/STATE/ZIP: East Bethel, MN 55011 EMAIL: Kristin@MissicConstruction.com

I fully understand that I must meet with City Staff to review all submission requirements and conditions prior to official submission, and that all of the required information must be submitted at least thirty (30) days prior to the Planning/Zoning Commission and City Council scheduled meeting dates to ensure review by City Staff

Martin Johnson MARTIN JOHNSON 11/13/2015  
Property Owner Signature Printed Name Date



# GeoMoose Map



## Parcel Information

PIN: 333323230005

Acres: 25.0405

Owner Name: JOHNSON MARTIN D & MYRA

Address 1: 1965 BRIARWOOD LN

Address 2: EAST BETHEL, MN 55011-0000

Site Address 1:

Site Address 2: EAST BETHEL, MN 55011

Zoning: R-1

Shoreland: N



Legal: THAT PRT OF SW1/4 OF NW1/4 OF SEC 33 TWP 33 RGE 23 LYG NWLY OF C/L OF BRIARWOOD LN NE, EX S 540 FT OF W 850 FT THEREOF, EX RD, SUBJ TO EASE OF REC



January 28, 2015

Colleen Winter, Community Development Director  
City of East Bethel  
2241 - 221st Avenue N.E.  
East Bethel, MN 55011-9631

RE: Mining Submittal – 1965 Briarwood Lane

Dear Colleen:

As requested, we have reviewed the above referenced application submitted by Classic Construction. The site is located in the south half of the northwest quarter of the northwest quarter of Section 33, Township 33, Range 23. The following information has been submitted for review:

1. Preliminary Grading Plan by Plowe Engineering, Inc., dated October 2, 2014.
2. Certificate of Survey by E.G. RUD & Sons, Inc., dated August 5, 2014.

### **Background**

As we understand it, the project will consist of excavating organic surface soils to create a wildlife pond. Approximately 11,000 cubic yards of soil will be excavated and hauled offsite. The project proposes to impact 2 acres of wetland. A no loss wetland permit application has been submitted for this site. The soil will be immediately stockpiled on Outlot A of Classic Commercial Park 3<sup>rd</sup> Addition. This application was reviewed in general conformance with the mining ordinance.

### **General Comments**

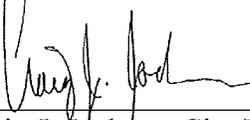
We have the following general comments:

1. The Contractor will need to prepare a Stormwater Pollution Prevention Plan and obtain an NPDES construction permit from the Minnesota Pollution Control Agency prior to the start of construction.
2. The Wetland Conservation Act permit process has been completed. The US Corp of Engineers wetland permit is still pending.
3. Section 26-168 (b) of the Code identifies the required information that needs to be included on the Permit Drawings. Submit a complete set of Permit Drawings for review.
4. If dewatering is proposed on this site a Minnesota Department of natural Resources Water Appropriations permit may be required. Also if dewatering is required, address Code Sections 26-168 (g) and 26-168 (h).

5. Submit a narrative to augment the required plan sheets per Section 26-168 (c) of the Code.
6. The applicant shall comply with all applicable City, County, State and Federal regulations for the protection of air and water quality.
7. Dust control shall be provided at all times during excavation operations as needed.
8. "Trucks Hauling" signs shall be installed on Briarwood Lane during export operations.
9. Temporary safety fencing may be required where unsafe conditions warrant. If unsafe conditions persist perimeter fencing may be required.
10. The City may want to consider preparation of a Mining Performance Agreement to address the applicable Code Sections 26-172 through 26-183.

If you have any questions regarding these comments, please call me at 763-427-5860.

Sincerely,  
Hakanson Anderson



---

Craig J. Jochum, City Engineer

CJJ:dmb

cc: Jack Davis, City Administrator  
Nate Ayshford, Public Works Manager  
Kristin Erickson, Classic Construction



**TO:** Colleen, City of East Bethel  
**FROM:** Kristin Erickson  
**DATE:** February 5, 2015  
**SUBJECT:** 1965 Briarwood Lane NE, East Bethel, MN

Below are our comments to Hakanson Anderson's Mining Submittal Review:

1. The SWPPP has been added onto Plowe's grading plan. We will be obtaining a NPDES permit through the MPCA at the appropriate time.
2. Completed
3. The owner's name, Martin Johnson, has been added to the plan. The hours of operation will be Monday through Friday 7 AM to 5 PM and occasional Saturday from 8 AM to 1 PM.
4. No dewatering
5.
  1. Satellite restroom will be onsite near the existing driveway
  2. employees will not be parking at this site
  3. as stated in the memo, we will use the existing driveway
  4. done
  5. erosion control is on current plant
  6. n/a
  7. n/a
  8. n/a
  9. n/a
10. getting onto Briarwood Lane NE from current driveway, continuing on the Highway 65 Service Road, crossing 65 at 187<sup>th</sup> Lane NE.
6. ok
7. Dust control – water truck will be used when needed
8. We will be posting "Trucks Hauling" Signs (from Warning Lites, MN)
9. ok
10. Per Colleen, this is in the works, waiting on amount for letter of credit

Please let me know if you require anything else at this time.

# Minnesota Wetland Conservation Act

## Notice of Decision

Local Government Unit (LGU) <b>City of East Bethel</b>	Address <b>2241 221<sup>st</sup> Avenue NE</b> <b>East Bethel, MN 55011</b>
---	---

### 1. PROJECT INFORMATION

Applicant Name <b>Classic Construction, Inc.</b>	Project Name <b>1965 Briarwood Ln. NE</b> <b>Excavation</b>	Date of Application <b>12/31/2014</b>	Application Number <b>EB901-259</b> <b>2014</b>
Attach site locator map.			

Type of Decision:

Wetland Boundary or Type	<input checked="" type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input type="checkbox"/> Sequencing
Replacement Plan		Banking Plan	

Technical Evaluation Panel Findings and Recommendation (if any):

Approve	Approve with conditions	Deny
Summary (or attach):		

### 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: <b>January 2, 2015</b>		
Approved <input checked="" type="checkbox"/>	Approved with conditions (include below)	Denied

<p>LGU Findings and Conclusions (attach additional sheets as necessary):</p> <p>The 2.0 acre excavation is occurring in a Type 1/2 (PEMB) wetland. The excavation will be no greater than 5.5 feet with approximately 4.5 to 5 ft. of water with sideslopes of no steeper than 8:1. No temporary impacts are proposed.</p> <p>Proper erosion control that does not allow excavated material or exposed soils to reenter the excavation or other wetlands and/or ditches must be employed at all times. A NPDES permit is required along with other pertinent permits from local and federal entities. This Notice does not cover those permits only rules associated with MN Statute 8420.</p> <p>The area will need to be seeded with an appropriate native plant mix after a section of the site is final graded or proper erosion control/temporary seeding will need to be in place if soils are exposed for more than 14 days. Refer to the NPDES permit for more information. The seeding will be reviewed by the LGU after one full growing season to insure it was successful which will include at least the emergence of 5 native species in the mix utilized and less than 10% coverage of invasive species before final sign-off.</p> <p>An as-built may be required if documentation of final depths or slopes is needed.</p>
--

For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)
----------------	-------------------	--------	---

**Replacement Plan Approval Conditions.** In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

**Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).

**Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.

**Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

**Wetlands may not be impacted until all applicable conditions have been met!**

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name <b>Craig Jochum</b>	Title <b>City Engineer</b>	
Signature 	Date <b>12-15</b>	Phone Number and E-mail <b>763/427-5860 CraigJ@haa-inc.com</b>

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

*Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.*

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

### 3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

Appeal of an LGU staff decision. Send petition and \$_____ fee (if applicable) to: Colleen Winter 2241 221 <sup>st</sup> Avenue NE East Bethel, MN 55011	Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director MN Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
---	---

#### 4. LIST OF ADDRESSEES

<input checked="" type="checkbox"/>	SWCD TEP member: <b>Joan Spence, 1318 McKay Dr. Suite 300, Ham Lake, MN 55304</b>
<input checked="" type="checkbox"/>	BWSR TEP member: <b>Dennis Rodacker, 520 Lafayette Rd. N., St. Paul, MN 55155</b>
<input checked="" type="checkbox"/>	LGU TEP member (if different than LGU Contact): <b>Becky Wozney, Hakanson Anderson</b>
<input checked="" type="checkbox"/>	LGU Contact: <b>Colleen Winter, 2241 221<sup>st</sup> Ave. NE East Bethel, MN 55011</b>
<input checked="" type="checkbox"/>	DNR TEP member: <b>Brooke Haworth, DNR Central, 1200 Warner Rd. St. Paul, MN 55106</b>
<input type="checkbox"/>	DNR Hydrologist: <b>Kate Drewry, DNR Waters, 1200 Warner Road St. Paul, MN 55106</b>
<input type="checkbox"/>	DNR Regional Office (if different than DNR TEP member)
<input type="checkbox"/>	WD or WMO (if applicable):
<input checked="" type="checkbox"/>	Applicant: <b>Curt Strandlund, Classic Construction</b>
<input type="checkbox"/>	Consultant:
<input type="checkbox"/>	Members of the public who requested notice (notice only):
<input checked="" type="checkbox"/>	Corps of Engineers Project Manager: <b>Andy Beudet, US Army Corps of Engineers St. Paul District, OP-R 180 Fifth St. East, Suite 700 St. Paul, MN 55101-1678</b>
<input type="checkbox"/>	BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

#### 5. MAILING INFORMATION

- For a list of BWSR TEP representatives:  
[www.bwsr.state.mn.us/aboutbwsr/workareas/WCA\\_areas.pdf](http://www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf)
- For a list of DNR TEP representatives:  
[www.bwsr.state.mn.us/wetlands/wca/DNR\\_TEP\\_contacts.pdf](http://www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf)
- Department of Natural Resources Regional Offices:

<u>NW Region:</u>	<u>NE Region:</u>	<u>Central Region:</u>	<u>Southern Region:</u>
Reg. Env. Assess. Ecol.	Reg. Env. Assess. Ecol.	Reg. Env. Assess. Ecol.	Reg. Env. Assess. Ecol.
Div. Ecol. Resources	Div. Ecol. Resources	Div. Ecol. Resources	Div. Ecol. Resources
2115 Birchmont Beach Rd. NE	1201 E. Hwy. 2	1200 Warner Road	261 Hwy. 15 South
Bemidji, MN 56601	Grand Rapids, MN 55744	St. Paul, MN 55106	New Ulm, MN 56073

For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/aboutdnr/dnr\\_regions.pdf](http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf)

- For a list of Corps of Project Managers:  
[www.mvp.usace.army.mil/regulatory/default.asp?pageid=687](http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=687) or send to:  
US Army Corps of Engineers  
St. Paul District, ATTN: OP-R  
180 Fifth St. East, Suite 700  
St. Paul, MN 55101-1678
- For Wetland Bank Plan applications, also send a copy of the application to:  
Minnesota Board of Water and Soil Resources  
Wetland Bank Coordinator  
520 Lafayette Road North  
St. Paul, MN 55155

#### 6. ATTACHMENTS

In addition to the site locator map, list any other attachments:



DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL MN 55101-1678

FEB 06 2015

REPLY TO  
ATTENTION OF

Operations  
Regulatory (2014-04170-ADB)

Classic Construction  
c/o Ms. Kristin Erickson  
18542 Ulysses Street NE  
East Bethel, Minnesota 55011

Dear Ms. Erickson:

Authority is hereby granted for Classic Construction to excavate 2 acres of wetland for the purpose of creating a wildlife pond. The project site is in Sec. 33 T. 33N., R. 23W., Anoka County, Minnesota.

The authorized work is shown on the enclosed drawing labeled MVP-2014-04170-ADB Page 1 of 1, which is hereby incorporated as part of this Letter of Permission. This authorization is issued under the provisions of LOP-05-MN. The authorized work includes:

1. Discharges of dredged or fill material associated with the construction of a 2 acre wildlife pond including grading, shaping of banks, or other redistribution of dredged or fill material;

This action is based upon the recommendation of the Chief of Engineers and under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344). The authorization is subject to the enclosed General and Standard Conditions as well as the following Special Condition:

1. The excavated area shall be seeded, mulched and disked no later than 30 days after the work authorized by this permit is completed. The excavated area shall be seeded with Minnesota State seed mix 34-262 at a rate of 14.5 pounds/acre.

The time limit for completing this authorized work ends three years from the date of this letter.

If you sell the property associated with this permit, you must provide written notification of the name and address of the new owner, along with the Regulatory number at the top of this letter, within 60 days of the sale, to the letterhead address:

If your project will require off-site fill material that is **not** obtained from a licensed commercial facility, you must notify us at least five working days before start of work. A cultural resources survey may be required if a licensed commercial facility is not used.

This federal authorization is issued under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344). It does not obviate the need to obtain other Federal, state or local authorizations required by law. The time limit for completing the authorized work ends three years from the date of this letter.

This letter constitutes an initial proffered permit and contains a signed copy of the preliminary jurisdictional determination (JD) for your project. Also enclosed is a Notification of Administrative Appeal Options and Process (NAP) fact sheet and Request for Appeal (RFA) form which provide information regarding your right to object to these determinations.

If you object to the terms and/or conditions of this initial proffered permit, please see Section I-A and complete Section II of the RFA and submit it to the **District Engineer** in accordance with 33 CFR 331. Your objections to the initial proffered permit must be received by the **St. Paul District Office** within 60 days of the date of the NAP or you will forfeit your right to challenge the terms or conditions of the permit.

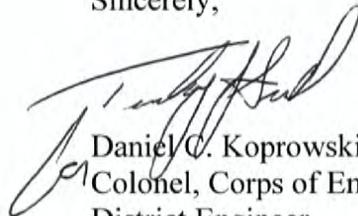
Before accepting the RFA, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the District or Division Office within 60 days of the date of the NAP.

It is not necessary to submit an RFA form to the Corps District or Division Office if you do not object to the initial proffered permit.

The preliminary JD prepared for the site described above is not appealable. The preliminary JD is a written indication that there may be waters or wetlands subject to federal jurisdiction on the site or an indication of the approximate location(s) of waters or wetlands on a parcel. If you wish to receive an approved jurisdictional determination, please see Section I-E of the NAP.

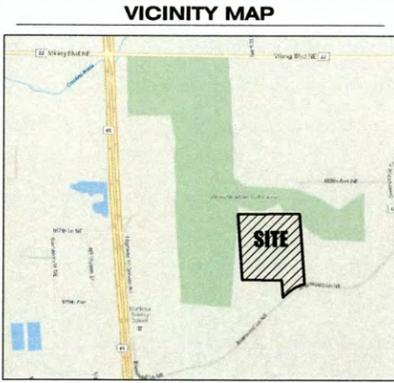
If you have any questions, please contact Andy Beaudet in our St. Paul Office at (651) 290-5642. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

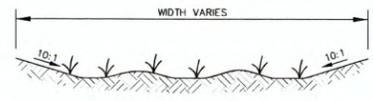
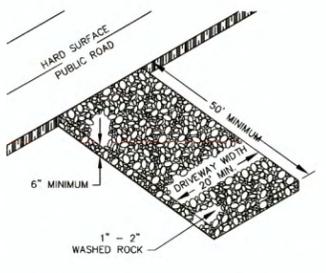
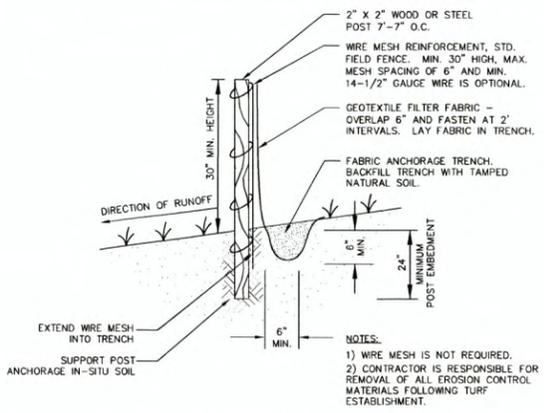
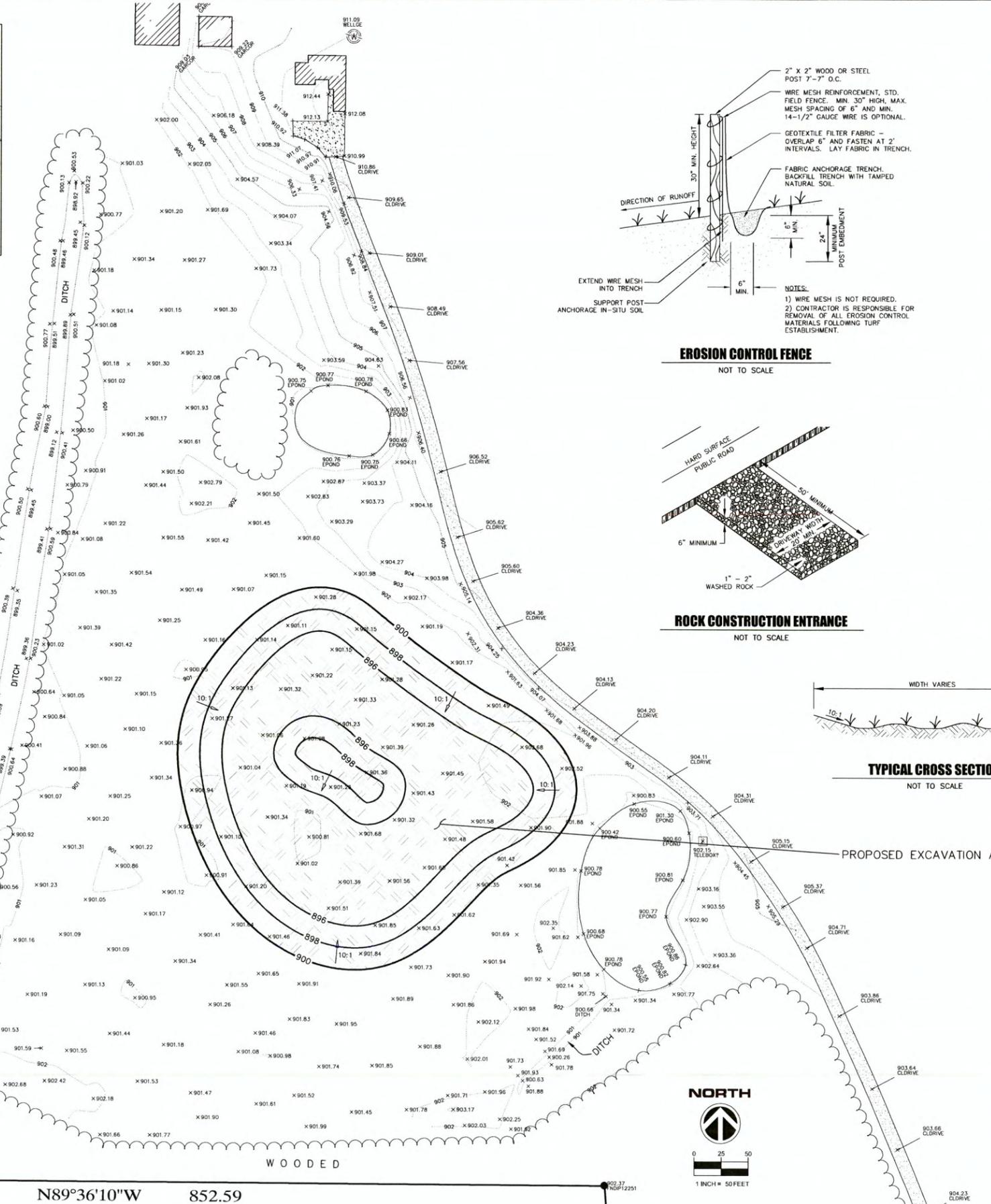


Daniel C. Koprowski  
Colonel, Corps of Engineers  
District Engineer

Enclosures  
Copy furnished:  
Dennis Rodacker – BWSR  
Joan Spence – ACD  
Becky Wozney – Hakanson Anderson



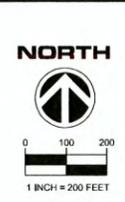
N.T.S.



**LEGEND**

---	EXISTING CONTOUR
x	EXISTING SPOT ELEVATION
- - -	EXISTING FENCE
~	EXISTING WETLAND
---	PROPOSED CONTOUR
- - -	PROPOSED SILT FENCE
←	PROPOSED DIRECTION OF DRAINAGE

**EXCAVATION TO BE SEED WITH EMERGENT WETLAND GRASSES  
 PROVIDE A 25 FOOT BUFFER OF EXISTING VEGETATION**



DRAWN BY:	DESIGN BY:
C.M.	C.W.P.
CHKD BY:	PROJ. NO.
C.W.P.	14-1505
ORIGINAL DATE:	
OCTOBER 2, 2014	

DATE	REVISION DESCRIPTION

I hereby certify that this plan was prepared by me or by a person under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

**PRELIMINARY**  
 Charles W. Plowe  
 CHARLES W. PLOWE  
 LIC. NO. 16227  
 DATE: 10.02.2014

**1965 BRIARWOOD LANE NE  
 EAST BETHEL, MINNESOTA**  
 GRADING PLAN

PREPARED FOR:  
**CLASSIC CONSTRUCTION**

**PLOWE ENGINEERING, INC.**  
 6776 LAKE DRIVE  
 SUITE 110  
 LINO LAKES, MN 55014  
 PHONE: (651) 361-8210  
 FAX: (651) 361-8701

**GRADING PLAN  
 1965 BRIARWOOD LANE NE**

**C1**

1/23/2014  
 C:\Users\jplowe\Documents\14-1505-ADB\14-1505-ADB.dwg  
 1/23/2014

# LOP-05-MN

## CLEAN WATER ACT SECTION 404 LOP TERMS, AND CONDITIONS FOR THE STATE OF MINNESOTA

Project proponents should carefully read all of the information below, with special attention to the General Conditions section. These provisions and conditions apply to all LOP authorizations in those portions of Minnesota outside the external boundaries of Federally recognized Indian Reservations. The St. Paul District web page: [www.mvp.usace.army.mil/regulatory](http://www.mvp.usace.army.mil/regulatory) also contains helpful information.

### GENERAL CONDITIONS

1. The time limit for completing work authorized by an LOP ends three years after the date of the Corps' authorization letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to the Corps for consideration at least three months before the expiration date is reached.
2. You must maintain the authorized activity in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the authorized activity you must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to the LOP-05-MN authorization. A copy of the certification will be attached to the LOP-05-MN authorization if it contains such conditions.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of LOP-05-MN.

### STANDARD CONDITIONS

**1. Suitable fill material.** No dredged or fill material discharged under this authorization may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic pollutants in other than trace quantities.

**2. Erosion control.** Appropriate erosion control measures must be used and maintained in effective operating condition during construction and upon completion of operations all exposed slopes, fills, and disturbed areas, as well as any work below the ordinary high water mark must be given sufficient protection by appropriate means to prevent subsequent erosion. Work should be done in accordance with state-approved, published practices, such as defined in the Minnesota Pollution Control Agency Document, PROTECTING WATER QUALITY IN URBAN AREAS - BEST MANAGEMENT PRACTICES FOR MINNESOTA.

**3. Historic Properties and Cultural Resources** No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the DE has complied with the provisions of 33 CFR part 325 Appendix C. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places.

**4. Endangered Species** No activity is authorized which is likely to adversely affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species, except as noted in Section b below. Non-federal permittees shall notify the District if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work on the activity until notified by the District that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

Authorization of an activity does not authorize the take of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal takes of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. Fish and Wildlife Service and National Marine Fisheries Service or their World Wide Web pages on the Internet.

If it becomes apparent that a Federally listed endangered plant or animal species will be affected by work authorized by this permit, work must be stopped immediately and the St. Paul District of the Corps of Engineers must be contacted for further instruction.

**5. Diversions of Water.** A LOP may not be used to authorize all or any portion of a project that would divert more than 10,000 gallons/day of surface water or groundwater into or out of the Great Lakes Basin.

**6. State Section 401 Certification.** The Minnesota Pollution Control Agency (MPCA) has waived water quality certification for authorizations under LOP-05-MN. The MPCA has not waived your responsibility to comply with the water quality standards contained in Minn. R. 7050 and other applicable MPCA statutes and rules.

**7. Coastal Zone Management consistency determination.** The State of Minnesota has determined that LOP-05-MN is consistent with the Minnesota CZM program.

**Further Information.**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. This LOP does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This LOP does not grant any property rights or exclusive privileges.

c. This LOP does not authorize any injury to the property or rights of others.

d. This LOP does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In authorizing work, the Federal Government does not assume any liability, including but not limited to the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. No activity or its operation may impinge or abrogate reserved treaty rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

7. If you discover any previously unknown historic or archaeological remains while accomplishing the authorized activity you must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

8. Extensions. General condition 1., above, establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

**This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:**

District Office	St. Paul District	File/ORM #	2014-04170-ADB	PJD Date:	Jan 26, 2015
State	MN	City/County	Anoka County	Name/Address of Person Requesting PJD	Classic Construction c/o Ms. Kristin Erickson 18542 Ulysses Street NE East Bethel, Minnesota 55011
Nearest Waterbody:	County Ditch		Location: TRS, LatLong or UTM:	Sec. 33 T. 33N., R. 23W.	
Identify (Estimate) Amount of Waters in the Review Area:	Name of Any Water Bodies on the Site Identified as Section 10 Waters:		Tidal: _____ Non-Tidal: _____		
Non-Wetland Waters:	Stream Flow:				
_____ linear ft _____ width _____ acres	N/A				
Wetlands: 2.00 acre(s)	Cowardin Class: Palustrine, emergent	<input checked="" type="checkbox"/> Office (Desk) Determination		<input type="checkbox"/> Field Determination: _____ Date of Field Trip: _____	

**SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: \_\_\_\_\_
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps
- Corps navigable waters' study: \_\_\_\_\_
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite quad name: \_\_\_\_\_
- USDA Natural Resources Conservation Service Soil Survey. Citation: \_\_\_\_\_
- National wetlands inventory map(s). Cite name: \_\_\_\_\_
- State/Local wetland inventory map(s): \_\_\_\_\_
- FEMA/FIRM maps: \_\_\_\_\_
- 100-year Floodplain Elevation is: \_\_\_\_\_
- Photographs:  Aerial (Name & Date): \_\_\_\_\_  
 Other (Name & Date): \_\_\_\_\_
- Previous determination(s). File no. and date of response letter: \_\_\_\_\_
- Other information (please specify): \_\_\_\_\_

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

*SG 1-26-15*

\_\_\_\_\_  
Signature and Date of Regulatory Project Manager  
(REQUIRED)

\_\_\_\_\_  
Signature and Date of Person Requesting Preliminary JD  
(REQUIRED, unless obtaining the signature is impracticable)

**EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:**

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Classic Construction, Ms. Kristin Erickson	File Number: 2014-04170-ADB	Date: FEB 06 2015
Attached is:		See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
X	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I** - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A. INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approve jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B. PROFFERED PERMIT:** You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C. PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D. APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E. PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTION OR INFORMATION**

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Andy Beaudet  
U. S. Army Corps of Engineers, Regulatory Branch  
180 Fifth Street East, Suite 700  
St. Paul, MN 55101

Telephone (651) 290-5642

If you only have questions regarding the appeal process you may also contact:

Administrative Appeals Review Officer  
Mississippi Valley Division  
P.O. Box 80 (1400 Walnut Street)  
Vicksburg, MS 39181-0080  
(601) 634-5821  
(601) 634-5816 (fax)

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
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# MINING PERFORMANCE AGREEMENT

**AGREEMENT**, made this \_\_\_ day of \_\_\_\_\_, 2015, between the City of East Bethel, a municipal corporation under the laws of the State of Minnesota, (“City”) and Classic Construction (“Permittee”).

1. **Request for Mining and Conditional Use Permits.** The Permittee has requested that the City approve a mining and an Interim Use Permit for the following land being legally described as:

That prt of sw1/4 of NW ¼ of Sec 33 Twp 33 Rge 23 Lying Northwesterly of Center line of Briarwood LN NE, except South 540 ft of W 850 ft thereof, except road, subject to easement of record

1965 BRIARWOOD LANE NORTHEAST, EAST BETHEL, MN 55011-9592

PIN: 333323220005

TAX PAYERS: MARTIN D & MYRA JOHNSON

ZONING: R1 – SINGLE FAMILY RESIDENTIAL

2. **Conditions of Approval of Permits.** The City agrees to approve and issue the mining and amended Interim Use Permit on condition (i) that the Permittee enter into this Agreement and perform the undertakings and furnish the security required herein; (ii) that the Permittee comply with all requirements of the City’s approval and the **Conditions of the Permits** and (iii) that the Permittee comply with all applicable requirements of the City’s ordinances for the permits. Except as is expressly provided within the permits issued or this Agreement Permittee is not granted any land use rights or additional permits and proceeds at its own risk. Issuance of this Agreement does not guarantee or apply to any desired or necessary future land use permits that Applicant may need for its desired project.

3. **Right to Proceed.** The Permittee may not proceed under the permits until the following conditions have been satisfied: (i) this Agreement has been fully executed by all parties and filed with the City Clerk; (ii) all conditions contained in the Agreement have been met; and (iii) the security required pursuant to Section 12 hereof has been received by the City.

4. **Mining Plans.** The mining will be performed exclusively on the site as specified in accordance with the plans on file in the office of the City Clerk and the conditions stated below. If the plans vary from the written terms of this Agreement, the written terms of the Agreement will control. The plans (hereinafter the “**Plans**”) are:

A. Grading, Drainage and Erosion Control Plan for 1965 Briarwood Lane NE Site

All written comments and requirements of the City Engineer (including the January 28, 2015 letter of Craig Jochum) issued prior to the date of this Agreement also are part of the **Plans** and are incorporated herein by reference.

In the case of any dispute or ambiguity regarding any of the **Plans** and the Permittee’s obligations under the **Plans** and this Agreement, the decision of the City Engineer will control and be final.

5. **Mining Operations.** The Permittee will perform, install, and pay for all the mining operations (hereinafter the “**Operations**”) as shown in the **Plans**. Security will be provided for the **Operations** listed below:

- A. Excavate approximately 2 acres of land as shown on the grading plan herein attached and referred to as Exhibit A.
- B. Excavate one ponding area to create a wildlife pond
- C. Haul and place the granular material on Outlot A, Classic Commercial Park 3<sup>rd</sup> Addition
- D. Pond will have a 10:1 slope and be seeded with Minnesota State Seed Mix 34-262 Wet Prairie

The **Operations** will be performed in accordance with City ordinances and standards and as provided within the **Plans**. The Permittee will obtain all necessary permits from other government authorities as may be required. The City, when reasonably required to do so and at the Permittee’s expense, may have one or more City inspectors and a soil engineer inspect the work. Within 30 days after the completion of the **Operations** for either parcel, and before any security is released, the Permittee will supply the City with a complete set of reproducible “as built” plans on electronic disc and two complete sets of blue line “as built” plans, all prepared in accordance with City standards. No securities will be released until the “as-builts” are produced to the satisfaction of the City.

The Operations will be guaranteed and secured as provided in Sections 12 and 13.

6. **Conditions of Permits.** The Permittee agrees to abide by and perform all Operations consistently with the following Conditions of the Permits:

- A. All equipment used in conjunction with the excavations must be maintained and operated in such a manner as to minimize noise levels at and adjacent to the site. Maximum noise levels at the site must be within limits set by the MPCA and the EPA;
- B. Operations and hauling hours must be between 7:00 a.m. and 6:00 p.m., Mondays through Fridays, or as otherwise approved by the City Council;
- C. The Permittee must comply with all applicable City, County, State, and Federal regulations for the protection of air and water quality;
- D. Dust control must be provided at all times during excavation operations;
- E. Temporary safety fencing may be required where unsafe conditions warrant. If unsafe conditions persist, perimeter fencing may be required;
- F. A revised site survey may be required by the City to update any modifications;
- G. City Staff and other agencies will have access to the subject property to monitor site activities;
- H. Approval of the permits is contingent on comments from the City Engineer being met;

- I. The Permittee must notify City Staff if work will be conducted on Saturdays and if work will continue after 6:00 P.M. on any day; the City may restrict work on any Saturday for good cause;
- J. The Permittee will be responsible for the remediation of neighboring wells if the Operations result in the failure or impairment of any well in close proximity (within 1000 feet) to the subject property; and
- K. No export of material off site will be allowed until a traffic control plan is submitted and approved by the City. "Trucks Hauling" signs shall be installed on Briarwood Lane during operations.
- L. All WCA Technical Evaluation Panel (TEP) comments must be addressed and approved by TEP prior to the issuance of the Interim Use Permit and grading/mining permit, including final wetland delineations and water monitoring plan;
- M. All comments and concerns of the City Engineer must be addressed to his satisfaction prior to the City issuing the amended Interim Use Permit and the grading/mining permit;
- N. A revised or "as built" survey shall be required to be submitted; and
- O. The Interim Use Permit will expire on March 2, 2017

7. **Time of Performance.** The Permittee must complete all Operations by March 2, 2017.

8. **Right of Entry and Final Inspection.** The Permittee hereby grants to the City, its agents, employees, officers, and contractors, the right of entry to enter all of the subject property to perform any and all work and inspections necessary pursuant to this Agreement or deemed appropriate by the City during the course of the Operations by the Permittee or the City or to make any corrective action deemed necessary by the City.

At such time as the Permittee believes the Operations for either parcel have been completed, the Permittee will petition the City in writing for a preliminary final inspection of the subject property and the preparation of a punch list of items of work that must be corrected or are incomplete. The City will perform the inspection and furnish the punch list within 15 days of receipt of the petition. The Permittee will promptly undertake correction/completion of all items on the list and notify the City in writing when all such work has been completed. The City will perform a final inspection of the Operations within 15 days of receipt of such notice.

9. **Erosion Control.** After the site of the Operations for either parcel is rough graded, but before any mining is commenced, the Erosion Control Plan will be implemented by the Permittee and inspected and approved by the City. The City Engineer may impose additional erosion control requirements if, in the opinion of the City Engineer, they would be reasonably required to achieve best erosion practices on site. All areas disturbed by mining and backfilling operations will be reseeded forthwith after the completion of the work in that area. If the Permittee does not comply with the Erosion Control Plan and schedule or any supplementary instructions, the City, may, with reasonable notice, take such action as it deems appropriate.

10. **Grading, Drainage, and Erosion Control Plans.** Grading will be in accordance with the approved plans listed in Section 4. Within 30 days after completion of grading and before any security is released, the Permittee will provide the City with an “as built” grading plan. The “as built” plan will include field verified elevations of the location of the Operations.

11. **Clean Up.** The Permittee will promptly clean any and all dirt and debris from streets resulting from work by the Permittee, its agents, or assigns.

12. **Security.** To ensure compliance with the terms of this Agreement and performance of the Operations as herein provided, the Permittee will furnish to the City (in a form approved by the City Attorney) an irrevocable standby letter of credit, from a local bank, (“security”) for an amount as follows:

Item No.	Description	Estimated Qty.	Unit	Unit Price	Extension
1	Mobilization	1	Lump Sum	\$600	\$600
2	Restoration – Native Seed	1	Acres	\$3,500	\$3,500
3	Restoration – Stockpile/Road	1	Acres	\$1,500	\$1,500
4	Remove Silt Fence	400	Lin Ft.	\$1.50	\$600
5	<u>Site Grading</u>	1	<u>Lump Sum</u>	\$3,000	\$3,000
Total					\$9,200
Escrow Factor (25%)					\$2,300
Total LOC					\$11,500

The term of the letter of credit must be for a period commencing the date hereof and February 19, 2014 expiring no earlier than March 1, 2017. The applicant may be required to extend the letter of credit if the turf is not established 30 days prior to the expiration date.

The City may draw down on the security for any violation of the terms of this Agreement. Before drawing down on the security, the City will make a reasonable effort to give timely notice to the Permittee, but such notice will not be a condition precedent to drawing down the security. If the required Operations are not completed at least 30 days prior to the expiration of a letter of credit, the City may also draw down the letter of credit. With City approval the security may be reduced from time to time as the Permittee’s obligations under this Agreement are met.

13. **Warranty.** All restored grass and vegetation is warranted to be alive, of good quality, and disease free for one year from the date of city acceptance of the “as built survey”.

For such purposes as may be necessary in connection with execution and enforcement of this Agreement, warranty, and guarantee, and any dispute as to what is meant by the Plans, the decision of the City Engineer shall be final.

14. **Responsibility for Costs.**

A. The Permittee will hold the City and its officers and employees harmless from claims made by itself and third parties for damages sustained or costs incurred resulting from the Operations or any work performed by the City as a result of the Permittee's default hereunder. The Permittee will indemnify the City and its officers and employees for all costs, damages, or expenses which the City may pay or incur in consequence of such claims or work, including attorney's fees;

B. The Permittee will pay in full all bills submitted to it by the City for obligations incurred under this Agreement within 30 days after receipt. If the bills are not paid on time, the City may halt the Operations, until all bills are paid in full. Bills not paid within 30 days will accrue interest at the rate of 10% per year. City may apply the letter of credit to any delinquent billings.

C. Permittee is responsible for all legal and engineering costs associated with this project.

15. **Permittee's Default.** In the event of default by the Permittee as to any of the work to be performed by it hereunder, the City, at its option, may perform the work and the City may then draw down the security established in Paragraph 12 to pay for any work undertaken, provided the Permittee is first given notice of the work in default, not less than seven days in advance. This notice provision does not apply if the work performed by the City or its contractors is of an emergency nature, as determined at the sole discretion of the City. Should such emergency work be required, the City will make all reasonable efforts to notify the Permittee as soon as possible. Should the City perform any of the work, the Permittee will hold the City harmless from any and all liability in connection with completion of the work.

16. **Miscellaneous.**

A. Third parties will have no recourse against the City under this Agreement;

B. Breach of any of the terms of this Agreement by the Permittee will be grounds for denial or revocation of the mining and the conditional use permit;

C. If any portion, section, subsection, sentence, clause, paragraph, or phrase of this Agreement is for any reason held invalid, such decision will not affect the validity of the remaining portion of this Agreement;

D. The action or inaction of the City will not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers must be in writing, signed by the parties, and approved by written resolution of the City Council. The City's failure to promptly take legal action to enforce this Agreement will not be a waiver or release;

E. This Agreement will run with the land, will be recorded against the title to the property, and will be binding on all parties having any right, title, or interest in the land or any part thereof, their heirs, successors, and assigns. After the Permittee has completed the work required of it under this Agreement, at the Permittee's request, the City will execute and deliver to the Permittee a release or partial release(s) of this Agreement, and, at the City's request, the Permittee will execute and deliver to the City an agreement in recordable form that the conditional use permit is no longer in effect and

is null and void.

F. The Permittee will take out and maintain until one year after the completion of the mining operations public liability and property damage insurance covering personal injury, including death, and any claims for property damage which may arise out of the Permittee's work or the work of its subcontractors or by one directly or indirectly employed by the Permittee. Limits for bodily injury and death will not be less than \$500,000.00 for one person and \$1,500,000.00 for each occurrence; limits for property damage will be not less than \$200,000.00 for each occurrence. The City will be named as an additional named insured on said policy, and the Permittee will file a copy of the insurance coverage with the City prior to the City issuing further building permits;

G. A breach or default in the performance of this agreement by the Permittee may be enforced by legal or equitable remedies. Each right, power, or remedy herein conferred upon the City is cumulative and in addition to every other right, power, or remedy, express or implied, now or hereafter arising, available to City, at law or in equity, or under any other agreement, and each and every right, power, and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City and will not be a waiver of the right to exercise at any time thereafter any other right, power or remedy;

H. In the event of default hereunder the Permittee will reimburse the City for costs incurred in the enforcement of this Agreement, including reasonable engineering and attorney's fees.

17. **Notices.** Notices to the City will be in writing and will be either hand delivered to the Community Development Director or mailed to the City by registered mail at the following address,

Colleen Winter  
City of East Bethel  
2241 – 221<sup>st</sup> Avenue NE  
East Bethel, MN 55011

Copy to:  
Mark Vierling  
Eckberg, Lammers, Briggs, Wolff &  
Vierling PLLP  
1809 Northwestern Ave.  
Stillwater, MN 55082

Required notices to the Permittee will be in writing and will be either hand delivered to the Permittee, its employees or agents, or mailed to the Permittee by registered mail at the following addresses:

Classic Construction  
18542 Ulysses Street Northeast  
East Bethel, MN 55011



**CLASSIC CONSTRUCTION**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF ANOKA        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, the \_\_\_\_\_ on behalf of Classic Construction.

\_\_\_\_\_  
Notary Public

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

**EXHIBIT A**  
**LETTER FO CREDIT FORM**

**Letter of Credit Requirements**

Letters of Credit (LOC) being provided must meet the following criteria.

1. The attached sample form is preferred by the City. Variations from this sample may cause delay in the acceptance of the LOC by the City. Delay in acceptance may cause a delay in the approval process for your project.
2. The LOC must be drawn on a bank. The LOC is preferred to be from a bank in the seven (7) county metro area. LOCs on a bank outside the metro area must include a provision allowing for drawing on the LOC without presenting, or sending the original LOC. LOCs for less than \$ 25,000 must also include a provision allowing for drawing on the LOC without presenting, or sending the original LOC. If a LOC is drawn on it will be returned to the originating bank after funds are received.
3. The bank must submit a copy of their latest call report along with the LOC.
4. The bank the LOC is drawn on should have assets of at least \$25 million.
5. The LOC must be for a minimum term of one (1) year.
6. The LOC must contain a provision allowing for drawing on the LOC if it is not renewed, or replaced, by sixty (60) days prior to its maturity.
7. The LOC and any financial information must be received by the City not less than seven (7) days prior to the City Council taking action on the request.
8. The City reserves the right to request additional financial information it deems appropriate from the bank providing the LOC. The City reserves the right to now accept a particular LOC.
9. Letters of Credit will not be accepted from a related company, i.e., parent company, subsidiary, if the builder/developer is a subsidiary company the LOC cannot come from another wholly owned subsidiary of that parent company. Builders/developers submitting LOCs from non-bank institutions will be required to submit a letter from the institution confirming that it is not related to the builder/developer.
10. Questions concerning the requirements outlined or the format required should be directed to Mark J. Vierling, 1809 Northwestern Ave., Stillwater MN 55082, telephone: 651-439-2878.

**SAMPLE  
BANK LETTERHEAD**

Date

Irrevocable Letter of Credit No. \_\_\_\_\_

To: City of East Bethel  
City Administrator  
2241-221<sup>st</sup> Ave N.E.  
East Bethel, Minnesota 55011

Gentlemen:

We hereby establish in favor of the City of East Bethel this Irrevocable Letter of Credit Number \_\_\_\_\_ for the account of (name and address of developer) for (name of development/ project) in an aggregate amount of (amount of the letter of credit).

This LETTER OF CREDIT shall be deemed automatically renewed without modification for one (1) from (one year after date of letter of credit) or any extended expiration date unless sixty (60) days or more prior to such date we shall notify you by registered or certified mail that we elect not to extend this LETTER OF CREDIT for any such additional period.

Partial drawings permitted.

Each draft under this Letter of Credit must:

1. Be signed on behalf of the City;
2. Bear on its face the clause "drawn under (name of the bank) Letter of Credit Number \_\_\_\_\_ dated \_\_\_\_\_"; and
3. Be accompanied by a certification signed on behalf of the City of East Bethel that either (i) (name of developer) has failed to comply with the terms of the grading permit, or (ii) (name of developer) has failed to comply with the terms of the grading permit, or (iii) this Letter of Credit will expire within sixty (60) days and this Letter of Credit has not been renewed or replaced as required.

The original of the Letter of Credit is NOT required to be presented to draw upon this Letter of Credit.

We hereby engage with drawers and/or bona fide holders that drafts drawn and negotiated in conformity with the terms of the credit will be duly honored upon presentation.

Except as otherwise state herein, this Letter of Credit shall be governed by the most recent version of the Uniform Customs and Practice for Documentary Credits (\_\_\_\_ Revision\*), International Chamber of Commerce Publication No. \_\_\_\_.

Bank Name

By: \_\_\_\_\_  
Name and Title of appropriate bank officer

- Must be most recent version.



# City of East Bethel City Council Agenda Information

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**Date:**

February 18, 2015

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 D.1

\*\*\*\*\*

**Agenda Item:**

Service Road Project

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**Requested Action:**

Consider approving the Roads Commission Service Road Recommendation and Authorizing Staff to Proceed with the Preparation of Plans and Funding Options for the Service Road Project

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**Background Information:**

City Council, Roads Commission and Staff have been exploring options for the development of frontage/backage roads in the area served by water and sewer service along Hwy. 65 between Viking Boulevard and 185<sup>th</sup> Avenue. Staff and the Roads Commission began this process in February 2014 and identified several proposals for these roads on the west side of Hwy. 65. The provision of a secondary access route to the Classic Commercial Park was the priority that resulted from these discussions. This access and additional street connections are necessary to address safety issues, increased and increasing traffic flow, access and as a stimulate for growth and development in this area.

Staff presented several options for potential routes to access the Classic Commercial Park and surrounding area to the Roads Commission at their May 13<sup>th</sup> and June 10, 2014 meetings. The Roads Commission recommended that the 189<sup>th</sup> Street alignment as the location for the secondary access. Their recommendation was based on the lower costs and minimal impact of right of way acquisition of this alternative as means to provide this access.

Roger Virta, Roads Commission Member along with Council Members Koller, Ronning and DeRoche expressed reservations relating to this recommendation at a City Council Work Meeting on July 23, 2014. Their concerns were the potential for the increase of truck traffic on Jackson Street and related safety matters. Even though Jackson Street is an MSA and a 9 ton street, land use along this route is rural residential and institutional (Our Saviors Lutheran Church). The Commission Member and Councilpersons were of the opinion that the potential for this street as a truck route would be disruptive to the neighborhood and increase the possibility of vehicular/pedestrian conflict.

As a result, Staff re-evaluated the proposals and considered as an additional criteria, not only the secondary access to the Classic Commercial Park and surrounding area, but the value that the options would provide as part of a frontage/backage road system for the water and sewer district. Based on this additional standard, Staff presented the options to the Roads Commission at their February 10, 2015 meeting. The Roads Commission, after deliberation of the matter, voted 3-1

to recommend that an alignment that would begin at the intersection of Buchanan Street and 187<sup>th</sup> Avenue, follow Buchanan St. north to 189<sup>th</sup> Avenue, follow 189<sup>th</sup> Ave. west to Taylor Street, then follow the approximated grid location of Taylor Street north to Viking Boulevard, as the location of the service road. The recommendation of this location was based on its enhancement of the overall frontage/backage road plan and its value to foster economic development and commercial and residential growth.

**Attachments:**

- 1. Project Location and Proposed Service Road Alignment

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**Fiscal Impact:**

To be determined

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**Recommendation(s):**

Based on this recommendation by the Roads Commission, Staff is requesting that Council approve this alignment concept and authorize Staff to prepare preliminary plans, engage in right of way discussions with affected property owners, identify funding sources and upon completion of these activities present findings to Council for consideration of approval to bid this as a project.

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

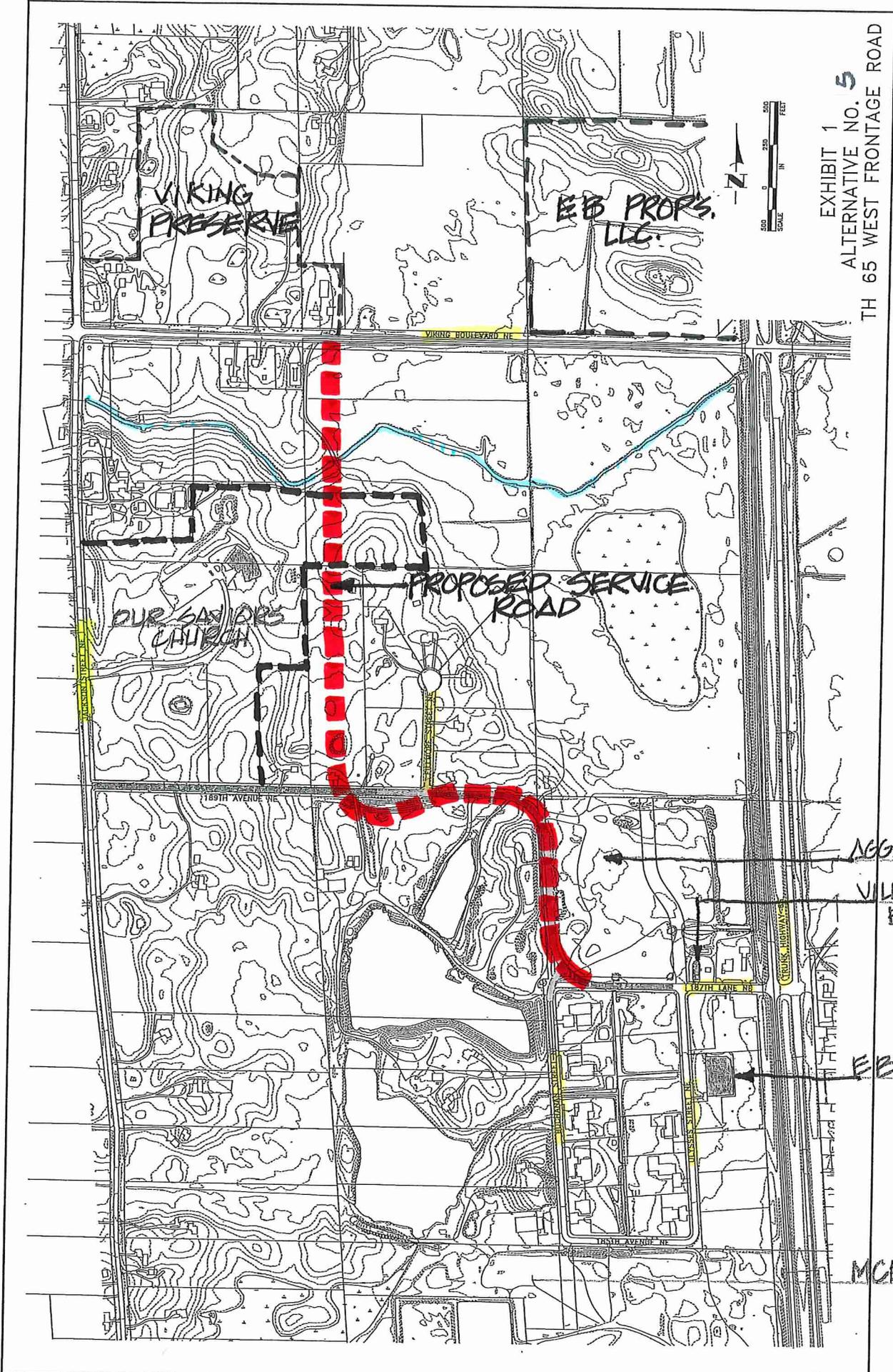


EXHIBIT 1  
 ALTERNATIVE NO. 5  
 TH 65 WEST FRONTAGE ROAD

AGG. HYD  
 VILLAGE BANK  
 EB THEATRE  
 MCEB WRP



# City of East Bethel City Council Agenda Information

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**Date:**

February 18, 2015

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**Agenda Item Number:**

Item 9.0 D.1

\*\*\*\*\*

**Agenda Item:**

Fund Balance Policy Update and 2010 C Bond Payment Recommendation

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**Requested Action:**

Consider approving Resolution 2015-13 – Permanent Fund Transfer

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**Background Information:**

The City of East Bethel adopted their current fund balance policy on April 16, 2014. This policy stipulates a minimum fund balance of 40% of the following years budgeted expenditures be maintained as a carryover to the General Fund for the subsequent year and that the City Administrator report on the condition of General Fund Balance annually. The previous fund balance had been set at 35% and our ultimate goal is to establish a fund balance of 50%.

The City is projecting to have \$2,725,901 in the General Fund balance at fiscal year-end 2014, which is 56% of the 2015 General Fund budget of \$4,848,700. The State Auditor recommends a minimum balance of 35% as a partial means to provide for the first six months of expenditures of the new budget year. If no other revenues are available, a 50% balance is needed to cover the City’s cash flow needs as the first property tax settlement payment isn’t received until July.

Staff is recommending that the current fund balance policy remain unchanged at this time and be reevaluated in 2016 at which time it can be considered to increase the balance minimum to 45%. This recommendation is based on our obligations to satisfy the 2010C 2017 bond payment.

The \$1.2 million 2010C Bond is non-callable and was structured with interest only payments for 2012-2015 and principle and interest payments due in 2016 and 2017. The 2010C Bond was secured to provide interest payments for the 2010A & B Bonds which financed the City’s costs for the Municipal Utilities Project.

In April 2014 City Council approved Resolution 2014-15 authorizing a General Fund Transfer in the amount of \$585,000 and a transfer of \$142,000 surplus from the 2005B debt service fund to apply to the 2010C 2016 payment. Currently the City has not been able to generate the necessary revenue from the Municipal Utility Project to pay its 2017 2010C debt service principal and interest payments of \$565,000 and \$9,746, respectively. Staff is, therefore, recommending that \$431,000 of the 2014 General Fund balance is permanently transferred to the 2010C debt service fund in order to assist in making the final payment on this bond. If the \$431,000 transfer is approved, it is projected that the City will end 2015 with a Fund Balance of \$2,294,901, approximately 47% of 2015 budgeted expenditures, which will still meet the proposed fund balance policy threshold of 40%.

Staff is also recommending that the City transfer \$144,186 from the Trail Capital Fund to the 2010C Debt Service Fund. The Trail Capital Fund balance was created by transfers from the City General Fund and not from fees generated by development.

These two transfers will provide sufficient funding to cover our 2017 2010C principal and interest payment. The 2010C debt commitment would have sufficient funds with approval of this transfer request to completely satisfy this debt. Approving the General Fund transfer from the 2014 balance would also assist with our audit as we would not need to create and prepare a separate entry from the 2015 General Fund to account for this transfer. Approval of Resolution 2015-13 would allow us to close out the 2014 Budget with a simple transfer, provide the final amount of funding for the 2010C Bond payment and still meet the requirements of our Fund Balance Policy.

\*\*\*\*\*

**Fiscal Impact:**

As described above

\*\*\*\*\*

**Recommendation(s):**

Consider approving resolution 2015-13 authorizing a one -time permanent fund transfer of \$431,000 from the 2014 General Fund to the 2010C Debt Service Fund and authorizing a one- time permanent fund transfer of \$144,186 from the Trails Capital Fund to the 2010C Debt Service Fund. These funds will then be available for the final payment of the 2017 2010C debt service principal and interest. These permanent fund transfers would be entered and recorded against the 2014 Budget.

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**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

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Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

## CITY OF EAST BETHEL, MN

### FUND BALANCE POLICY

#### I. PURPOSE

The purpose of this policy is to establish specific guidelines the City of East Bethel will use to maintain an adequate level of fund balance to provide for cash flow requirements and contingency needs because major revenues, including property taxes and other government aids are received in the second half of the City's fiscal year.

The purpose of this policy is to also establish specific guidelines the City of East Bethel will use to classify fund balances into a categories based primarily on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in these funds can be spent.

#### II. CLASSIFICATION OF FUND BALANCE/PROCEDURES

##### 1. **Nonspendable**

- This category includes fund balance that cannot be spent because it is either (i) not in spendable form or (ii) is legally or contractually required to be maintained intact. Examples include inventories and prepaid amounts.

##### 2. **Restricted**

- Fund balance should be reported as restricted when constraints placed on those resources are either (i) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (ii) imposed by law through constitutional provisions or enabling legislation.

##### 3. **Committed**

- Fund balance that can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority. The committed amounts cannot be used for any other purpose unless the government removes or changes the specified use by taking the same type of action it employed to commit those amounts.
- The City's highest level of decision making authority (City Council) will annually or as deemed necessary commit specific revenue sources for specified purposes by resolution. This formal action must occur prior to the end of the reporting period, however, the amount to be subject to the constraint, may be determined in the subsequent period.
- To remove the constraint on specified use of committed resources the City Council shall pass a resolution

#### **4. Assigned**

- Amounts that are constrained by the government's intent to use for specified purposes, but are neither restricted nor committed. Assigned fund balance in the General fund includes amounts that are intended to be used for specific purposes.
- The City Council has delegated the authority to assign and remove assignments of fund balance amounts for specified purposes to the Finance Director and City Administrator.

#### **5. Unassigned**

- Unassigned fund balance represents the residual classification for the General fund. Includes amounts that have not been assigned to other funds and that have not been restricted, committed, or assigned to specific purposes within the General fund. The General fund should be the only fund that reports a positive unassigned fund balance amount.
  - i. The City will maintain an unassigned fund balance in the General fund of at least 40% of the next year's budgeted expenditures of the General fund. This will assist in maintaining an adequate level of fund balance to provide for cash flow requirements and contingency needs because major revenues, including property taxes and other government aids are received in the second half of the City's fiscal year.

### **II. STABILIZATION ARRANGEMENTS**

Stabilization arrangements are defined as formally setting aside amounts for use in emergency situations or when revenue shortages or budgetary imbalances arise.

The City will set aside amounts by resolution as deemed necessary that can only be expended when certain specific circumstances exist. The resolution will identify and describe the specific circumstances under which a need for stabilization arises. The need for stabilization will only be utilized for situations that are not expected to occur routinely.

### **III. MONITORING AND REPORTING**

The City Administrator and Finance Director shall annually prepare the status of fund balance in relation to this policy and present to the City Council in conjunction with the development of the annual budget.

When both restricted and unrestricted resources are available for use, it is the City's policy to first use restricted resources, and then use unrestricted resources as they are needed.

When committed, assigned or unassigned resources are available for use, it is the City's policy to use resources in the following order; 1.) committed 2.) assigned and 3.) unassigned.

A negative residual amount may not be reported for restricted, committed, or assigned fund balances in the General fund.

**CITY OF EAST BETHEL  
EAST BETHEL, MINNESOTA**

**RESOLUTION NO. 2014-14**

**RESOLUTION ADOPTING THE CITY OF EAST BETHEL'S  
ADEQUATE GENERAL FUND UNASSIGNED BALANCE POLICY**

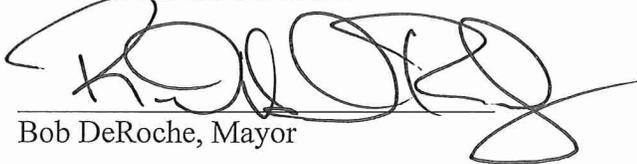
**WHEREAS**, The City of East Bethel wishes to revise their current General Fund unreserved balance policy.

**WHEREAS**, The City of East Bethel's revised policy is attached to this resolution.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT:** the Adequate General Fund Unreserved Balance Policy specifying a minimum balance of 40% is hereby adopted:

Adopted this 16th day of April, 2014 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL



\_\_\_\_\_

Bob DeRoche, Mayor

ATTEST:



\_\_\_\_\_

Jack Davis, City Administrator

**CITY OF EAST BETHEL  
EAST BETHEL, MINNESOTA**

**RESOLUTION NO. 2015-13**

**RESOLUTION AUTHORIZING A PERMANENT FUND TRANSFER**

BE IT RESOLVED by the City Council (the "Council") of the City of East Bethel, Minnesota (the "City"), as follows:

**Whereas** the City of East Bethel has a 2010C debt issue, which has \$565,000 in principal and \$9,746.25 in interest due in 2017.

**Whereas** the 2010C Debt Service Fund does not have sufficient revenue from the Municipal Utilities Project to make the 2017 debt service payments and makes it worthy of consideration for the City to fund this amount through internal permanent transfers from other sources.

**Whereas** the General Fund and the Trail Capital Fund (410) have excesses to transfer to the 2010C debt service fund.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT:** The City hereby authorizes the Finance Director to make a one time permanent fund transfer of \$431,000 from the General Fund to the 2010C Debt Service Fund. The City hereby also authorizes the Finance Director to make a one time permanent fund transfer of \$144,186 from the Trail Capital Fund to the 2010C Debt Service Fund. These funds will then be available to pay the 2017 2010C debt service principal and interest. These permanent fund transfers would be recorded against the 2014 Budget.

Effective Date. This resolution is effective as of 12/31/14.

Adopted this 18<sup>th</sup> day of February, 2015 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

\_\_\_\_\_  
Steven R. Voss, Mayor

ATTEST:

\_\_\_\_\_  
Jack Davis, City Administrator



# City of East Bethel City Council Agenda Information

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**Date:**

February 18, 2015

\*\*\*\*\*

**Agenda Item Number:**

Item 9.0 D.2

\*\*\*\*\*

**Agenda Item:**

2010A Bond Issue Refinance

\*\*\*\*\*

**Requested Action:**

Consider moving forward with a Pre-Sale Review conducted by Ehlers for March 4<sup>th</sup>, 2015 Meeting

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**Background Information:**

City Staff and Ehlers continually look for refinancing opportunities for the City's seven debt issues. The City currently has only one bond issue that is eligible for refinancing, the \$11,465,000 2010A RZED Bond. Ehlers has submitted a refinance opportunity for this bond that could potentially save \$875,419 with no City equity contribution.

Ehlers previously provided a refinance opportunity that could potentially save \$1.6M, but would require a City equity contribution of \$750,000. If that opportunity were pursued, the most likely source of the City contribution would require the disbandment of the City HRA and the transfer of those funds to the EDA to be used for debt buy down.

Should Council desire to proceed on this matter, there are multiple steps that the City would need to complete in order to refinance the bond. The sequence and approximate timeline of the bond refinance process would be as follows:

1. Pre-Sale Review with the City Council by Ehlers – March 4, 2015
2. Distribution of Official Statement – March 18, 2015
3. Bond Rating Determination – March 31, 2015
4. Taking and Award of Sale to Successful Bidder – April 1, 2015
5. Close on Bonds and Approve Sale – April 30, 2015

The process takes approximately six to eight weeks. Keep in mind that due to the volatility of the bond market, the information contained in the attachments as to savings is only valid if the bond sale occurred on the date the forecast was presented and there were no changes in the assumptions of the analyst's projection.

Both of the attached proposals provide for principal payments to begin in 2016. The interest savings available through a bond refinancing, creates the opportunity for a reduction of the projected annual levy increase for the 2010A Bond payment from 3.4% per year to 3.0% for refinancing with no debt pay down or to 2.4% for a \$750,000 debt pay down\*.

In addition, a refinancing would pay off the 2010A RZED bond and release the City from the Federal Tax Credit associated with this bond and the exposure of its fluctuating rebates which could result in additional levy increase should the credits be further reduced.

\*An annual 3.4% increase through 2040 would be required to fund the 2010A Bond debt assuming there are no connections to the system during this period.

The option of refinancing and continue the postponement of principal payments until 2020 is available but would result in less savings than a plan that advances the principle to 2016.

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**Attachments:**

- 1. Option 1- 2010A Bond Refinance, \$750,000 Equity Contribution
- 2. Option 2- 2010A Bond Refinance, No Equity Contribution
- 3. Option Summary

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**Fiscal Impact:**

As described above

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**Recommendation(s):**

Staff is seeking direction from Council regarding the refinance options presented and any direction as to a timeline to initiate this process should a decision be made to proceed with bond refinancing.

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**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

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Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

# City of East Bethel, MN

\$11,000,000 G.O. Water Utility Revenue Refunding Bonds, Dated April 1, 2015  
 Proposed Current Refunding of Series 2010A RZEDs (Original Principal Payments)  
 Assuming Current GO Non-BQ "AA" Market Rates

## Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings
02/01/2016	408,402.08	1,156,247.50	451,920.78	(704,326.72)
02/01/2017	475,602.50	475,602.50	451,920.78	(23,681.72)
02/01/2018	489,757.50	489,757.50	451,920.78	(37,836.72)
02/01/2019	498,597.50	498,597.50	451,920.78	(46,676.72)
02/01/2020	511,970.00	511,970.00	566,920.78	54,950.78
02/01/2021	524,760.00	524,760.00	568,871.92	44,111.92
02/01/2022	541,892.50	541,892.50	615,549.12	73,656.62
02/01/2023	558,407.50	558,407.50	579,940.40	21,532.90
02/01/2024	574,132.50	574,132.50	625,321.48	51,188.98
02/01/2025	593,987.50	593,987.50	649,052.92	55,065.42
02/01/2026	613,047.50	613,047.50	696,794.58	83,747.08
02/01/2027	635,967.50	635,967.50	746,263.54	110,296.04
02/01/2028	658,005.00	658,005.00	803,434.80	145,429.80
02/01/2029	683,597.50	683,597.50	852,925.42	169,327.92
02/01/2030	707,677.50	707,677.50	914,926.88	207,249.38
02/01/2031	739,927.50	739,927.50	1,003,864.78	263,937.28
02/01/2032	769,887.50	769,887.50	1,072,618.14	302,730.64
02/01/2033	802,635.00	802,635.00	1,067,593.58	264,958.58
02/01/2034	828,142.50	828,142.50	1,061,574.84	233,432.34
02/01/2035	866,487.50	866,487.50	1,059,561.90	193,074.40
02/01/2036	912,032.50	912,032.50	1,056,355.92	144,323.42
02/01/2037	959,652.50	959,652.50	1,050,682.90	91,030.40
02/01/2038	1,009,090.00	1,009,090.00	1,043,772.64	34,682.64
02/01/2039	1,070,080.00	1,070,080.00	1,040,625.18	(29,454.82)
02/01/2040	1,131,965.00	1,131,965.00	1,036,034.30	(95,930.70)
<b>Total</b>	<b>\$17,565,704.58</b>	<b>\$18,313,550.00</b>	<b>\$19,920,369.14</b>	<b>\$1,606,819.14</b>

## PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings.....	4,268,580.71
Effects of changes in Credit Enhancement Expenses.	(3,347,344.59)
Net PV Cashflow Savings @ 6.486%(Bond Yield).....	921,236.12
Total Cash contribution.....	(750,000.00)
Contingency or Rounding Amount.....	2,154.58
Net Present Value Benefit	\$173,390.70
Net PV Benefit / \$11,921,236.12 PV Refunded Debt Service	1.454%
Net PV Benefit / \$11,465,000 Refunded Principal...	1.512%
Net PV Benefit / \$11,000,000 Refunding Principal..	1.576%

## Refunding Bond Information

Refunding Dated Date	4/01/2015
Refunding Delivery Date	4/01/2015

# City of East Bethel, MN

\$11,755,000 G.O. Water Utility Revenue Refunding Bonds, Dated April 1, 2015  
 Proposed Current Refunding of Series 2010A RZEDs (Original Principal Payments)  
 Assuming Current GO Non-BQ "AA" Market Rates

## Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings
02/01/2016	422,781.25	421,666.67	451,920.78	30,254.11
02/01/2017	416,937.50	416,937.50	451,920.78	34,983.28
02/01/2018	416,727.50	416,727.50	451,920.78	35,193.28
02/01/2019	416,457.50	416,457.50	451,920.78	35,463.28
02/01/2020	531,127.50	531,127.50	566,920.78	35,793.28
02/01/2021	534,170.00	534,170.00	568,871.92	34,701.92
02/01/2022	581,770.00	581,770.00	615,549.12	33,779.12
02/01/2023	548,270.00	548,270.00	579,940.40	31,670.40
02/01/2024	590,040.00	590,040.00	625,321.48	35,281.48
02/01/2025	615,525.00	615,525.00	649,052.92	33,527.92
02/01/2026	664,890.00	664,890.00	696,794.58	31,904.58
02/01/2027	712,540.00	712,540.00	746,263.54	33,723.54
02/01/2028	767,955.00	767,955.00	803,434.80	35,479.80
02/01/2029	815,985.00	815,985.00	852,925.42	36,940.42
02/01/2030	876,585.00	876,585.00	914,926.88	38,341.88
02/01/2031	969,380.00	969,380.00	1,003,864.78	34,484.78
02/01/2032	1,037,767.50	1,037,767.50	1,072,618.14	34,850.64
02/01/2033	1,032,475.00	1,032,475.00	1,067,593.58	35,118.58
02/01/2034	1,025,737.50	1,025,737.50	1,061,574.84	35,837.34
02/01/2035	1,021,720.00	1,021,720.00	1,059,561.90	37,841.90
02/01/2036	1,021,380.00	1,021,380.00	1,056,355.92	34,975.92
02/01/2037	1,014,505.00	1,014,505.00	1,050,682.90	36,177.90
02/01/2038	1,006,692.50	1,006,692.50	1,043,772.64	37,080.14
02/01/2039	1,002,492.50	1,002,492.50	1,040,625.18	38,132.68
02/01/2040	1,002,152.50	1,002,152.50	1,036,034.30	33,881.80
<b>Total</b>	<b>\$19,046,063.75</b>	<b>\$19,044,949.17</b>	<b>\$19,920,369.14</b>	<b>\$875,419.97</b>

## PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings.....	3,847,694.42
Effects of changes in Credit Enhancement Expenses.	(3,404,459.26)
Net PV Cashflow Savings @ 6.263%(Bond Yield)....	443,235.16
Contingency or Rounding Amount.....	1,114.58
Net Present Value Benefit	\$444,349.74
Net PV Benefit / \$12,198,235.16 PV Refunded Debt Service	3.643%
Net PV Benefit / \$11,465,000 Refunded Principal...	3.876%
Net PV Benefit / \$11,755,000 Refunding Principal..	3.780%

## Refunding Bond Information

Refunding Dated Date	4/01/2015
Refunding Delivery Date	4/01/2015

## 2010A Refinance

	Equity Contribution	Refinance Fees	Net Interest	Savings (Net of interest and refinance fees)
Current	N/A	N/A	8,467,597	
Option 1	750,000	(157,155)	6,565,705	1,616,893
Option 2	-	(162,155)	7,291,064	886,534

The 2015 levy associated with this bond is \$487,000

Current - annual increase to levy would be 3.4%

Option 1 - annual increase to levy would be 2.4%

Option 2 - annual increase to levy would be 3.0%