

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:00 p.m.

Date: February 17, 2016



	<u>Item</u>	
7:00 PM	1.0	Call to Order
7:01 PM	2.0	Pledge of Allegiance
7:02 PM	3.0	Adopt Agenda
7:03 PM	4.0	Presentations
	Pg. 3-6	A. Anoka County Sheriff's Office 2016 Officer Introduction and Report
	Pg. 7-10	B. East Bethel Fire Department 2016 Officer Introduction and Report
7:30 PM	5.0	Public Forum
7:40 PM	6.0	Consent Agenda
		<i>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</i>
	Pg. 13-15	A. Approve Bills
	Pg. 16-25	B. Meeting Minutes, February 3, 2016 City Council Work Meeting
	Pg. 26-40	C. Meeting Minutes, February 3, 2016 City Council Meeting
		D. Approval for and Advertisement of Seasonal Employee Positions
	Pg. 41	E. Accept Firefighter Resignation
		F. Roads Commission Member Appointments
		G. Comprehensive Plan Update Request for Proposals
	Pg. 42-43	H. Renewal of Contract for Legal Services
		New Business
7:45 PM	7.0	Commission, Association and Task Force Reports
		A. Planning Commission
	Pg. 44-70	1. Sauter Commercial Park 2 nd Addition Concept Plan
	Pg. 71-75	2. Barn Goddesses LLC. Conditional Use Permit
	Pg. 76-78	3. Interim Use Permit – 18143 Lakeview Point Drive
	Pg. 79-80	4. Farm Animal Ordinance – Request for Ordinance Amendment
		B. Economic Development Authority
		C. Park Commission
		D. Road Commission
8:15 PM	8.0	Department Reports
		A. Community Development
		B. City Engineer
		C. City Attorney
		D. Finance
		E. Public Works
	Pg. 81-83	1. Class V 2016 Road Projects
		F. Fire Department

- Pg. 84-97
- Pg. 98-99
- G. City Administrator
 - 1. Ice Arena Management Contract
 - 2. February 24, 2016 Work Meeting

- 8:45 PM**
- 9.0 Other**
 - A. Staff Report
 - B. Council Reports
 - C. Other

- 9:00 PM**
- 10.0 Adjourn**



City of East Bethel City Council Agenda Information

Date:

February 17, 2016

Agenda Item Number:

Item 4.0 A

Agenda Item:

Sheriff's Report and Introduction of Anoka County Deputies

Requested Action:

Information Only

Background Information:

Commander Orlando will introduce the 2016 East Bethel - Anoka County Deputies and present her report for January 2016.

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: X

**Anoka County Sheriff's Office Report
January 2016**

Custodial Arrests / Significant Events

DWI's – There were two DWI arrests in January. One arrest involved a driver who had driven his car into a pole with a civil defense siren on it, causing the pole to break. The driver was not injured but had been drinking. The suspect failed field sobriety tests and was transported to jail. The suspect took the breath test and had a bac of .23. The second arrest involved a caller reporting an impaired driver who was all over the road. The vehicle ended up striking a mailbox and went into the ditch. Deputies arrived and made contact with the female driver. She advised she was on her way home and was very tired. The female did not smell of alcohol and registered as not having any alcohol in her system on the PBT. The female failed field sobriety tests. The female claimed that she had not taken any type of medications. Deputy Weller was advised that this female had a history with pain medications. The female consented to have a blood test taken. The results are still pending.

5th Degree Assault / Disorderly Conduct

On 01-04-16 at 4:10 a.m. deputies were called to a residence on a male that had been harassing a female. Upon arrival the male had left the victim's residence. The female advised that the male had shown up at her house and she told him to leave at which time he began harassing her and pushing her, saying he was going to punch her. She stated he continued to threaten her and gave her a "bear hug" at one point. The male suspect left after she had placed a call to 911. The suspect was located and denied touching or harassing the victim. The male did appear to be under the influence and his story did not make sense. The male was arrested and transported to jail.

5th Degree Controlled Substance

On 01-20-16 Deputy O'Connor made a traffic stop on a vehicle for a moving violation. Upon approaching the driver, the male advised that he was revoked. He then advised he did not have his proof of insurance, but claimed the vehicle was insured through Progressive. Deputy O'Connor confirmed that the male driver was revoked. He then contacted Progressive Insurance who advised that the policy had been cancelled on 12-28-15. Deputy Kvam was assisting with the inventory search of the vehicle for towing purposes and came across a glass pipe with white residue in it. This

pipe tested positive for methamphetamine. The passenger of the vehicle had a brief case which contained a loaded hypodermic needle. The contents of the needle also tested positive for methamphetamine. Both males were arrested and transported to jail.

5th Degree Controlled Substance / DAR / False Info

On 01-25-16 Deputy Kvam stopped a vehicle for an equipment violation. The driver provided him with a false name and date of birth. The female passenger, who wasn't wearing a seat belt, also provided a false name and date of birth. Upon Deputy Kvam asking the driver to get out of the vehicle, the driver refused and locked the doors. Deputy Kvam got his taser out and Deputy Cutler advised he would break a window if the male did not cooperate. The driver then unlocked the door and got out of the vehicle. The female passenger, once properly identified, had warrants and was placed under arrest. Prescription pills were located in the female's purse, which she did not have a prescription for. The female was charged with the 5th Degree Controlled Substance and false information. The male was arrested for Driving After Revocation, false information, and obstructing.

Fail to Yield to Emergency Vehicle / Flee on Foot / Driving After Revocation / No Insurance

On 01-29-16 Deputy Duren attempted to stop a vehicle on Hwy 65 for an equipment violation. The vehicle continued on at a normal rate of speed and turned into a trailer park. Deputy Duren sounded his siren to gain the drivers attention, but the driver continued driving through the trailer park. The driver then pulled over outside a trailer and the female driver ran from the vehicle into the trailer. Deputy Duren ran into the trailer after the suspect and located her in the rear of the trailer. Deputy Duren took her into custody. The female did not have insurance on the vehicle and was driving on a revoked license.

2016 East Bethel Contract Deputies

Eric Donarski – Working Day shift – 0600-1800

- **11th year with the office**
- **7th year working the East Bethel contract**

Rollie Sorensen – working Day shift – 0600-1800

- **13th year with the office – prior law enforcement officer 6 years**
- **4th year working in East Bethel**
- **Field Training Officer**
- **Explorer Advisor**

Chris Fahey – working Power shift – 1430-0230

- **10th year with the office**
- **2nd year in East Bethel**
- **Honor Guard, Armorer and SWAT negotiator**

Justin Weller – working Power shift – 1430-0230 – Not here tonight

- **7th year with the office**
- **1st year in East Bethel**
- **FTO, Use of Force / Firearms instructor**
- **Honor Guard Member**
- **Iraq War Veteran**

Tom Kvam – working Night Shift – 1800-0600

- **8th year with the office**
- **5th year working East Bethel**
- **Use of Force, Firearms and Taser Instructor**
- **Field Training Officer**

Ryan Rakotz – Working night shift

- **9th year with the office**
- **6th year in the East Bethel contact**



City of East Bethel City Council Agenda Information

Date:

February 17, 2016

Agenda Item Number:

Item 4.0 B

Agenda Item:

Fire Department Report

Requested Action:

Informational only

Background Information:

The Fire Chief will introduce the Officer Staff and present the Fire Department for January.

Fiscal Impact:

None

Recommendation(s):

Informational only.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: X _____



East Bethel Fire Department January, 2016 Response Calls

Incident Number	Incident Date	Alarm Time	Location	Incident Type
039	01/31/2016	14:16	18635 Ulysses St NEE	EMS call
038	01/30/2016	00:03	19739 East Bethel Blvd	Motor vehicle accident
037	01/29/2016	21:27	221 st and Bataan	Propane Tanks Smoking
036	01/27/2016	13:34	918 197th AVE NE	EMS call
035	01/26/2016	19:04	1965 Briarwood LN NE	EMS call
034	01/26/2016	14:10	18800 Ulysses ST	EMS call
033	01/26/2016	00:18	301 Lincoln DR NE	EMS call
032	01/25/2016	06:49	18164 65 HWY NE	EMS call
031	01/24/2016	13:35	1046 181 LN NE	EMS call
027	01/23/2016	23:42	18465 Lakeview PT	EMS call
030	01/23/2016	21:25	19444 5th ST NE	EMS call
029	01/23/2016	19:01	20738 Tyler ST NE	EMS call
026	01/22/2016	02:52	420 Cedar RD NE	EMS call
025	01/21/2016	13:37	19945 Highway 65 NE	EMS call
024	01/21/2016	11:44	23157 Erskine ST	EMS call
023	01/20/2016	13:23	29 Viking BLVD	EMS call
022	01/18/2016	21:39	19444 5th ST NE	EMS call
021	01/18/2016	17:30	18203 Antler CIR NE	EMS call
020	01/14/2016	12:41	13314 Highway 65	Building fire – Mutual Aid
019	01/14/2016	12:02	19139 Staples ST	EMS call
018	01/14/2016	05:18	20790 Austin ST	EMS call
017	01/13/2016	10:40	2459 224th AVE NE	EMS call
016	01/12/2016	08:52	20062 Viking BLVD NE	Motor vehicle accident
015	01/11/2016	22:22	485 224th LN	EMS call
014	01/10/2016	22:06	19989 East Bethel BLVD	Good intent call, other
013	01/10/2016	20:48	18536 Greenbrook DR	Chimney or flue fire
012	01/10/2016	19:33	18536 Greenbrook DR NE	Chimney or flue fire
011	01/10/2016	15:11	18536 Greenbrook DR NE	Good intent call, other
010	01/08/2016	19:19	Hwy 65 NE	Motor vehicle accident
009	01/08/2016	15:43	4532 229th AVE NE	EMS call
008	01/08/2016	09:40	20400 Quapaw ST NW	Standby for Oak Grove
007	01/08/2016	06:04	20400 Quapaw ST NW	Building fire – Mutual Aid
006	01/05/2016	09:47	19321 East Front BLVD	EMS call
005	01/03/2016	17:25	24355 Highway 65	EMS call
004	01/03/2016	12:14	20738 Tyler ST	EMS call
003	01/02/2016	07:52	4760 229 AVE NE	Chimney or flue fire
002	01/01/2016	16:57	2053 221 AVE NE	EMS call
001	01/01/2016	13:32	38 Viking BLVD NE	EMS call
Total				



City of East Bethel City Council Agenda Information

Date:

February 17, 2016

Agenda Item Number:

Item 6.0 A- H

Agenda Item:

Consent Agenda

Requested Action:

Consider approval of the Consent Agenda

Background Information:

Item A

Approve Bills

Item B

February 3, 2016 Council Work Meeting Minutes

Meeting minutes from the February 3, 2016 City Council Work Meeting are attached for your review.

Item C

February 3, 2016 Council Meeting Minutes

Meeting minutes from the February 3, 2016 City Council Meeting are attached for your review.

Item D

Approval for Advertisement of Seasonal Employee Positions

Increased demands for road and park maintenance in the spring and through the summer have 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 for full time employees creates a need for seasonal workers to 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 \$6,100 is provided for in the 2016 General Fund under the Parks Department budget. The other seasonal position is the amount of \$6,100 is provided for in the 2016 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 seeking approval to advertise for two seasonal employees to be employed for the period of May to the end of August, 2016.

Item E

Approving Resignation of Firefighter

Ron Stanley has submitted his resignation as Fire Fighter with the City of East Bethel. Ron is retiring from the Fire Department after 30 years as a member of the Department. Ron has served as Assistant Chief and Firefighter. Ron has been a great credit and asset to both the City of East Bethel, and the East

Bethel Fire Department. The City and the Fire Department express their sincere appreciation for Mr. Stanley's dedicated and outstanding service.

Item F

Approval of Roads Commission Recommendation for Member Appointments

There are two vacancies on the City Roads Commission. Two members, Roger Virta and Jeff Jensen did not request re-appointment for another term on the Commission. The City advertised for these positions and received letters of request for appointment from two residents, Robert DeRoche, previous City Council Liaison to the Roads Commission and John Witkowski, Street Supervisor for the City of Ham Lake. The Roads Commission interviewed both candidates at their February 9, 2016 Meeting and recommend that City Council approve their appointment to the City of East Bethel Roads Commission for a three year term to commence on March 9, 2016 and expire on January 31, 2019.

Item G

Comprehensive Plan Update Request for Proposals

The City is required to update our Comprehensive Plan every 10 years. The due date for submission is 2018 but the process of plan preparation, public hearings and submittals can take up to 18 months. In order to meet the deadline and secure consulting services necessary to complete this work, Staff is seeking approval from the Council to authorize the advertising of Requests for Proposals for Professional Services required to complete this work.

Upon receipt, the proposals would be presented to Council to set a date for interviews and the eventual selection of a consultant. Costs for the consulting work will be paid from a grant from the MET Council. We will receive a notice of grant award and amount by mid-March 2016. The balance of the cost would be paid from the EDA 2016 Projects Budget. Costs for the work will not be known until the consultant is selected and fees are negotiated.

Item H

Renewal of Contract for Legal Services

The firm of Eckberg Lammers PC has been the City Attorney for Civil Services since January 5, 2011. In May of 2011 they were also selected as the City Attorney for Criminal Services. Their contract with the City expires on May 31, 2016.

The budget for Legal Services during this contract was \$152,500 in 2012 and \$150,000 in 2016. The firm has provided sound counsel and professional legal representation to the City during this period. The firm's hourly rate for Civil services has not increased since 2014 and they propose to hold the current rate of \$240/hr. through May 31, 2018. Their flat fees for Criminal Services are proposed to increase on average at a rate of 2.6% from 8,388 per month to \$9,450 per month over a 5 year contract period. Costs for Criminal Service from the City's previous attorney were based on an hourly rate and averaged \$8,360 per month for the last 5 months of their contract, January to May 2011.

Staff recommends that Council approve a five year extension of our legal services civil and criminal contract with Eckberg Lammers PC with no change in the current terms, with rates as noted in the attachment and with an effective date to commence with that of expiration of the existing contract.

Fiscal Impact:

As noted above.

Recommendation(s):

Staff recommends approval of the Consent Agenda as presented.



City of East Bethel
February 17, 2016
Payment Summary

Payments for Council Approval	
Bills to be approved for payment	\$47,659.47
Electronic Payroll Payments	\$30,172.32
Payroll - City Staff, February 11, 2016	\$40,998.50
Payroll - City Council, February 12, 2016	\$1,775.35
Payroll - Fire Dept., February 12, 2016	\$7,832.11
Total to be Approved for Payment	\$128,437.75

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Arena Operations	Bldgs/Facilities Repair/Maint	012716	Wright-Hennepin Coop Electric	615	49851	\$149.95
Arena Operations	Cleaning Supplies	562304	Ham Lake Hardware	615	49851	\$51.28
Arena Operations	Information Systems	B160201J	Anoka County Treasury Dept	615	49851	\$75.00
Arena Operations	Motor Fuels	1090517794	Ferrelgas	615	49851	\$340.14
Arena Operations	Motor Fuels	1090657660	Ferrelgas	615	49851	\$156.45
Arena Operations	Refuse Removal	1513379	Ace Solid Waste, Inc.	615	49851	\$111.97
Building Inspection	Electrical Inspections	020116	Brian Nelson Inspection Svcs	101		\$457.50
Building Inspection	Motor Fuels	150260	Mansfield Oil Company	101	42410	\$114.95
Building Inspection	Motor Vehicles Parts	281384	S & S Industrial Supply	101	42410	\$86.62
Central Services/Supplies	Information Systems	B160201J	Anoka County Treasury Dept	101	48150	\$75.00
Central Services/Supplies	Information Systems	B160201J	Anoka County Treasury Dept	101	48150	\$75.00
Central Services/Supplies	Information Systems	221099	City of Roseville	101	48150	\$2,827.67
Central Services/Supplies	Information Systems	1332289017839	Midcontinent Communications	101	48150	\$650.00
Central Services/Supplies	Office Supplies	IN1069437	Innovative Office Solutions	101	48150	\$120.96
Central Services/Supplies	Office Supplies	IN1075692	Innovative Office Solutions	101	48150	\$34.72
Central Services/Supplies	Professional Services Fees	020316	Anoka County	101	48150	\$1,704.69
Central Services/Supplies	Professional Services Fees	995	Safe Assure Consultants Inc.	101	48150	\$3,227.28
Central Services/Supplies	Telephone	012816	CenturyLink	101	48150	\$98.80
Central Services/Supplies	Telephone	221099	City of Roseville	101	48150	\$283.79
City Administration	Professional Services Fees	M21885	TimeSaver Off Site Secretarial	101	41320	\$1,046.00
Economic Development Authority	Professional Services Fees	020416	Gail E. Gessner	232	23200	\$100.00
Fire Department	Bldgs/Facilities Repair/Maint	179004	Northern Sanitary Supply Co	101	42210	\$53.72
Fire Department	Conferences/Meetings	596205	Century College	101	42210	\$317.00
Fire Department	Conferences/Meetings	606472	Century College	101	42210	\$2,112.50
Fire Department	General Operating Supplies	1104100	Summit Companies	101	42210	\$481.00
Fire Department	Motor Fuels	150260	Mansfield Oil Company	101	42210	\$182.85
Fire Department	Motor Fuels	150263	Mansfield Oil Company	101	42210	\$170.39
Fire Department	Motor Vehicles Parts	1539-429152	O'Reilly Auto Stores Inc.	101	42210	\$30.25
Fire Department	Personnel/Labor Relations	2538931601	First Advantage LNS	101	42210	\$481.20
Fire Department	Refuse Removal	1513379	Ace Solid Waste, Inc.	101	42210	\$66.54
Fire Department	Repairs/Maint Machinery/Equip	33895	Emedded Systems, Inc.	101	42210	\$695.00
Fire Department	Small Tools and Minor Equip	58115	Ancom Communications	101	42210	\$317.00
Fire Department	Telephone	012816	CenturyLink	101	42210	\$59.78
Fire Department	Telephone	012816	CenturyLink	101	42210	\$117.50



City of East Bethel
February 17, 2016
Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Fire Department	Telephone	012816	CenturyLink	101	42210	\$58.59
Fire Department	Telephone	012816	CenturyLink	101	42210	\$174.35
Fire Department	Telephone	221099	City of Roseville	101	42210	\$53.21
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	9007587521	Grainger	101	41940	\$40.80
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	1011	Bill's Quality Cleaning	101	41940	\$380.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-01-16	Premium Waters, Inc.	101	41940	\$43.65
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	127073	Robert B. Hill Company	101	41940	\$18.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	1104141	Summit Companies	101	41940	\$72.00
General Govt Buildings/Plant	Refuse Removal	1513379	Ace Solid Waste, Inc.	101	41940	\$52.89
Legal	Legal Fees	01 2016	Eckberg, Lammers, P.C.	101	41610	\$8,396.43
Legal	Legal Fees	157	Eckberg, Lammers, P.C.	101	41610	\$1,879.00
Mayor/City Council	Dues and Subscriptions	1	North TH65 Corridor Coalition	101	41110	\$250.00
Park Maintenance	Bldg/Facility Repair Supplies	9008334675	Grainger	101	43201	\$147.69
Park Maintenance	Bldg/Facility Repair Supplies	9008334683	Grainger	101	43201	\$24.82
Park Maintenance	Bldgs/Facilities Repair/Maint	11885	Betz Mechanical, Inc.	101	43201	\$798.28
Park Maintenance	Clothing & Personal Equipment	1182517057	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Clothing & Personal Equipment	1182528545	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Equipment Parts	02-319945	Lano Equipment, Inc.	101	43201	\$149.66
Park Maintenance	General Operating Supplies	910059	Lowe's	101	43201	\$19.90
Park Maintenance	Motor Fuels	150260	Mansfield Oil Company	101	43201	\$156.73
Park Maintenance	Motor Fuels	150263	Mansfield Oil Company	101	43201	\$327.67
Park Maintenance	Motor Vehicles Parts	1539-429340	O'Reilly Auto Stores Inc.	101	43201	\$19.08
Park Maintenance	Professional Services Fees	020416	Gail E. Gessner	101	43201	\$100.00
Park Maintenance	Shop Supplies	114609	Metro Products, Inc.	101	43201	\$336.04
Park Maintenance	Small Tools and Minor Equip	114598	Metro Products, Inc.	101	43201	\$519.99
Park Maintenance	Telephone	221099	City of Roseville	101	43201	\$26.61
Payroll	Insurance Premiums	03 2016	Delta Dental	101		\$766.40
Payroll	Insurance Premiums	03 2016	PreferredOne	101		\$7,382.39
Planning and Zoning	Filing Fees	2127335	Anoka County	101	41910	\$46.00
Planning and Zoning	Professional Services Fees	020416	Gail E. Gessner	101	41910	\$100.00
Police	Professional Services Fees	01 2016	Gratitude Farms	101	42110	\$600.00
Recycling Operations	Bldgs/Facilities Repair/Maint	B050555	Braun Intertec Corporation	226	43235	\$458.25
Recycling Operations	Bldgs/Facilities Repair/Maint	561600	Ham Lake Hardware	226	43235	\$39.26
Recycling Operations	Bldgs/Facilities Repair/Maint	1104142	Summit Companies	226	43235	\$6.00
Recycling Operations	Refuse Removal	1513379	Ace Solid Waste, Inc.	226	43235	\$172.41
Sewer Operations	Bldgs/Facilities Repair/Maint	1104137	Summit Companies	602	49451	\$668.00
Sewer Operations	Professional Services Fees	1051798	Metropolitan Council Env Svcs	602	49451	\$1,727.92
Street Maintenance	Auto/Misc Licensing Fees/Taxes	935158	DVS Renewal	101	43220	\$16.00
Street Maintenance	Bldg/Facility Repair Supplies	562832	Ham Lake Hardware	101	43220	\$8.07
Street Maintenance	Bldg/Facility Repair Supplies	13476	Menards - Forest Lake	101	43220	\$272.21
Street Maintenance	Bldg/Facility Repair Supplies	8367	Menards Cambridge	101	43220	\$11.17
Street Maintenance	Bldgs/Facilities Repair/Maint	21907	Dusty's Drain Cleaning, Inc.	101	43220	\$650.00
Street Maintenance	Bldgs/Facilities Repair/Maint	1182517057	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Bldgs/Facilities Repair/Maint	1182528545	G&K Services - St. Paul	101	43220	\$9.17
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-01-16	Premium Waters, Inc.	101	43220	\$43.65



City of East Bethel
February 17, 2016
Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Street Maintenance	Bldgs/Facilities Repair/Maint	1104139	Summit Companies	101	43220	\$370.00
Street Maintenance	Clothing & Personal Equipment	1182517057	G&K Services - St. Paul	101	43220	\$17.96
Street Maintenance	Clothing & Personal Equipment	1182528545	G&K Services - St. Paul	101	43220	\$17.96
Street Maintenance	Commissions and Boards	020216	Jeff Jensen	101	43220	\$20.00
Street Maintenance	Equipment Parts	57658	Little Falls Machine Inc	101	43220	\$65.77
Street Maintenance	Equipment Parts	57660	Little Falls Machine Inc	101	43220	\$132.74
Street Maintenance	Equipment Parts	281385	S & S Industrial Supply	101	43220	\$97.33
Street Maintenance	Lubricants and Additives	1539-429440	O'Reilly Auto Stores Inc.	101	43220	\$97.93
Street Maintenance	Motor Fuels	150260	Mansfield Oil Company	101	43220	\$67.91
Street Maintenance	Motor Fuels	150263	Mansfield Oil Company	101	43220	\$812.64
Street Maintenance	Motor Vehicle Services (Lic d)	1153	Central Truck Service, Inc	101	43220	\$198.11
Street Maintenance	Motor Vehicles Parts	C241195453:01	State Truck Inc.	101	43220	\$70.71
Street Maintenance	Motor Vehicles Parts	1539-428429	O'Reilly Auto Stores Inc.	101	43220	\$70.58
Street Maintenance	Professional Services Fees	020416	Gail E. Gessner	101	43220	\$100.00
Street Maintenance	Professional Services Fees	6010325	Gopher State One-Call	101	43220	\$4.35
Street Maintenance	Refuse Removal	1513379	Ace Solid Waste, Inc.	101	43220	\$84.77
Street Maintenance	Telephone	012816	CenturyLink	101	43220	\$70.32
Street Maintenance	Telephone	221099	City of Roseville	101	43220	\$26.61
Tax Increment District No. 1-1	Professional Services Fees	020316	Anoka County	435	43500	\$469.54
Water Utility Operations	Bldgs/Facilities Repair/Maint	1104138	Summit Companies	601	49401	\$357.00
Water Utility Operations	Bldgs/Facilities Repair/Maint	012716	Wright-Hennepin Coop Electric	601	49401	\$26.67
Water Utility Operations	Chemicals and Chem Products	3829861 RI	Hawkins, Inc	601	49401	\$25.00
Water Utility Operations	Telephone	012816	CenturyLink	601	49401	\$72.94
Water Utility Operations	Telephone	012816	CenturyLink	601	49401	\$125.95
Water Utility Operations	Telephone	012816	CenturyLink	601	49401	\$179.16
Water Utility Operations	Utility Maint Supplies	4676838	Kimball Midwest	601	49401	\$139.40
						\$47,659.47
Electronic Payroll Payments						
Payroll	PERA					\$6,436.77
Payroll	Federal Withholding					\$5,922.08
Payroll	Medicare Withholding					\$1,939.94
Payroll	FICA Tax Withholding					\$8,294.76
Payroll	State Withholding					\$2,411.71
Payroll	MSRS/HCSP					\$5,167.06
						\$30,172.32

EAST BETHEL CITY COUNCIL WORK MEETING

FEBRUARY 3, 2016

The East Bethel City Council met on February 3, 2016, at 6:00 p.m. for the City Council Work Meeting at City Hall.

MEMBERS PRESENT: Steve Voss Ron Koller Tim Harrington
Brian Mundle

MEMBER ABSENT: Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator
Mark Vierling, City Attorney

1.0 Call to Order The February 3, 2016, City Council Work Meeting was called to order by Mayor Voss at 6:00 p.m.

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

3.0 SRWMO JPA Davis presented the staff report, indicating Watershed Management Organizations (WMO's) were created by the Legislature in 1982. As a result of this legislation, all municipalities in the seven County m area were required to be part of this program. The implementation of the establishment of the Organizations was finalized in 1985. The Board or Water and Soil Resources (commonly known by the acronym BWSR) has oversight on the Organizations and coordinates the water and soil resources planning and implementation activities of WMO's through its various authorities for approval of local plans, administration of State grants, contracts and easements, and other appropriate means.

All cities and townships within the Metro Area belong to either a WMO or a Watershed District. The distinction between the two is Watershed Districts have the power to independently levy for their budgets and WMO's budgets are dependent on approval and contribution of the member entities for their funding.

The Sunrise River Water Management Organization (SRWMO) is a joint powers special purpose unit of government composed of East Bethel, Linwood Township, Columbus, and Ham Lake to manage water resources. This Joint Powers Agreement is based upon hydrological boundaries of the watershed within each respective city. The Sunrise River WMO's boundaries do not extend into Isanti or Chisago Counties because watershed organizations are only required by law within metro area Counties.

The Sunrise River WMO does not have employees but works through cooperative efforts of the member cities and townships, or contracts with the Anoka Conservation District or other consultants for management services. The Sunrise River WMO is governed by a Joint Powers Agreement between the three cities and the township.

The Sunrise River WMO Board will be discussing the current status of the Organization's Joint Powers Agreement at their February 4, 2016, meeting. In the last year, there have been changes suggested by Ham Lake, and the WMO Board has identified other changes

3.0
SRWMO
JPA

that may warrant consideration for a JPA amendment. The potential changes are summarized as follows:

1. Clarify the definition of operating and non-operating expenses – Currently, operating expenses are split even among the cities and non-operating expenses are split by formula. The JPA currently provides a loose description of ‘operating costs’ – ‘copies, postage, recording secretary fees, insurance and administrative fee charged to each community.’ Several questions may arise:
 - a. What does the “‘administrative fee’ include?
 - b. Should certain required, “lights on” tasks be added to the definition of operating expenses? As an example the following may arguably fit the mold of a basic operating expense:
 - i. Financial audit costs
 - ii. State reporting costs
 - iii. 10-year watershed plan cost
2. Consider splitting all expenses by formula – Ham Lake and Columbus have expressed interest in eliminating the ‘operating expenses’ category (expenses split equally). All expenses would be split by the formula based on the land area and market valuation. If this had been done for the 2016 budget it would have had the following impacts:
 - a. Linwood’s contribution increased by \$1,342.85
 - b. East Bethel contribution increased by \$497.61
 - c. Columbus contribution reduced by \$519.57
 - d. Ham Lake contribution reduced by \$1,320.89
3. Update market valuations – The formula for calculating each community’s percentage of non-operating expenses includes market valuation within the WMO. It has been more than five years since it has been updated. No update to the JPA is needed for this, but someone needs to do the GIS analysis to get the numbers.

Decisions on adjustments in determining cost allocations should be made as soon as possible if they are to be included in the 2017 Sunrise River WMO Budget.

This meeting tonight is to consider making recommendations to the City Council relating to the Sunrise River WMO that relate to the requests for defining Operating Costs and allocation of costs to the members.

Davis stated this issue is that Ham Lake and Columbus are requesting the SRWMO redefine ‘operating costs’ to be a more inclusive category and then base non-operating costs by formula. If you’ll look in your packet, Ham Lake only has a small portion around Coon Lake, which I’ve estimated is approximately about 1,800 acres, or about 8% of their land area in the Sunrise River WMO. Jamie Schurbon said that Columbus is interested in changing this too; however, Columbus’ area within the Sunrise River WMO is almost as much as ours. It’s approximately 30-33% of the City of Columbus. The portion of East Bethel that’s in the Sunrise River WMO is approximately 40% of our land area and all of Linwood Township is exclusive in the Sunrise River WMO.

Davis stated so I guess the question that we need to discuss tonight, and maybe this is more for Brian’s information because he’ll be attending the meeting tomorrow night, if these issues come up is how do we want to proceed with these requests and these discussions.

Voss stated I remember from quite a while ago, we had these issues come up in the past about why there’s, you know, the equal charges and the shared charges. The Upper Rum is

3.0
SRWMO
JPA

the same way, correct? Davis stated correct. The Upper Rum's the same way and Ham Lake will have those same issues with the Upper Rum too because there's only a small portion, it doesn't show up real good on this map, but this area right here is the only portion of Ham Lake that's in the Upper Rum.

Koller stated well, all the different cities have the same number of people in the Watershed meetings. And, our insurance and stuff covers those. Well, the size of the City doesn't matter. You have two people here and they have to have insurance. So, that's, are we going to let them go uninsured?

Davis stated yes, and what Ham Lake originally requested was to be able to opt out of both the Sunrise and the Upper Rum and be exclusively in the Coon Creek Watershed District. In that case, it would increase Columbus' cost, East Bethel's cost, and Linwood's cost. And, the way it's figured, as you mentioned before Ron, is that the basic operating costs are split equally among the four members. The non-operating costs have a formula. It's based on the population within the Watershed District and of the market valuation. The issue with the market evaluation numbers haven't been done in five years.

Voss asked do we have a feel, at all, about other Watersheds and how they distribute their fees? Vierling advised that in terms of WMOs, this is fairly typical. That's what I've been seeing. Voss asked with the set operating cost? Vierling stated there are some that would probably go purely based on the weighted formula and that's not an uncommon weighted formula. But those that do then shift their voting power that way too. So, their representation and the votes at the Board level are all based on that weighted formula as well. But I think many of them perceive that as long as they're going to have equal vote at the table, that there are basic organizational costs just to be there. Given that, they're just going to divide it as is. Others have said, 'Fine, let's alter the voting power. If we're going to prorate it based upon the formula, then let's prorate the voting formula as well.'

Voss stated here's a third way of looking at it too, which would be hard to enumerate, but all four of these communities have different values at stake in terms of projects and the water quality. I mean, Coon Lake is the big part of it for us. Obviously, that's got higher value then. I shouldn't say 'value' but effective of projects whereas Columbus' watershed is probably at least 75% Carlos Avery and the rest isn't populated very much. So the water projects there aren't going to have as much affect and the portion of watershed in their community, than Linwood would or East Bethel.

Mundle asked so you'd be just suggesting to look at it as the most possible projects that would be capable? Voss stated no, I'm not suggesting a change. I'm just saying there's another way of looking at it. Mundle stated yeah, I'm not suggesting change but your way of looking at it would be just split the costs up by the potential projects that could be done. Is that what you're saying? Voss stated no. I'm just saying there's, and you know like Linwood and East Bethel have got the majority of the projects and also had the majority of impacted waters. You know, Ham Lake is really just a little on Coon Lake. But Columbus doesn't hardly have anything.

Koller stated yeah, Linwood has gotten a lot of projects in the last couple of years, the big carp barriers. Voss stated yeah, but they've got a lot of lakes too that have had a lot of problems. Koller stated Martin, Typoo, and Coon. Voss stated so it's kind of, we're all in it together kind of thing. I can see Ham Lake's point.

3.0
SRWMO
JPA

Davis stated, I'm sympathetic to their position. They've got just a small portion of the Watershed for both the Sunrise and the Upper Rum within their City. And probably 85% of it's in the Coon Creek Watershed District. You know, just from a procedural standpoint, that means they have to have six people appointed to three different boards and I think they feel that's probably a little bit disproportional for them. But, again, even though I'm sympathetic, I don't want to do anything that's going to really increase our costs either.

Koller stated well, they do have a good chunk of Coon Lake. Davis stated yes, they do and if you look at that, Coon Lake is probably about a quarter in Ham Lake, a quarter in Columbus and half in East Bethel. That's why we've discussed before about problems or projects with Coon Lake, you know, unless it's a three-city project, if it's a water quality issue, we're not going to solve much unless everybody's on board.

Voss asked were you, Brian, were you at the last Board meeting? Mundle responded yes, I was. Voss asked what's the Board say about it? Is it just Ham Lake that's mentioning this? Koller stated it's just Ham Lake. Brian stated my understanding it is just Ham Lake and I believe, partly, because the clarification of the operating versus non-operating expenses is coming up because the 10-Year Plan that's coming up and that, of course, has a larger expense attributed towards it. So, where they're wondering, I can see if they can get the Plan put in under non-operating costs then they're portion of it would be a lot smaller than if it was tucked into the operating costs.

Koller stated but, you know, even though they are a small portion of it, they have equal votes to everybody else. Voss stated well, they have equal vote and I think they also get a substantial benefit in the projects that go on around Coon Lake. We've got to remember that just because the boundary of Ham Lake and East Bethel go through Coon Lake, those Ham Lake residents use the whole lake. So, it benefits everybody. Same thing with Columbus residents. From a Plan standpoint, to me, I see a good argument to have a shared cost on that, non-proportional costs.

Davis stated keep in mind too that the southern portion of Coon Lake that's within the Ham Lake corporate limits is fairly densely populated. I think there's approximately 170 homes around that Hiawatha Beach area. And, they've had some issues with well and septic problems there in the past. In fact, the City actually hired a consultant about four years ago to look into the problem. Their major problem was not water quality issues with the Lake but it was water quality issues with groundwater polluting wells in that area. So, you know, at some point that will need to be addressed. It's going to have to be more regional that local to address those issues.

Voss stated well, let's break this in pieces. In terms of changing the funding formula, how does Council feel about that? We go to a completely, you know, splitting cost based on a formula? Or, leave it the way it is? Koller stated I think leaving it the way it is. Mundle stated yes. Voss stated that's where I sit on it too. And then there's an issue about what is administrative fees and what's not. Mundle stated what's operating costs and what's non-operating. They were going to, they didn't know how the project, or the plan cost, was done last time, where it was put. So, they're going to research that, look into it, but, whether it's operating or non-operating.

Voss asked isn't it almost like required discretionary in a way? Mundle answered it's required. Voss asked it's required as the operating and discretionary is the projects? Mundle answered yes and stated essentially my understanding of it is operating costs are

3.0
SRWMO
JPA

what you need to ‘keep the lights on,’ essentially. They’re must costs that are attributed towards it and the non-operating was like project costs.

Voss stated so the issue is, like audit is operating cost. This 10 Year Plan is operating costs. Mundle stated well, they put the, I’m trying to look up the budget, and they put the, where is it, the audit under non-operating administrative costs. If you look in 2016, Other Expenses. Voss stated I would say the legal, the financial audit, advertising bid for services, I mean, there’s no dollars in that budget but to me those are, I would consider those operating expenses.

Mundle stated in 2017, ACD proposal, under operating expenses, they have Administrator, annual report to BWSR and member communities, annual financial report to State Auditor. Though that probably won’t be the same as the financial audit. Then under non-operating, they have grants, monitoring, projects, website, etc. So I would agree with you that if this cost is needed in order for this organization to exist, then it should be operating. Koller stated I agree.

Davis stated as you can see from the budget, that would give some idea as to what their current definition of ‘operating’ versus ‘non-operating’ costs are. They currently have the financial audit under non-operating cost. Mundle stated yes. Voss stated and again, I think the legal and financial audit are required items. Davis agreed and stated they would be. Voss stated then they should be operating costs.

Mundle asked do you have any opinion on that Mark? Whether there’d be different definitions for different, um, I lost the word. Vierling asked different categories? Mundle stated yes for accounting purposes. Vierling stated I would agree. I think your budget is mandatory. You’ve got to do that. Your professional help, you’ve got to have that. I could see, I’m looking down the list, and you get into some grants and I could see where grant applications could be site specific where they might be applicable to certain areas and not to other areas, and that type of thing. But, generally, I would view that division between the mandatory and the discretionary. The mandatory, everybody’s got to participate.

Voss stated maybe a way to look at it is, if you didn’t do any projects, what are the things that you have to do to keep the organization running for the next year. The things that you have to do if you did no projects, and the audit’s one of them. Koller stated yeah, the audit. The Watershed Plan Update is required by BWSR. We don’t have a choice. Voss stated you could argue then the outcome of the Plan benefits different communities in different ways. The fact that you have to have a Plan makes it a requirement.

Mundle stated yes and so they are falling back on, Page 7 of the JPA, under where it defines operating costs. Voss stated I’m sorry, what page again? Mundle answered Page 7, the JPA, right up at the top, Operating Costs, where it states: ‘Operating costs per the operating budget are defined as copies, postage, etc., etc.’ And they state that because it does not specify it under this definition that it then doesn’t fall under that definition of operating costs. So, but then I would question under, on Page 6, Item B, Operating Funds, it states, ‘Expenditures may include administrative expenses, plan development costs, review expenses, capital improvement costs, and insurances.’ So, would those items, would operating funds also be defined as operating costs?

Davis answered in this case, that’s some other language that needs to be cleaned up. It’s confusing. I think operating “funds” refer to non-operating costs. Because that’s why they

3.0
SRWMO
JPA

give you a specific formula for figuring that allocation. It does say operating costs within that and then operating funds. But I think in this case they're referring to that, in my opinion, as non-operating costs. That's what that section covers and that's one that really needs to be clarified in the JPA so there's no confusion.

Voss stated I see a battle, welcome to the Fire Department. Mundle stated just my luck. Voss stated my rose colored glasses say forget about the cost. What's right, do what's the right thing. Obviously, there's effects on different communities in how this is done. Linwood is going to be the one that's going to be affected the most. That's a big chunk for Linwood Township. Davis stated yes, and Linwood pays more than any other City. They probably pay about 50% of the whole operating budget. We pay, roughly, probably, 25%, Columbus 15%, and Ham Lake 5%.

Voss asked so do we want to give Brian some direction to bring back to Sunrise on the Council's perspective? Davis stated yeah, I just think we want to discuss that and then we'll have this on the agenda of the Council Meeting where, if we want to give official direction, we can do that then. Or, if we want to give him some verbal direction now, that's fine too.

Voss asked is Sunrise looking at changing this language about what's operating cost and what's not? Or, is it something we brought up? Davis stated no, it's actually something that Jamie Schurbon proposed and I think maybe they discussed at the meeting to amend the JPA to address these issues.

Mundle stated a little bit. Mostly it was brought up by e-mail that you sent out that, where some of these items here 1, 2, and 3, were more brought out. At the meeting it was discussed, where the work plan goes and briefly it was brought up of Ham Lake's displeasure of paying so much. Davis stated then it will probably be a very, a main topic of the conversation, I assume, at the meeting tomorrow night. Or, one of them.

Voss stated I know it's tough to change the JPA for any reason because there's always going to be someone who doesn't want it changed. Mundle stated and all four communities have to agree to it. Voss stated yup, they've all got to sign it. So, to get some of these operating, or non-operating expenses into operating expenses, it would be tough to get all four to agree. It would be tough for all four to be in agreement, make it all non-operating.

Davis stated and from just a very basic conversation I've had with Linwood is they're not in favor of changing the formula whatsoever. Voss stated and I think that's the message we're going to give Brian to send back. It's just whether these other changes are made too. It is a board so, I mean, it's just our view on.

Davis stated and you know a compromise may be to introduce and specifically define additions to what operating costs are. What is one or two things now, like the financial audit and the legal fees. I think one of the big questions are the 10 Year Plan, which is going to be a fairly expensive item. And, that right now is defined as a non-operating expense so that it's allocated by a formula. To me, if that was moved over into the operating costs where it is then split equally, that would be something I'm sure, especially Ham Lake would be against.

Voss stated well, they're not going to want either. Voss asked so are we 'clear as mud?'

3.0
SRWMO
JPA

Koller stated pretty much a 'big no' and to the rest, maybe we'll talk about it. Voss stated yes but I don't know if it's a 'big no' it's just we don't see the basis for changing this. And, it's up to the Board to come up with something. It's good they're doing this now. Voss asked so is there anything else on this item? Or, have we got it covered? Alright, what's next?

**4.0
Coon Lake
Beach Clean
Up Day**

Davis presented the staff report, indicating prior to 2009 the Coon Lake Beach Community Center paid for the dumpsters for Coon Lake Beach Clean Up Day. Due to financial constraints that began in 2009, the Community Center requested the City to pay for the trash collection for this portion of this event. The City has paid for two to three 40-yard roll off dumpsters at a cost of \$1,300 to \$2,000 per year for this activity since that time. This cost is not eligible for reimbursement from our County Recycle Grant and is paid from our General Fund.

This event, which is held the first Saturday in May, provides recycling collection only for scrap metal and batteries, and provides dumpsters for the disposal of non-recyclable items, excluding mattresses and large pieces of furniture. The City's Spring and Fall Recycle Day do not accept non-recyclables.

The advantages of continuance of this service are:

1. Trash collection, as part of this event, could eliminate indiscriminate dumping and may aid in the clean up and general appearance of the neighborhood.

The disadvantages are:

1. This could be a precedence that other neighborhoods in the City may request.

This item is open for discussion to see if we have any interest in continuing this or provide some direction to staff as to how we want to proceed with that for 2017.

Harrington asked would they be up to splitting the cost? Half and half? Is there anything ever brought up about that? Davis stated that's a possibility that could be proposed to the Community Center. We haven't had any conversations with them in regard to alternatives to this. I just wanted to bring this to your attention and see what the feelings of the Council were and how you want us to approach this.

Mundle stated the reason that in prior to 2009, the reason why the City took it over was because the Community Center couldn't afford it in 2009. Correct? Davis answered that's correct. Mundle asked do we know anything about if they could afford it now? Davis stated I'm sure they'll say, 'no.' But, I don't know exactly what their financial situation is.

Koller stated back in 2009 was right in the middle of the low end of everything. Voss stated it was also when pull tabs started doing downhill, which is a lot of their income. Pull tab laws changed right about then. Davis stated yes, we do know their proceeds, their gambling proceeds, are not very much. They derive most of their income from dock rentals and then from the little fund raising events they do at the Center, their breakfasts and dinners and things of that nature.

Davis stated my concern is that there may be some other neighborhoods, let's say Castle Towers, says, 'We'd like for you to do a Clean Up Day up here and provide us with a dumpster.' Koller stated or Village Green. Davis stated yes.

4.0
Coon Lake
Beach Clean
Up Day

Voss stated the alternative is to start doing this same action at, on Recycle Day at the Ice Arena. Right? I mean, why should Coon Lake Beach's Recycle Day be any different? The idea of having Recycle Day for Coon Lake Beach is good because they are kind of physically separated from the rest of the City and then it's kind of a community of its own so having a separate Recycle Day. But, why we collect trash there and not other places of the City.

Davis stated yes, and the problem with the Recycle Day alone at Coon Lake Beach is there's such a low population base that it serves. We're not able to offer the same collection items as we do at the City Recycle event. Currently, like I said, we have a dumpster that we take scrap metal and the Lion's Club is there and collects batteries. So those are the only things we do. They wouldn't generate enough interest for us to do the appliance collection and the tire collection and the bicycles and the things we do at the City wide event.

Voss asked when is the Beach Clean Up Day? Davis answered the first Saturday in May. Voss stated we already provide milfoil and pondweed dumpsters for the beach, correct? Davis answered correct. Voss stated so we're still doing that. Davis stated one at the beach and one at the Recycle Center. But the expense for that is very little because we actually collect that material ourselves and then the disposal of it is through burning.

Mundle stated well, like Tim suggested, maybe we approach them with discussion about taking half the cost because if we at least did that, we'd still be helping. But if we want to set a precedent about anything, then if other communities approach us and if they're serious about it, then we say, 'Okay, we put up half the cost. You have to put up the other half.' Harrington stated that would make sense. Mundle stated that at least puts them 'in the game.'

Voss stated Jack, you make a good point about it eliminates indiscriminate dumping but I've got to think that the vast majority of people that use this day to dispose of materials in the dumpsters as trash aren't going to be the type of folks that, 'Well if a dumpster's not there I'm going to throw it in my neighbor's yard.' You know, I just can't see that. Because people are going to get rid of stuff. They're not going to hold onto it for a whole year anyway. They'll just throw it on the side of the road. Davis stated, it usually ends up on low volume traffic roads like Klondike Drive. Koller stated and 209th.

Davis stated no, I mean the value of does it prevent indiscriminate dumping, it could but the amount it does is probably not a great deal. We have had instances there where we know that some people actually save up all kinds of stuff and wait for this day to happen and then dump it. Generally, what we wind up taking is construction materials, scrap stuff from pole sheds, buildings, they've torn down. They actually have at least one and sometimes two people with a four-wheeler and a trailer behind it that drives through the neighborhoods and picks stuff up and brings it down there to dispose of. It has some value but it does have a pretty significant cost too.

Harrington asked what did they do? Two dumpsters last year for garbage? Or, was it three? Davis stated last year it was two but we were right at the edge of having to get a third one. Harrington stated like I said, I know people over there that save stuff just for that day. Mundle stated that's good. Voss stated I save stuff for recycling. Harrington stated yeah, I know for recycling but I mean for trash. They save their trash for that day. Voss stated yes.

4.0
Coon Lake
Beach Clean
Up Day

Koller stated I suppose you get a lot of people who aren't even on the Beach. Davis stated not really. I think most of them are pretty well local people that utilize it. Now you know, at the City Recycle Day, we probably get several that are non-residents but we kind of encourage that because it increases our tonnage and helps us meet our recycle goals. But, at the Beach, I would say that probably 95% of the users are locals.

Voss stated this is already budgeted for this year, right? Davis stated we don't have it budgeted in a specific category. It's just paid for from the Roads Budget... Voss asked it's considered when we put together the budget? Davis answered that's correct. Voss stated it would be kind of hard, three months before this is going to happen, to say we're not going to do it.

Mundle asked would you just suggest paying it for this year and then with the knowledge of a full year in advance? Voss stated well, have the discussion with the Community Center and say, 'Let's have a discussion of eliminating or asking to share the cost with the Community Center.' Because, when it comes up to it, the City's providing a trash service. Davis agreed.

Harrington stated that or cut them down to one dumpster and say, 'When one dumpster is full, you're done.' Voss stated that would be pretty tough to do. Koller stated they'll dump it alongside. Harrington stated I know. Voss stated or you could tell the Community Center that too. Talk about this going down to one dumpster and ask if they want to pay for a second dumpster.

Davis stated I'll just set up a meeting with Kathy Paavola and we'll discuss possibilities and throw out these options. They may have another idea too that we could bring back and discuss. But, I just wanted to bring this up. It's been discussed in the past. I just wanted to make sure that everybody's aware of it and if there's a change that needs to be made, that we can start thinking about it.

5.0
Booster Day

Davis stated I spoke with Denise Lachinski yesterday. I'm not sure what Denise has done to-date for Booster Day. I assume she'd been working on certain things but we haven't had a Booster Day meeting this year. She did say that she would be calling a Booster Day meeting in February, this month. There was a little thing in the Senior newsletter. I don't know of anyone saw it but the seniors had made a statement there would be no Booster Day for 2017. So, that's not accurate but we'll find out more where we are in the progress of the planning for the event, hopefully, in the next two weeks and I'll report that back to you. I just wanted to give you an update that there hasn't been a lot from the Committee that's gone on since the event was held in the summer. But, hopefully, we'll find out some more when they have the meeting this month and see where we're going from there for Booster Day 2018.

Voss stated okay. Harrington asked but you're still going to have a golf tournament and the Fire Department said they're still going to have their dance and everything.

Davis stated yes and I think one of the main concerns of the seniors was that their silent auction and their breakfast and their bingo and all that is their larger fund raiser for the year for generating funds for their organization. So, we'll find out where we're going with that. And probably, at some point, we're going to have to sit down and have a serious discussion

5.0
Booster Day

about Booster Day. You know, hopefully it can be done by volunteers and continued operating as a separate event from the City. But, there may be, in a year or two, where we may have to decide what our participation is going to be and if we want to be more active or inactive or stay the same with that event.

Voss stated so it's a challenge, especially for that event, to get volunteers and have them commit. For the longest time, the same volunteers were doing things. The seniors, they're having that same problem internally. Davis stated it is and I want to 'tip my hat' to Denise. I think she's done a great job and it's all been volunteer and she'd done a lot of work. But, you know, with everyone in that position, everyone has a 'shelf life' and an 'expiration date' on it. Hopefully, she's not to that point but if she's getting there or nearing that, then we need to start finding, maybe, someone else that might be interested in doing that.

Davis stated we've discussed this with the Chamber in hopes, maybe, that they might take a more active role in it or maybe even want to coordinate the event. So, we'll keep bringing that up to them and see what their interest is. But, again, I think Denise has done a fantastic job and before her, Barb Kushner did a tremendous job too. It's a lot of work and a lot of organization and it's a thankless task. I'm just grateful that we've had those people here to help us and, hopefully, we can have them continue in that same capacity. But it's something that we may need to address at some point in the future.

Mundle asked would she be interested in having a booth at the Spring Town Hall looking for volunteers? Davis stated we could certainly bring that up. That would be a good place to do that. The Committee people, there's probably really about, as you well know, seven or eight people that do the bulk of the work for Booster Day. So, they've worked well together and all of them have been kind of wondering what's going on too. So it would be good to be able to tell them. But, we can have Denise there for Booster Day at the Town Hall Meeting and give her a booth and anyone that wants to volunteer to help we'll try to enlist their services. Mundle stated it will at least get the word out.

Voss asked anything else? Davis responded that's it. Voss asked anything anyone wants to add?

6.0
Adjourn

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

Meeting adjourned at 6:46 p.m.

Submitted by:
Carla Wirth
TimeSaver Off Site Secretarial, Inc.

EAST BETHEL CITY COUNCIL MEETING

FEBRUARY 3, 2016

The East Bethel City Council met on February 3, 2016, at 7:00 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Steve Voss Ron Koller Tim Harrington
Brian Mundle

MEMBER ABSENT: Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator
Mark Vierling, City Attorney

1.0 Call to Order The February 3, 2016, City Council meeting was called to order by Mayor Voss at 7:00 p.m.

2.0 Pledge of Allegiance The Pledge of Allegiance was recited.

3.0 Adopt Agenda **Harrington stated I'd like to make a motion to adopt tonight's agenda. Under the Consent Agenda, I'd like to add Item F., Appointment of Leon Mager as a City Representative to the Sunrise River WMO. Mundle stated I'll second.** Voss asked any discussion? All in favor? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

4.0 Presentation Davis stated at this time, Gibson Management Corporation will present a report of Arena activities and take questions from Council relating to the operation and management of the facility for the 2015-2016 season.

4.0A
Ice Arena
Report
Gibson
Management

Todd Gibson, owner of Gibson Management Company, stated I sent Jack this, I'll give you guys a copy of it as well. So, I'll give it to you guys right now. (*Gibson approached the dais and handed each Council Member a copy of the report.*) In the report, again, it gives you the guidelines of the ice usage this year. We'd like to report, as you can see, we have hours sold, over 1,000 hours sold to St. Francis Youth Hockey, the High Schools, the Blue Line Clubs, and District #10. Gibson stated then on the third page in there, it gives you the usage reports from 2009 to 2015. If you have any questions, just let me know.

Voss asked, as long as we're on this subject, in terms of the total hours, how's that relate to last year, years before? Gibson stated if you go back to the previous year, you'll see the grand total for last year. Total hours, I don't have a calculator in front of me but if you add those up, the Youth Hockey's up about 51 hours for the Youth Hockey from last year to his year. Twelve hours for the High Schools and then we also have a few more open skatings, which we provide from December, January, and February on Wednesdays from 12 to 2 for the public. Then you have the High School's Blue Line Club and Red Line Club. They're about the same. I think the boys are down about seven hours. Then you have District #10 that actually has 29 hours this year, they have their District tournament here, I think, in two weeks at the Arena. Then we have the Jamboree for the Mites the last week in February as well. But, that's part of their hours.

4.0A
Ice Arena
Report
Gibson
Management

Gibson stated as you go back deeper into the packet, there's all the hours from last year to this year, for weekends, and weekday hours, they're broken into separate. And, it goes back into 2009. So, we're pretty competitive, or comparable I should of said, not competitive, but comparable for years prior. I think the Youth Hockey took a little bit more this year.

Mundle asked Jack did we meet all of our goals for this year? Gibson stated I believe so. Davis stated if you'll look in your packet, there's an Arena Operations Revenues and Expenditures Chart. We're going to operate in the 'black' again. This is from a strictly accounting perspective. You'll see that there's a category under Revenues that's listed as Refunds and Reimbursements. That's the money that we receive from the Youth Hockey Association and the sale of the dasher boards. We count that on the revenue side. On the debit side, if you'll go down and look under Depreciation Expense, that \$55,000 that was spent for that is included in that figure. Even including in that, that shows a positive gain of \$3,000. Overall, the account for the Arena now is at \$157,000 in the black. That's grown steadily over the past four years and if you take depreciation out of this, you can see that our costs were approximately \$150,000 and our revenues were about \$200,000. So, from a financial perspective, we're doing very well.

Davis stated one thing that I've noticed is that there's been an overall trend of a reduction in hours that the Youth Hockey Association has purchased from 2010 to now. If you'll look at that graph that Mr. Gibson provided, you can see that there's a little bit of a downward trend. There's a couple years, too, where the actual purchase of hours went down significantly. There was an interesting article in the *Star Tribune*, in Sunday's paper, about youth hockey. I don't know if any of you had an opportunity to read that. Richfield High School has now dropped their hockey program along with several of the high schools in Minneapolis. The trend toward youth hockey is going down in most areas, mainly because it's a very expensive sport to play and because of changing dynamics in different neighborhoods. But, we've seen part of that trend too.

Davis stated if you'll also look at that graph though, it does show the use that the High School uses for the Arena has remained fairly constant. So, we recognize that first and foremost, this facility is an Ice Arena and I think we've been able to generate ample revenues to keep it operating in the black. I think we've also made some better inroads too in terms of what we're using it for, for dry floor events. Last year, there was some rental to the Andover Lacrosse Club. This year now, we're getting ready to enter into an agreement with the Forest Lake Lacrosse Club, which will be about 50% more hours than we had with Andover last year. And, I think you're talking with Andover now about possibilities for renting some space for that event. So, we're able to get a little bit more dry floor activities.

Davis stated you know, unfortunately, because of the way that building is set up and heated and actually lack of cooling, it makes it difficult to book some summer events. So, what we have to try to do is maximize the use, particularly in March and April.

Davis stated but, again, hockey is the thing that 'drives the bus' with that and if you'll look at that, the total ice sales for 2015 were \$183,000. Todd's report reflects a season and not a calendar year, the term the City uses for financial reporting. So if you'll look at what he furnished us, on the last page of his attachment, from total revenue, hours sold are \$196,000. So, this is consistent with past sales. We have raised our rates, which has accounted for keeping some of that revenue steady and so far, I think we're doing very well from a financial standpoint with the Arena. Davis stated Todd, if you would just mention maybe a few of the improvements that you've been able to do at the Arena adding some

4.0A
Ice Arena
Report
Gibson
Management

amenities.

Gibson stated obviously, with the addition of the new dasher boards, we also put a new rubber matting in the player benches and along the locker rooms, to Locker Room #1, which is now, we switched over to the girls' locker room. They put a wall up there now, so there's a concrete wall, so the girls have all new matting to their benches.

Gibson stated we also installed the TV monitor in the lobby that is for the schedule board that changes every day and scrolls through, for the patrons as they walk in. It's right there in the front when they walk in. The log sheets in the restrooms, as well, so people know when they're being cleaned. And, we've had no issues with that. People really like the new boards. It made a huge improvement to the facility. It just looks better, sounds better. I think they appreciate all the work you guys have done for that.

Gibson stated we've also put, rebuilt a new engine in the Zamboni, which has been phenomenal this winter. Voss asked how old is that Zamboni? Gibson stated I think it's 80s? Davis stated it's been there since the Arena opened and it was purchased used. Gibson stated the thing is we put in a rebuilt engine so everything in the engine part is new. I think five, six years ago, they reconditioned the Zamboni. They added a part on that wasn't recommended. That's probably the only thing we would want to change in the future moving forward, would be looking at a new conditioner and reuse all the parts inside it. Then you've got, basically, a refurbished machine for roughly, maybe under \$10,000. I believe we spent \$5,000 this year. So that would be the only thing I'd recommend moving forward would be a new conditioner. Then use all the parts that we have inside it. So, you're not replacing it all. You're just replacing, basically, the shell of it. That's what I would recommend.

Gibson stated the ice has been perfect. Nobody's complained about our ice. The ice plant has been working well. No problems there. The lighting, a few bulbs burn out here and there but we haven't had any issues with the lighting or the heat in the building at all. So, it's been fairly well this winter. Davis stated, the heat on the bleacher side was updated.

Davis stated one other thing to note, too, is that prior to 2013, revenue from the cell tower behind the Ice Arena, all that money was actually put into the Arena Fund. So, the City actually subsidized that with those funds. Since 2013 though, that money's gone back into the General Fund for allocation for City projects. So, the Arena has been operating without that income and still's been operating in the 'black' since that period.

Gibson stated John's been working hard this winter trying to get lined up some spring Lacrosse like Jack said. We have Forest Lake Lacrosse coming over, 54 hours I believe they rented, mostly Tuesdays, Thursdays, four-hour blocks. We're in contact with Andover about getting them back in there some days as well for Lacrosse and not putting the turf down. They don't want to use the turf so we don't have to worry about putting the turf back in. Then also just getting the Pet Clinic will be back again, the Gun Show will come back, or the Expo. So, we'll have a lot more dry floor activities with Lacrosse than we had previous years. Voss stated good.

Davis stated and then there's still the possibility, too, of having some indoor baseball practice there. Davis stated we haven't been approached by any soccer leagues yet but that's a possibility too. One spring, we did rent some dry floor time to the indoor soccer leagues.

4.0A
Ice Arena
Report
Gibson
Management

But, a lot of that, too, will be dependent on the weather in the spring.

Gibson stated we're looking forward to the Forest Lake group coming over. I think it's a league, I'm not 100% sure but I want to say it's a league that's coming over to play there. So, it will be exciting. Davis stated it's good to hear that they're not going to require the turf. When we put the turf down, it cost us \$250 just for the duct tape to put the turf down. There's a lot of seams that have to be taped up.

Davis stated one other thing going forward is that at some point, it is part of our Capital Improvements Plan, if we do have continued demand for dry floor events for turf activities, we're probably going to have to look at replacing what we have there in the next two to three years because it's about achieved its useful life. Gibson stated I think they got it from Duluth. Voss stated that's what I remember

Davis stated one other thing too, and I think I sent everybody an e-mail, our old dasher boards actually wound up in Duluth at an outdoor park. Gibson stated if you watch Hockey Day Minnesota on Saturday, from Duluth, those are the boards from East Bethel Ice Arena. That's where they are at right now. So, Jeff Horseman put them all up in Duluth so that's where they're at. They'll actually be on TV. Voss stated the comment I made to Jack was we should have painted the 'City of East Bethel' on all the boards before we got rid of them.

Davis stated we discussed or actually, the St. Francis Youth Hockey Association brought up the need for Wi-Fi in the building. We did look at that last year but we concluded it would be probably too risky from our standpoint to put that in because if it didn't work right or you had a large number of users and exceeded capacity, we'd have nothing but problems. So the City chose not to install the Wi-Fi in the Arena at this time. We were able to get that hooked up to internet so they do have internet service there. The monitor that Todd's talking about actually does work off that portion of the internet. We've since had some discussions with St. Francis Youth Hockey Association. We've said we'd explore the possibilities of upgrades and, hopefully, we'll have a meeting with them in about two weeks to discuss some plans for improvements for 2017.

Gibson stated and just to add onto that as well, I tried all summer to find a company that would provide Wi-Fi internet for the building. Nobody could provide it to the building with enough speed to have any more than two people on there. So the Live Barn that I was trying to get at the Arena would not, their equipment would not run off that. It was too slow. I was in contact with Jeff Horsman, because he's their local area for that, and he said that the speed was too slow for Live Barn to be in the building because of the location with no internet. So that's one reason Live Barn wasn't put in. I tried before because when we first started, I have a wireless card I use for the screen and then Jack got the City to put in their Wi-Fi in the building, or their internet. So that's what we use now for the screen. So, it was just lack of provider. I think Comcast is 200 feet away on the street but it doesn't pass by the Arena at all, so they won't, I wasn't going to pay the fee to have that put in there.

Davis stated a few things that we are looking at with the Youth Hockey Association, as requested, is the addition, maybe, of some extra vending machines. One that could dispense hot drinks. We've gone over some of the problems with that and some of the benefits too. The concession stand is not always open. It's open for games. It's not always open for practices because there just aren't enough people to justify it being open full time. In going forward, there's a few things that we can look at doing differently.

4.0A

Ice Arena
Report
Gibson
Management

Davis stated there's also been the mention that we need to have some kind of a Pro Shop there that can sell tape or small items that people need for their hockey supplies and sharpen skates. One of the things that we may want to explore is seeing if we can do that with someone who would be willing to operate that independently. For us to do it or Mr. Gibson to do it would be something that would be unprofitable, inconvenient, and may cause a lot of issues. Generally, people that want that stuff want it five minutes before the game and if you can't deliver it leaves a negative impression. So, we are going to talk about other alternative means of providing some of those services. Those are some of the things we'll discuss with the Youth Hockey Association.

Koller stated you know the, like the tape and the little stuff they need right before the game, that could be a vending machine item. Davis stated yes, could be. Gibson stated or we could sell it at the concession stand too as well, if need be. So, and even with the skate sharpening, that's, like Jack said, when they want their skates sharpened, it's the same time the Zamboni guy's got to go cut the ice. It's like, they always want it at the last minute. It's like, what do you do? Unless we have a policy or procedure put in place, then we could do it. It wouldn't be a problem.

Davis stated and you know, it could turn out to be somewhat profitable. I noticed where Forest Lake actually contracts with someone to provide that service. So, that's something that's another option that we could look at too. There may be somebody local that maybe can fill a need there and we could set them up a spot to operate and just charge them a minimal fee or even make that, just have them there to make it available for a service as long as they cover the insurance requirements.

Davis stated so we're still looking at ways to make that facility better and we'll do it. Some of it's going to have to be incremental. It can't be done over night. We want to keep it within our budget and still be able to operate the Arena so that the City's not required to put any money in it. Again, the Arena operates with no City funds. It's operated and paid for by the users of the facility. Voss stated good.

Mundle asked how have the numbers been for open skating? Gibson stated open skating, the first couple that John said they had about 13 the first one and then the last couple have been about a family of 5. I think they're home schooled, which is fine, which is perfect. So there's been about 5 to 6 people the last couple weeks at the open skatings during Wednesdays.

Davis stated I did speak with John and John is Todd's manager. Gibson stated I'm referred to as the manager of the facility so he's there when all that's going on. That's where I get my info from. Davis stated but as soon as they get their February schedule if there's any times, Sunday afternoons, Saturday afternoons, Saturday nights, Sunday nights, then those will be made available for open skating. Gibson stated yes, we just had one on Sunday night from 7:30 to 9. I haven't talked to Kyle, the guy that was working, to see what the numbers were like but it was out there.

Mundle asked have any of those weekend or evening times that if they would come up, if we can advertise those heavily. Gibson stated yes and we put those out on Facebook and we have a response time on Facebook with all the questions has been about nine minutes that people have asked questions throughout the season. Mundle stated good. Gibson stated we put it on Facebook and people ask right away, 'Do you have skates?' We respond

right away.

4.0A

Ice Arena
Report
Gibson
Management

Voss asked what about the outdoor rink? How's that gone? Gibson stated John said it's 'hit or miss' sometimes. Right now, I think there's still snow on there. I think, as we said on the way up that they haven't plowed it yet. But, I know the lights are on every night. I'm not sure what the numbers are like but I can find out and let Jack know.

Davis stated actually, not this weekend but the previous weekend, it was used very heavily. It opened, probably, about three to four weeks later than it normally does because of the weather. We do have a warming house out there. We currently rent that building. It does have power and it does have heat and it does have light. But it's starting to get some use. Again, a lot of that's dependent on the weather and how often we can get out there to maintain it. As Todd's said, we haven't got out there to clean it off because of the snow yesterday. But from what I heard, the previous weekend it was used fairly heavily. We've got that advertised on the website and it should be on Channel 10 too. And, hopefully word of mouth will let everyone know that it's available.

Voss stated okay, any other questions for Mr. Gibson? Mundle stated I don't think so. Koller stated looking better. Gibson stated thank you, thank you. Davis stated thank you Todd. Gibson stated all right, well thank you. Voss stated great, thanks Todd and have a good night.

**5.0
Public
Forum**

Voss stated Public Forum. Is there anyone here tonight wanting to speak before Council? Mr. Harris, name and address for the record please.

Snowmobile
Ordinance
Discussion

Mike Harris, 412 226th Avenue NE, stated I'm a 22-year East Bethel resident, avid snowmobiler, and I was running my son through the Snowmobile Certification Class so he can ride along with me. And, he's asked me questions about, 'Why can't we ride on the side? What are we doing? Why aren't we going there?'

Harris stated I literally stumbled into your ordinance. I showed him your ordinance and after talking to Jack and Colleen and Amy, got really confused. Jack suggested I come in and state my case, I guess. I don't know if you're aware of the issue I have. Colleen's not here. I was hoping she could elaborate. Do you remember the issue? Or, do you want me to?

Davis stated yes, what Mr. Harris' concern is, is that our ordinance states for the legal operation of snowmobiles in a platted subdivision, they must be ridden on the street, in the most right-hand lane of the street that serves that platted subdivision. In an unplatted subdivision, they must be ridden in the ditch, that's the first priority. The second is the out slope of the ditch and lastly the in slope of the ditch, not to be ridden in the street.

Davis stated so the concern, after reading that, is that if you're a snowmobiler and you're out riding around, you don't know what's a platted subdivision and what's an unplatted subdivision. We do have a map that shows what's platted and unplatted on our website. Sometimes there's no continuity between them, though. You can be riding in one subdivision and it's platted and all of a sudden, you're in another one that's not platted. So, we have had no complaints regarding this but as Mr. Harris related to me, there was an issue where someone complained to him about his riding a snowmobile in a platted subdivision, and he was in the ditch line or the shoulder of the road. So, I think he's here to express his concerns about that and to see if there's any desire for us to look at the ordinance to make

Snowmobile
Ordinance
Discussion

that simpler to understand and enforce.

Koller stated I've been here 26 years and I never knew that. Voss stated exactly. Koller stated I still wouldn't know which one's platted and which one's unplatted. Harris stated thank you. Davis stated nobody does unless they look it up, unless you go to our GIS maps and look it up to see what's platted and what isn't.

Voss asked Jack, do we know the history of how that ordinance came about? Davis stated it was passed in 2005 and I don't have any background on it. I'm not sure what the reasoning was. I had discussion with Mr. Harris on the phone and I just told him what my assumptions and speculations were. The reasoning that we thought that may have been addressed was the thought may have been that in platted subdivisions, the densities may be a little bit higher than they are in unplatted subdivisions. And, there may be more landscaping down toward the street, which could be true or not true. However, within unplatted subdivisions, there's many places that are landscaped right down to the edge of the pavement. Personally, I can't see why the distinction is made. I just cannot offer a rational explanation for that.

Voss stated I was on Council then and I don't recall why, or why it was changed, or if something happened. I know back then, snowmobiling was a lot more popular than it is now. You saw a lot more sleds out there. Harris stated yes, pretty much the 'hardcore' guys like me that still do it. It's gotten very expensive and I would rather not run it down the asphalt because it's a very expensive machine.

Voss stated yes, the only thing I remember is, and I think it was not long before then, there was a fatality. It think it was on 183rd, down Lakeview Point area. I don't know if that 'sparked' a change in the ordinance or not. And, it was a snowmobile running through a more dense neighborhood and struck one of the kids.

Koller stated the other problem I see is I'm sure the Sheriff's Deputies don't know about that. Harris stated that's exactly what I talked about. Koller stated and I'm sure the DNR doesn't know about that. So, how could it possibly be enforced? Davis stated therein lies the question. The issue is, is it reasonable to expect someone to know where all the platted and unplatted subdivisions are in the City? I don't know where they are unless I look it up on the map.

Voss stated I suspect it's like you said Jack. It was written that way to try to keep sleds off the lawns that are more tight and more like a tight neighborhood, more urbanized kind of area. And then the developments that have ditches are not, and some of those are platted too. A lot of them are platted, you know. So, the preference is not to have the sleds on the road. We'd rather have them on the ditch for safety reasons for everyone but then at the same time we've got areas that don't have ditches at all that are curbed and I know a lot of times it's a conflict with homeowners not wanting sleds going across their driveways and things like that. So, it's a tough thing, you know. When there's a foot of snow down there, then every things covered in snow and no one has a problem at all. It's when the roads melt, you know, and sleds don't want to drive on the asphalt, which is reasonable not to want to do that.

Davis stated one of the questions and part of the discussion that Mr. Harris and I had was he wondered if we'd changed our snowplowing policy. Of course, this has been a terrible winter for snowmobiles and the end of last year or the beginning of 2015, January,

Snowmobile
Ordinance
Discussion

February, and March were terrible for snow too. So, we haven't changed our snowplowing policy. It's just been a lack of snow that's prevented good conditions for snowmobiling.

Voss stated yes, there's no ice pack. Well, Mr. Harris is asking the Council, or City, look at the ordinance and to try to make it clearer. Harris stated I'm going to continue to ride the way I ride in the most legal fashion, I believe. But, it turns out I'm in violation on some things I'm doing but that's why I'm here. I want to make you aware.

Koller stated I personally don't like driving them on pavement because they don't steer. Harris agreed, stating no, they don't steer. Koller stated when cars start going by you and you can't steer, it's dangerous. So, I don't know if we could take a look at that ordinance.

Davis stated I think what we probably need to do is look at what other cities have done and see how our ordinance compares with theirs. We can do that and report back and see if we find something that may address this particular situation or helps clarify the issue that we have here before us tonight.

Mundle asked was there a snowmobiling ordinance before the one that was changed in 2005? Davis stated he can't speak to that. I'm not sure Brian. I'm sure there probably was something on the books at some time. Mundle stated I'd be curious just to know what that would be.

Mundle stated another possible source besides just looking at the cities, possibly, would be talking with the DNR. Does the DNR help set up the snowmobile safety booklets and if there be, say, a snowmobiling expert that would know more? Voss stated I think their focus is probably more on County roads than it would be on City roads. They'd leave it up to the cities.

Vierling advised Statute provides certain regulations on State and County roadways where they can and cannot ride. DNR certainly controls other public lands.

Voss stated we can't regulate snowmobile use on the County roads. Vierling advised not on the County and State. You can control them on your roadways. Voss stated right, I remember that part.

Mundle stated maybe it won't be the DNR but some government official out there knows about snowmobiles and writes rules for them. Voss stated and I think looking at the surrounding communities and what they have, you know Ham Lake and Andover have got to have the same types of use.

Harris stated Colleen suggested I do that, which I did. I got some, you probably want to check on your own, but I did some checking. They're 'all over the map.' Oak Grove does nothing. They don't regulate snowmobiles. Isanti, I work for the City of Isanti, can't ride on private land, cannot ride on the traveled portion of the roadway, pretty much leaves you in the right-of-way. Ham Lake, I can't remember exactly. I think you can't travel on the travel portion. It's confusing down there. They have the stud thing too. You can't have metal traction devices. Voss stated so no standard to go by.

Davis stated we'll be more than happy to take a look at that to see if there's something that we can extract from one of these others that applies to the situation we have here. You know, the way our ordinance is written would make it very difficult for anybody to even try

Snowmobile
Ordinance
Discussion

to comply. Voss stated well, and to understand it too. I appreciate the fact that you're bringing this forward.

Harris asked the Sheriff's report wouldn't show any? They don't tell you that they have a bunch of complaints? Or, violations, or anything like that? Davis stated, this is the first that we've ever had a complaint to the City for a snowmobile issue since I've been here. Harris stated nobody cares. I just noticed it and started asking questions. Like, this is really confusing.

Voss stated snowmobiles these days are almost a rare sight to see a snowmobile. Harris stated yeah, but we're still around. Voss stated you know back 15-20 years ago, it was just everywhere there were snowmobiles. Koller stated but we had snow. Voss stated well, we did have more snow, granted. But then we had all those dry spells and then we had snow and nobody had snowmobiles for them. Koller stated I sold mine. Voss stated a lot of folks did back then.

Koller asked do we have any, like, minutes from back then? Davis stated we have minutes going back to the 70s. We can certainly have somebody take a look at some of those. Koller stated look it up and see why they put that through. Voss stated I suspect it had something to do with curbed and non-curbed areas and how you define it. And, it would have gone through Planning and Zoning, I think, to start it. Koller stated find out what's going on. Voss stated that's a good idea to find out what the basis was. Koller stated why we did it.

Davis stated we'll go back and investigate and try to find what our previous policy was prior to 2005. See why the ordinance was changed and we'll take a look at some of the other neighboring city's ordinances to see if there's anything in there that might be of particular value to us.

Voss stated I think it would be a good goal to try and get this resolved before next season. Davis agreed. Voss stated great, thank you for bringing it forward. Harris stated thank you. Davis stated thanks Mike.

Voss asked anyone else here tonight for Public Forum? If not, we'll close the Public Forum.

**6.0
Consent
Agenda**

Item A Approve Bills

Item B January 6, 2016 Council Meeting Minutes

Meeting minutes from the January 6, 2016 City Council Meeting are attached for your review.

Item C Resolution 2016-10

Acknowledge donation of Jim Fink to the East Bethel Fire Department.

Item D Resolution 2016-11

Acknowledge the donation of the East Bethel Fire Relief Association of four Water Rescue Suits to the East Bethel Fire Department.

~~Item E Accept Resignation of EDA Member John Landwehr~~

This item was removed from the Consent Agenda.

6.0
Consent
Agenda

Item F Appointment of Leon Mager as a City Representative to the Sunrise River
WMO

Harrington stated I'll make a motion to adopt tonight's Consent Agenda. Mundle stated I'd like to pull Item E. Voss asked can we get a second first? **Koller stated I'll second.** Voss asked what item Brian? Mundle replied E. Voss stated okay, any other changes? To the motion without Item E, all in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

6.0E
Accept
Resignation
of EDA
Member John
Landwehr

It was noted that John Landwehr, a member of the East Bethel EDA since February 2013, has submitted a letter of resignation due to his employment and residence relocation. Mr. Landwehr has been a valuable member of the Authority and has been involved in many civic and community events.

Mundle stated Item E is accepting the resignation of Economic Development Authority Member John Landwehr. I'd just like to personally thank him, or publicly thank him, for his services for East Bethel. He not only served on the EDA and was very knowledgeable and involved with the EDA, he was also involved with other various community activities and he is very committed to East Bethel. It is sad to see him go. He was very good and knowledgeable and a useful person to have.

Voss stated I'd agree with that. John's been an active member of the community for awhile. Mundle stated yeah, so I just wanted to thank him for his services for the City. Voss stated and he's moving out of State, which is the reason why he's resigning.

Harrington asked have they posted for this opening Jack? Davis stated no, his resignation will be accepted now so the EDA position will be open and we'll start advertising to take applicants for that immediately.

Mundle stated with that I'll make a motion to approve Item E. Harrington stated I'll second. Voss stated motion's been made and seconded, any discussion? All in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

**7.0
New Business**

Commission, Association and Task Force Reports

7.0A
Planning
Commission
7.0A.1
Jan. Report

Davis presented the staff report, indicating the East Bethel Planning Commission met on January 26, 2016, and the following items were on their agenda:

They heard an appeal by Jerolyn Williams, 19715 Tri Oak Circle, requesting the Planning Commission consider recommending an ordinance amendment that would permit the keeping of farm animals on lots less than three acres in platted subdivisions. I might add, this would also be for one that would include miniature horses. After a lengthy discussion, the Planning Commission voted to recommend that the Ordinance remain unchanged regarding the lot size for keeping of farm animals with no distinction as to size and breed. The Planning Commission also recommend that Council consider amendment to Chapter 10, Article V, Farm Animals, as it relates to IUP's for Youth Development Organizations.

7.0A.1
Jan. Report

The Planning Commission conducted a Public Hearing relating to an application for an Interim Use Permit for a Home Occupation at 18341 Lakeview Point. The proposed Home Occupation was a small winery operation that was recommended for denial based on the potential traffic issues in the neighborhood.

The Planning Commission conducted a Public Hearing for a Subdivision Concept Plan at 1052 189th Avenue. The subdivision will occur in phases based on the need for certain sized lots for Light Industrial use. The plan was approved for recommendation to City Council.

Davis stated in addition, the Planning Commission had a Special Meeting on Monday night where they considered a CUP for an event center that's located just off 221st. The event center will be used, primarily, for wedding events, large parties. That CUP was approved for recommendation to the Council. All four of these items will be included on the Council agenda for consideration at our February 17th meeting. Davis stated this is informational and there is no need for any action on this.

Informational; no action required at this time.

7.0B
Economic
Development
Authority

Davis presented the staff report, indicating the East Bethel Economic Development Authority met on January 25, 2016, and elected officers for the coming year. Dan Butler was elected President and Julie Lux Vice-President. The Authority is a seven-person Board composed of two City Council and five citizen members.

7.0A.1
January
Report

The Authority reviewed the status of an Economic Development Work Plan, the Business Retention and Expansion Program, and received a report from the Chamber of Commerce.

Staff presented the proposed Reduced Conflict Intersection Proposal for the Highway 65 and Viking Boulevard intersection for comment and questions from the EDA.

The Authority also discussed participating in the November 2016 MnCAR EXPO. This is a one-day convention that allows exhibitors to network and promote their sites and cities to developers. The Authority will present a proposal to Council at their March 2, 2016, meeting requesting authorization to attend and rent booth space at this event.

Informational; no action required at this time.

7.0C
Park
Commission

None.

7.0D
Road
Commission

None.

8.0

None.

**Department
Reports**

8.0A
Community
Development

8.0B Engineer	None.
8.0C City Attorney	None.
8.0D Finance	None.
8.0E Public Works	None.
8.0F Fire Department	None.
8.0G City Administrator	Davis presented the staff report, indicating at a Work Meeting that was held prior to the Council meeting, the City Council discussed issues that may be arising at the Sunrise River WMO (Watershed Management Organization) meeting tomorrow, February 4, 2016, in relation to how costs are split among the member groups.
8.0G.1 SRWMO JPA Amendment	<p>Davis stated three questions that were discussed for clarification of the definition of the operating and non-operating expenses of the organization; consideration to split all expenses by formula; and, to update market valuations that are used in the calculations of the formula.</p> <p>Davis stated during the discussions, some direction was recommended for Brian Mundle, who is a member, to give him some information on Council's views on how this should be discussed. It will be discussed at the SRWMO meeting and they will make recommendations and those recommendations will be brought back to City Council for any approval.</p> <p>Informational; no action required at this time.</p>
9.0 Other	
9.0A Staff Reports Recycling Goal Met	Davis stated I'm really please to announce that for the first time, that I think ever, the City has met its recycle goals. We exceeded our tonnage goals by 10%. This is, I think, a really good accomplishment and it's due to tremendous effort on our staff, primarily Karen White and Dallas Jelmborg who've done an excellent job in running this program. I checked back and I can't find any other time that the City has ever met their goals so I think this is quite an accomplishment. Voss stated that's good.
Video Indexing	Davis stated also too, the video indexing that we approved is now live on the website so all you do is go to the Media Center, click that button, it takes you directly to it. One click and you're there. There's five Council meetings already indexed on there and the Planning Commission and Roads Commission. So, check that out. It's a nice feature. We previously discussed what you can do is you can scroll the agenda, which is on the page, and go directly to the item you're looking for without having to search through manually.
Roads Commission Vacancy	Davis stated the Roads Commission has two applicants for two positions. The Roads Commission will interview those applicants at the next meeting. Those positions will remain open until that meeting so if anyone is interested in serving on the Roads Commission, please notify City Hall and send us a brief resume of your background and we'll see that you're included on the meeting for next Tuesday, February the 9 th . Davis stated that's all I have.

9.0B Council Report – Member Mundle
Mundle stated the Upper Rum River Watershed meeting was on the 26th. I attended. They had an audit come back and that was accepted and approved. So, I believe that was already submitted to BWSR so it came back and there’s no findings on it. Voss stated good. Mundle stated and so that was accepted.

Upper Rum River WMO Actions
Mundle stated there’s talk on the Fourth Generation Watershed Plan. They decided on a company to conduct that Plan and it was voted on MSA to do that Plan versus ACD. I believe that there was another bid but none of that information was given to me. I believe this was a continuing conversation from a previous meeting. But, MSA was the low bidder at around \$23,000 versus ACD at around \$45,000. The third bid was even higher than that. So, they elected to go with MSA at \$23,000.

Mundle stated the 2016 Water Monitoring and Management Contract with ACD passed so ACD will continue their position there.

EDA and MnCAR EXPO
Mundle stated EDA, Jack already informed us on it but I just want to bring up that MnCAR EXPO. Kind of excited for the City to participate in this because this, of all our marketing efforts and getting information pulled together to try to start promoting the City. This will actually be the first event to go out into the public and say, ‘Come to East Bethel.’ So, I think it’s a pretty big step towards the right direction and it’s great.

Fire Dept. Fundraiser
Mundle stated on Saturday I had some delicious waffles at the Fire House so that looked like it was a great event. Hope they have another one. I made it to three waffles, I couldn’t have any more. I heard the record was seven. Voss stated no way. Mundle stated yeah, if I would have ate faster, I probably could have tried another one. Voss stated I had two and I thought that I took too much. Mundle stated that’s all.

Council Member Koller
Koller stated I had no meetings last week. Voss stated nothing to add, okay.

Council Member Harrington
Harrington stated I attended my first Joint Power Fire Department Meeting on January 28th. That’s going to be quite the thing to be going to. There’s a lot of things going on with this Joint Powers. Some of the highlights were they presented a 2017 budget and it was passed. Our cost for the Joint Powers and the PSDS, which is the Public Safety Data System, for 2017 will be about the same as last year, \$3,543. For a new firefighter, now it’s going to cost, what Mark says, is about \$750. They used to get grants from the Academy so I think their grants ran out. They just have to re-up on the grants and see where that goes.

Fire Dept. Joint Powers Meeting
Harrington stated I guess the one that ‘turned a lot of heads’ was when the DNR got up there. Until the snow yesterday, they were concerned about the snow cover and the moisture. They said that everything they were looking at from last week was the fire season was shaping up to look like 1998, which was when they had that bad fire at Carlos Avery. So, hopefully things change with the snow we had yesterday and we get some more rain.

Fire Depart. Fundraiser
Harrington stated like Brian said, I just want to say thanks to the fire fighters and the Auxiliary. They did a wonderful job. There were a lot of compliments and people are looking forward to next year. They wanted 225 people and they got 265. They made money so they were happy.

CLIA Fishing Tournament Harrington stated lastly, February 20th, CLIA, Coon Lake Improvement Association, has a fishing tournament on Coon Lake from 12:30 to 3. There's no phone number. You can send a check to Virgil Berry, 19515 East Tri Oak Circle, 55092. It's \$10 now. The day of the tournament, it's \$15. And, that's all I've got.

Council Member Ronning Council Member Ronning was not present.

Mayor Voss Fire Dept. Fundraiser Voss stated the waffle breakfast, it was nice to see so many people there. Mundle stated yeah, that was a lot of people. Hard to find a parking spot. Voss stated the lot was full most of the time so that was a good event.

Emergency Siren Repair Voss stated the only question I have is actually the night before the waffle, we lost one of our emergency sirens due to an accident. Do you know how soon before we get that replaced? Davis stated Mark is working on that right now. That's been turned over to the League. The League will discuss this incident with the other gentleman's insurance. Mark is trying to get some specs for the siren and all the equipment that goes to it. We estimate the replacement cost of that's \$15,000 to \$20,000. So, hopefully, we'll know within the next couple of days what the schedule can be. But, it will definitely be up before any bad weather would happen in the springtime.

Voss stated and that's where I'm going. We don't have to wait for insurance to clear or anything like that. We can get this thing up. Davis stated if nothing else, we'll go ahead and do it and get reimbursed from the insurance company. Voss stated it just reminded me today when the sirens went off that, 'Oh, we're missing one siren.' Okay, and that is all I have.

9.0C Other 9.0D Closed Session Union Negotiations and Attorney-Client Matter None.

Vierling stated thank you Mr. Mayor. For the members of the public and for the record, we'd note that the City's about to go into Closed Session to review two issues. One is with regard to union negotiations with the Minnesota Public Employees' Association and the Session will be closed pursuant to Minnesota Statute 13D.03. As required by law, for the union negotiations portion of the Closed Meeting, that Closed Meeting will be recorded with the recording maintained for a period of two years, as required. Council will return to Open Session following the Closed Session and announce any action taken, if any, during that Session.

Vierling stated the other Closed Session item will be an Attorney-Client matter relative to the action filed on behalf of Ms. Moegerle and Mr. Otremba against the City of East Bethel, which is an assessment appeal reflected within Anoka County District Court File #02-CV-15-5612. As that matter is closed under Attorney-Client privilege, it will not be tape recorded or otherwise recorded as permitted by law.

Vierling stated with that being said, Mr. Mayor, I'd recommend that a motion be made to go into Closed Session for the purposes I've indicated.

Move to Closed Session **Mundle stated make a motion to go into Closed Session at 7:52 p.m. for the purposes that the Attorney has indicated. Koller stated I'll second.** Voss asked discussion? All in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

Reconvene
Open Session

Summary of
Closed
Session

Vierling stated thank you Mr. Mayor and Council. For the benefit of the public, we'll note the Council's back into Open Session having concluded a Closed Sessions previously announced. Relative to the Closed Session on the union negotiation matter, the Session was attended by all members of the Council with the exception of Councilman Ronning who is not present tonight, City Administrator Jack Davis, and myself, Mark Vierling the City Attorney. Council reviewed issues presented by staff relative to strategies in negotiating contracts with the Minnesota Public Employees' Association on behalf of those member employees within the City. Council reviewed those issues, gave staff direction on various issues, but no formal motion were taken.

Vierling stated the second matter was the issue of Closed Session dealing with District Court Case #02-CV-15-5612. Ms. Moegerle and Mr. Otremba versus City of East Bethel, which is an assessment appeal. They reviewed the recent hearing that had been held at Anoka County Court with the City Attorney and on that matter received views and input but again, no motions were taken and the same members were in attendance relative to that Closed Session.

Vierling stated with that being said, Mr. Mayor, I have no further report on the summary of the Closed Sessions. The Council can take any further action they wish to do.

**10.0
Adjourn**

Mundle stated make a motion to adjourn. Koller stated I'll second. Voss stated made and seconded. Any discussion? All in favor say aye? **All in favor.** Voss asked any opposed? Our meeting is adjourned. **Motion passes unanimously.**

Meeting adjourned at 8:55 p.m.

Submitted by:
Carla Wirth
TimeSaver Off Site Secretarial, Inc.

Ronald L. Stanley
19630 East Bethel Blvd. NE
East Bethel, MN. 55011
763-434-4526
612-720-9873

East Bethel Fire Department

January 31, 2016

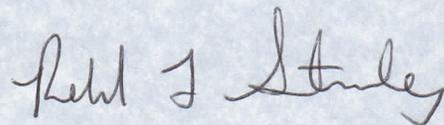
I am submitting my letter of resignation due to retirement. My retirement day is January 31, 2016.

I have enjoyed being a part of the Fire Department in East Bethel these past 30 years but now it is time for me to move to the next phase of my life.

There have been many changes to the Fire Department and my life over the last 30 years. I would like to thank all my fellow members and staff for your friendships and support of me and my family.

Sincerely,

Ronald L. Stanley (Rabbit)

A handwritten signature in cursive script that reads "Ronald L. Stanley".

1-31-16



Reply to Stillwater

February 9, 2016

Jack Davis
City of East Bethel
2241 - 221st Avenue NE
East Bethel, MN 55011

Re: City of East Bethel - City Attorney Contract
2016 Legal Services
Our File No.: 23746-20946

Dear Jack:

As we discussed, the City's Contract with our offices for legal civil and prosecution services terminates on May 31, 2016.

I am supplying within this letter a proposal from the firm to continue on with another five (5) year Contract – understanding of course that the City has the right under the contract terms to terminate the Contract at any time it wishes.

As it affects the Civil Attorney Services, I have noted to you that notwithstanding the Contract had called for increases in hourly rates in each of the five years from 2011 – 2016; we have effectively frozen the Contract at the 2014 rate, and have not implemented any adjustments or increases since that time. It would be my proposal to continue on in that manner for an additional two years in the manner proposed below.

We would keep the annual contract period for consistency from June 1 – May 31 and would propose as follows:

Year One (1)	June 1, 2016 – May 31, 2017	\$240.00/hour
Year Two (2)	June 1, 2017 – May 31, 2018	\$240.00/hour
Year Three (3)	June 1, 2018 – May 31, 2019	\$247.00/hour
Year Four (4)	June 1, 2019 – May 31, 2020	\$254.00/hour
Year Five (5)	June 1, 2020 – May 31, 2021	\$261.00/hour

Stillwater Office
1809 Northwestern Avenue
Stillwater, MN 55082
Phone: 651-439-2878
Fax: 651-439-2923

Hudson Office
430 Second Street
Hudson, WI 54016
Phone: 715-386-3733
Fax: 715-386-6456

Jack Davis
City of East Bethel
February 9, 2016
Page 2

Law Clerk and Paralegal rates would be fixed at \$150.00 per hour throughout the entire term of the Contract.

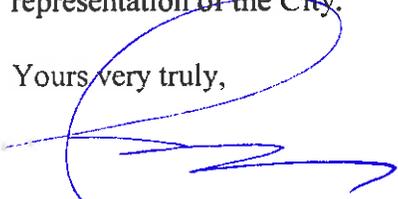
Meeting rates for attendance at meetings would remain where it is currently for all five (5) years of the Contract.

As it affects criminal prosecution, our prosecutors are appearing at a minimum of 4-5 days per month relative to citations and Complaints in Anoka County, and it appears that the level of citations and criminal matters filed have been consistent if not increasing. We would propose for the similar periods of time noted above, that the all-inclusive fee that the City would pay to our offices to administer and process the criminal citations, formal Complaints and charges with the corresponding defense, notifications, Court appearances, Trials, correspondence and other matters at the District Court level that must be attended to, would be all inclusively provided under the following fees:

Year One (1)	June 1, 2016 – May 31, 2017	\$8,490/month
Year Two (2)	June 1, 2017 – May 31, 2018	\$8,660/month
Year Three (3)	June 1, 2018 – May 31, 2019	\$8,920/month
Year Four (4)	June 1, 2019 – May 31, 2020	\$9,180/month
Year Five (5)	June 1, 2020 – May 31, 2021	\$9,450/month

We would of course amend the existing Contract to include the new rate schedules for the periods of time proposed, and as always, both civil and criminal attorneys and staff members are available to review with you, City staff and/or Council as may be desired, any and all aspects of civil and criminal representation of the City.

Yours very truly,



Mark J. Vierling

MJV/ndf



City of East Bethel City Council Agenda Information

Date:

February 17, 2016

Agenda Item Number:

7.0 A.1

Agenda Item:

Sauter’s Commercial Park 2nd Addition Concept Plan/Sketch Plan –

Property Owner: T&G Land Inc. /Tom Sauter

Address: 1052 189th St NE East Bethel MN 55011

PIN: 32-33-23-22-0002

Requested Action:

Consider approval of the Concept Plan as set forth in the City of East Bethel Code of Ordinances Chapter 66 Subdivisions; Appendix A, Zoning – Section 48, Light Industrial

Background Information:

Mr. Tom Sauter submitted a concept/sketch plan to the Planning Commission at their regular meeting on January 26, 2016 to plat his property for up to 9 lots. The location of this site is 1052 189th Ave. NE and is zoned Light Industrial.

The Concept Plan is the first step of the platting process. Mr. Sauter has completed the wetland delineation and has agreed to dedicate the necessary right of way to the City of East Bethel for the extension of the Service Road as indicated on the attached Sketch Plan. The City of East Bethel proposes to begin construction of the Service Road in 2016 pending a successful bid award during this period. Mr. Sauter will be platting the property in phases beginning with Lot 9 on the southwest corner of the site. Further platting of the individual lots will be determined by the acreage needs of the buyers.

Should the Concept/Sketch Plan be approved by City Council, Mr. Sauter can submit his Preliminary/Final Plat to the Planning Commission for their review and recommendation to Council. If the approval by Council is granted, the Planning Commission will conduct a Public Hearing on this request at their February 23, 2016 Meeting.

Attachments:

- 1.) Sketch Plan
- 2.) January 26, 2016 PC minutes
- 3.) Aerial photo

Fiscal Impact:

Unknown

Recommendation(s):

The Planning Commission recommends City Council consider approval of the Sauter's Commercial Park 2nd Addition Concept Plan/Sketch Plan.

Planning Commission Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

SKETCH PLAN OF: SAUTER'S COMMERCIAL PARK SECOND ADDITION

~for~ T & G LAND

EXISTING PROPERTY DESCRIPTION:

The Northwest Quarter of the Northwest Quarter of Section 32, Township 33, Range 23, except that part platted as SAUTER'S COMMERCIAL PARK, Anoka County, Minnesota.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 8/4/15 and 8/24/15.
- Bearings shown are on Anoka County datum.
- Wetland delineation by Jacobson Environmental. Ph. (612) 802-6619

LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES EXISTING CONTOURS
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊕ DENOTES HYDRANT
- OHW --- DENOTES POWER POLE AND OVERHEAD WIRES
- GUY --- DENOTES GUY WIRE
- FENCE --- DENOTES FENCE
- ⊕ DENOTES WELL
- DENOTES GRAVEL SURFACE

VICINITY MAP

PART OF SEC. 32, TWP. 33, RNG. 23



ANOKA COUNTY, MINNESOTA
(NO SCALE)



NORTH

I hereby certify that this survey, plan or report 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.

Jason E. Rud
JASON E. RUD

Date: 9/17/2015 License No. 41578

GRAPHIC SCALE



(IN FEET)
1 inch = 80 ft.

DRAWN BY: BAB	JOB NO: 15499BT	DATE: 9/4/15	
CHECK BY: JER	SCANNED		
1	9/14/15	REVISE LAYOUT PER CLIENT	BAB
2	9/17/15	REVISE AREAS ABOVE WETLAND	BAB
3	9/17/15	ADD HISTORICAL WETLANDS	BAB
NO.	DATE	DESCRIPTION	BY

EAST BETHEL PLANNING COMMISSION MEETING

January 26, 2016

The East Bethel Planning Commission met on January 26, 2016 at 7:00 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Glenn Terry* Randy Plaisance** Lorraine Bonin
* 2015 Chairperson Sherry Allenspach Eldon Holmes Tanner Balfany
** 2016 Chairperson Lou Cornicelli (arrived at 7:05 p.m.)

MEMBERS EXCUSED: None

ALSO PRESENT: Colleen Winter, Community Development Director
Tim Harrington, City Council Member

1.0 Call to Order Mr. Terry called the East Bethel Planning Commission meeting to order at 7:00 PM.

2.0 Adopt Agenda **_Holmes_ motioned to adopt the agenda as written. _Balfany_ seconded the motion. All members were in favor; motion carried.**

3.0 Approval of November 17, 2015 Meeting Minutes Mr. Plaisance stated actually, I think I would prefer that we table the minutes than approving those this evening. Because, I think there needs to be some more clarification on these items from Administration. So that would be my recommendation.

Mr. Holmes asked until when? Mr. Plaisance stated until the next meeting. Mr. Balfany stated having not been there, I can't really argue that. Mr. Terry stated the minutes will be tabled until the February Planning Commission meeting.

4.0 Acknowledge Planning Commission Reappointment Mr. Terry stated I believe it should be the voting of our new Chairman? Ms. Winter stated it's actually the reappointment and oath of office. Mr. Balfany stated I think it's on the backside of the page in your hand. Mr. Terry stated oh, thank you. Reappointment and Oath of Office. Would it be for whom?

Ms. Winter presented the staff report. The City Council has received letters of interest from Commission members wishing to continue work for the Planning Commission. On January 6, 2016, City Council appointed the following to the Planning Commission: Lorraine Bonin, Lou Cornicelli, and, Randy Plaisance. All have been reappointed for terms that will expire on January 31, 2019. At this time, Mr. Chair, I would ask that individually each member that's been reappointed take an oath of office. Being as Lou's not here, we can probably start with Lorraine.

Oath of Office Ms. Bonin asked do I just stand? Ms. Winter replied please. Ms. Bonin stood and recited the oath of office for the City of East Bethel for the office of Planning Commissioner. Mr. Plaisance stood and recited the oath of office for the City of East Bethel for the office of Planning Commissioner.

Mr. Terry stated in lieu of having Lou here, we will go to the election of Commission Chairperson and Commission Vice Chairperson.

Discuss Appointment
Process for
Chairperson and
Vice Chairperson

Mr. Holmes asked can I say something before we do that? Mr. Terry answered yes.

Mr. Holmes stated in your background information, it says that the City Code states that the Chairperson and Vice Chairperson shall serve for one year. Well, I spent about six hours looking through everything and it doesn't say anything about any Vice Chairperson. It just says the Chair shall serve for one year. So I think everybody should know that without, unless you know where that is. But, I couldn't find it. Ms. Winter stated I think it was just a matter of we've always elected a Chair and a Vice Chair. Mr. Holmes stated not always. Ms. Winter stated okay, well in the time that I've been here, we've always had a Vice Chair.

Mr. Holmes stated well the time I've been here we haven't always done that. And, the other thing is, I think I brought this up last year, that the Vice Chair should be...how do I want to express it...let's just take the for instance what we have right now. Now Randy is the Vice Chair and if for some reason the City Council, three people on the City Council doesn't like Randy, heaven forbid that would ever happen, he couldn't be here to take the Chair. I think it should be the opposite. I think the Chairperson now should be the Vice Chair next time and the Chairperson should be elected. Because then the Vice Chair has the position of knowing what to do when if Randy was gone, or whatever. So I said that last year, I'm going to state it this time and, well, do whatever you want to do but I think it's backwards the way we're doing it. Ms. Winter stated it can be done either way.

Mr. Terry stated I don't really have a reason to not do it the way we've been doing it. And, in the past, we actually did elect a Chairperson and we didn't even have a Vice Chair then that I know of. Mr. Holmes stated right. But whoever was a Chairperson, or whatever, they just sort of took over. Mr. Terry stated right but this system where we elect a Vice Chair, we do it knowing that they'll probably serve as Chair. Mr. Holmes stated I understand but what I'm saying is, seeing as Randy had to take the oath of office this time, they could have just said, 'No, we're not going to allow him to take the oath of office.' Mr. Terry stated then we just throw it up to a general election. Ms. Allenspach agreed and stated right. Mr. Holmes stated to me it's just backwards, that's all. That's all I'm going to say. I'm not going to bring it up again but I think it's wrong.

Oath of Office

Mr. Terry stated all right. Well, since we haven't gotten to that point now, we can go back to having you do your oath of office.

Mr. Cornicelli stated sorry, I had a guest lecturer and she ran a little long. Mr. Cornicelli stood and recited the oath of office for the City of East Bethel for the office of Planning Commissioner.

**5.0 Election of
Planning
Commission
Chairperson and
Vice Chairperson**

It was noted that the Planning Commission is to elect a Chairperson and Vice Chairperson from among the appointed members for the term of one (1) year.

Mr. Terry stated all right, so time to vote for our Vice Chair. But, prior to doing that, I'll just ask does anyone object to having Randy serve as Chairman for the next

term? **Mr. Holmes made a motion to elect Randy Plaisance as Chairperson for 2016. Mr. Balfany seconded the motion. All members were in favor; motion carried.**

Mr. Terry stated I'll entertain any motions for Vice Chair. Mr. Balfany stated I'd ask Sherry if she'd be interested in it. Ms. Allenspach stated I would do it. **Mr. Balfany made a motion to elect Sherry Allenspach as Vice Chairperson for 2016. Mr. Terry seconded the motion.** Mr. Terry asked any other nominations? All right, all in favor of Sherry as Vice Chair for the next term say aye. **All members were in favor; motion carried.**

At this point in the meeting, Mr. Plaisance assumed the role of Chairperson.

**6.0 Discussion
Regarding Farm
Animal Ordinance**

**Background Information:
Owner/Property Location:**
Brooklyn Williams
19715 Tri Oak Circle NE
East Bethel MN

Ms. Winter presented the staff report. At their regular meeting on November 4, 2015, the City Council heard an Administrative appeal from a Ms. Jerolyn Williams and Ms. Brooklyn Williams. They were appealing a City Staff decision to not allow a miniature horse on her property at 19715 Tri Oak Circle. This decision was based on requirements of City Code, Chapter 10, that says 'no animal regulated by this article can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than 3 acres provided, however that if all the lots within a platted subdivision are larger than 4 acres, then interim use permits for horses may be issued for those lots.' The four-acre exception does not apply in this situation.

19715 Tri Oak Circle is a platted lot of 2 acres in size and is located in the Viking Knoll Subdivision. The other platted lot in this subdivision is 2.28 acres.

There are no distinctions in our City Code between horse breeds or size and so, therefore, the decision that staff made was simply that they have to comply with what our Ordinance says, which is you have to be on 3 acres.

**6.0 Discussion
Regarding Farm
Animal Ordinance**

The suggestion when Ms. Williams appealed before the Council was that they do some research on what other communities regarding miniature horses and come back and meet with City staff. They did meet with City staff after that City Council meeting. They were not able to come up with good examples from other communities as far as miniature horses go. We were able to find two of them, one being Rosemount where they do talk about the keeping of horses as a permitted use in their Agricultural and Rural Residential areas provided the lot size is at least 2.5 acres and the number of horses does not exceed 1 horse per 1 acre. The exception to their rule is miniature horses. They actually say that miniature horses there would be 3 allowed per acre. And, they go on to define what a miniature horse is.

Another example is in Inver Grove Heights. Horses are allowed in all Agricultural and E zoning districts. I'm not sure what E stands for in this case, and miniature

horses not taller than 38 inches as measured to the top of the withers are allowed in all Agricultural, E, and R-1 zoning districts. The minimum lot size is 1.75 acre. Structures used to shelter horses must conform to the setback requirements.

Ms. Winter stated so, that was really all we were able to find. This is being brought back before the Planning Commission. I know that there have been occasions where the Planning Commission has addressed the Farm Animal Ordinance relative to a number of other types of animals that we've dealt with, the last being chickens if you'll recall.

Ms. Winter stated so, that's kind of where we're at. This is merely a discussion and if the Planning Commission were to choose to make a recommendation, they could forward that on to City Council. Or, they can simply discuss it. In order for us to accommodate Ms. Williams or to accommodate something different in the future relative to the Farm Animals Ordinance, there would have to be a change in the Ordinance. It's just really a discussion point at this time.

Mr. Plaisance asked is the owner, Brooklyn Williams, here tonight to discuss this issue? Ms. Winter stated I do not see Ms. Williams. Ms. Allenspach stated that's too bad because she really did her homework. Ms. Winter agreed and stated she did. Ms. Allenspach stated I was very impressed.

Ms. Bonin stated I think that the size of the property in regard to an animal should be based on the size of the animal. When you say 'horse,' of course you usually think of a large animal but when you're talking about these miniature horses, you're talking about something like a big dog. So, I think that it makes sense to have a different set of requirements. And, the ones that you mentioned seem reasonable to me.

Mr. Holmes stated I have something that not only pertains to this but other things that we've done and the City Council has done and everything else. Somebody doesn't like our ordinance so they come up with something like this. All of a sudden we change it and I believe that last, I'm trying to think of...more than seven, but I know of seven items. People just come up and say, 'Hey, I don't like your ordinance. I want this changed and I've got this and that.' We change it just to change it. We're starting to set a precedence where we're not going to be able to get out of it. What good is our ordinance if we can't abide by it?

Ms. Bonin stated I don't agree with that because I think that things change and we need to change with them. It doesn't mean that every time somebody comes and wants to change an ordinance that we need to. But, we need to look at it and see if there's any logic to, either way.

Mr. Holmes stated I understand but it's the last seven that I can remember, we've just went ahead and changed it because they wanted it. It's getting to the point where what if somebody wants to build a 16-story house on their property and they say, 'Well, you changed this in your ordinance. You changed that in your ordinance.' I mean, this is facetious, obviously.

Ms. Bonin stated I don't think we change them just because somebody wanted to.

6.0 Discussion
Regarding Farm
Animal Ordinance

We changed it, apparently, because we felt that their request was reasonable or we wouldn't have done it. Mr. Holmes stated yeah, but some of them weren't reasonable. Mr. Bonin stated there's a difference between just doing it when people ask.

Mr. Holmes stated I'm just saying that's a problem that could arise in the City and I'd hate to see that and I agree, we should try to do whatever we can for the residents of East Bethel. I mean, I'm not saying that. Ms. Bonin stated I think if you feel like we've changed something just because somebody wanted, that's our fault. We need to have a reason for changing it that makes logical sense. And, if it makes logical sense, we should do it even if in the past we've done some that didn't, maybe, make sense. That doesn't mean we shouldn't consider this one and then make a decision based on what we think is logical. Mr. Holmes stated right, no I agree. This one probably makes more sense than some of the other ones. But there's been a couple that, because the person has already done it and they said, 'We're not going to change it.' Well, then we change our Ordinance and then, I mean we can't do that either. Ms. Bonin stated then what we're saying to people if you don't like our ordinances then just break it and we'll change it. But that's not what's going on here. Mr. Holmes stated I'm just saying if we start setting a precedence, we're going to get into trouble legally.

Mr. Terry stated the only precedence we're setting is that we're reasonably addressing each issue as it comes before us and then we're voting by majority after discussion on whether it makes sense to do something or not. Mr. Holmes stated yeah, no, I understand.

Mr. Cornicelli stated I'll just chime in, I guess. I'm not a fan of designer ordinances, which is what I think this is. I think we're at a point we're 'splitting hairs.' It says 'equine,' it doesn't say 'miniature horse,' 'big horse.' We have a Dog Ordinance. It doesn't say, 'little dog,' 'big dog.' We have a Chicken Ordinance that doesn't say 'Bantam Chicken' versus 'Large Breed Chicken.' I think once we get down these 'roads' where it just becomes a 'slippery slope' of well, 'What about POAs or Shetlands? I mean, they're kind of intermediates.' Should they be? I mean, it's an equine.

6.0 Discussion
Regarding Farm
Animal Ordinance

Mr. Cornicelli stated I'm sorry they live on 2 acres. The Ordinance says 3. It's an equine. I don't think we want to go down, and I appreciate the work she put into it. I'm going to guess she did it as part of a school project. Nice work. I wish more kids had some civics experience. That said, it's still, at what point do we say...didn't we hear a horse one not too long ago? Maybe it was the same one? That they wanted some other split parcel that wanted a horse and it was too small. At what point? You know, we can have three Dachshunds or one Great Dane, or two-and-a-half Chihuahuas and a Poodle. So, it's a horse. The Ordinance says 3.

Mr. Balfany stated and to put both of your points in order here too, you've got not only the precedence that we are going to change it, like you said, designer-type and then you bring in the minutia like you talk about and what happens when somebody brings them both together and says, 'Well, you have a history of changing it to the minute so you didn't define this Ordinance well enough. Now I want you to re-do that one.' So, I agree with you.

Mr. Cornicelli stated we shouldn't be changing ordinances for individual reasons. There ought to be a compelling reason that there's something fundamentally wrong with the ordinance in order so it needs to be changed. I'm not moved to think this is a compelling enough argument that it needs to be changed. Because, again, it opens up that 'can or worms' of, you know, big versus small.

Mr. Plaisance stated I would like to address that particular issue which is that this is a minutia-type of discussion. Because I did research this particular item because I've been involved in 4-H and been very involved in small animals and taking them to Anoka County Fair. And, the fact that there are lots of, I mean, I don't know if you understand how big the farm/pet is for Anoka County but it's very large. It's probably the biggest in the State, to be honest with you. And when I started looking into this, one of the problems I have with beyond this item, and I kind of want to set it aside for now, the horse piece, is the fact that this particular Section of 10-151 is: #1 talking about whether or not it's 3 acres but it's also talking about whether it's a subdivision or plotted or not. And one of my questions is, why would you have that particular set of discretion? Why isn't it just how much acreage you have?

Mr. Plaisance stated the second part of this, before anybody answers that question, I'm going to move on to the fact that even further into that Section, there is an exception to the rule. It's under J and it's called, 'Exceptions,' and it's called 'Youth Development Organizations may apply for an IUP in accordance with Section 10-157.' And, it's covering those individual groups, or Youth Development Organizations, where they would have these exceptions to the rules. Now as part of this, there has to be a Youth Development Project Permit Application prior to the farm animals being kept on the property. That's #1. I did look up that particular form and the, #1, the amount of time for the organization to have that IUP beyond that is five years.

Mr. Plaisance stated there is also on that Youth Development Project Permit, there is a space in order to put how long the project is for. The reason why I bring up that part of it is, because it's not defined on the form as to how long the project would last for. Is that at the end of this, the farm animals have to be removed from the property within 30 days of the expiration of that permit. Beyond that, it is talking about the fact that under these exceptions, it is a requirement for all permittees to have a minimum of 1 acre of pastureland to accommodate the farm animals.

Mr. Plaisance the very next one is: 'c. The permittee must comply with all other farm animal regulations set forth in the Code.' So, the way I'm reading this is if someone were to go to an organization and have that IUP approved, according to the way I'm reading this, and I could be reading it wrong, is that person then could theoretically have that exception to that acreage. My other problem with this, though, is okay, now you get an animal, it's on your property, and all of a sudden you come to the end of this project and now all of a sudden, okay, it's time to get rid of the animal.

Mr. Cornicelli stated but it's on the project. It's a pet. You're going to come get it after five years? Mr. Plaisance stated it's talking about this as being a project and getting rid of that animal at the end of that time. That exact point is where I have a

problem with this ordinance. Mr. Cornicelli stated well, this ordinance as it applies to this individual, not as it applies to a group doing a project. That's different.

Mr. Plaisance stated I'm pointing out the fact that the whole ordinance needs to be looked at, not just for these horses. Mr. Cornicelli stated but you're referencing a Section of the Ordinance that doesn't apply in this case. She's not part of an organization. Mr. Plaisance stated it could. Mr. Cornicelli stated it could, maybe, but it doesn't in this case.

Mr. Plaisance stated well, they're talking about, if I'm reading this correctly, they're talking about showing the horse. Not necessarily under a youth group. Mr. Cornicelli stated yeah, but it's not a project. Mr. Allenspach stated it's just like showing your dog. I know a lot of people that show their dogs.

Mr. Plaisance stated true but if it was a project, okay, I guess what I'm trying to say is this is talking about farm animals being a project. And, it's only 1 acre and you'd have to get rid of them at the end of the term of that form.

Mr. Bonin asked is your problem the fact that they can have them for a while and then they have to get rid of them? Mr. Plaisance stated well, just the fact, like Lou was saying, I mean, it's a pet. It's not really a project. But, this is saying that pet is a project and, therefore, at the end of that time you'd have to get rid of it. Well, I mean, it's almost become part of the family, would be my concern.

Mr. Balfany stated not to counteract you there Randy too, but trying to re-read through the first paragraph of Brooklyn's letter. Sounded like the project was actually to save money to get the miniature horse. Right? Not to have the miniature horse. Mr. Allenspach stated right. Mr. Balfany stated if that makes sense. It's not like having the horse is the project, it was just to get it and it was more of a home school project, is what I was reading.

Mr. Terry stated right, the part of the research was part of a home school project. The project is not the actual animal. The animal is a pet. Therefore, it doesn't apply to the piece you just referenced. Mr. Plaisance stated true but, again, I was trying to address the entire ordinance itself, saying this needs to be looked at because the way I read this, I think it's very confusing and I think it sets up a bad precedence if somebody were to apply this to us. Obviously, they're not here tonight to discuss their particular issue which is why, when I was researching this, I saw this discrepancy and I think that it should be taken care of. Now, we can certainly table this and allow staff to look into it further and come up with, maybe, some alternatives.

Mr. Cornicelli stated I would guess, the finite time period placed on the permit, in this case five years to put constraints on the individual so it doesn't become pet living outside of compliance of the general ordinance would be my guess.

Ms. Winter stated yes, that's correct. But, to Randy's point, there is some language under there that probably does need clean up. I don't know as you'd want to open up farm animals on an acre property. You know, it doesn't tie back into the other section that's above it, which is the 3-acre minimum lot size. So, I think that part of

6.0 Discussion
Regarding Farm
Animal Ordinance

the ordinance does just need some clean up. It's some minor language change to make it a little more clear for everybody. It would make some sense to do that.

Ms. Winter stated that doesn't necessarily address the issue at hand, which is the Williams wanting to have miniature ponies. I still think the Planning Commission needs to address that issue and make a stand as far as what they want to recommend to the Council. However, if you want to table this and bring that back up at the same time, that we look at cleaning up a couple of these sections, I think that would be perfectly fine as well.

Mr. Terry stated one thing that strikes me is the acreage element. I don't know why 3 acres is the target and I don't know why 2 acres would be any better or worse. My concern, let's say we change it to 2 acres, which to me seems reasonable and I wouldn't object to our doing that, but then somebody comes in and they have 1.5 acres or 1.8 acres. Mr. Cornicelli stated we saw that with accessory structure. You know, 1.92 acres. Mr. Holmes stated don't even get me going on that. Mr. Cornicelli stated sorry Eldon, that wasn't on purpose.

Mr. Terry stated so I don't mind changing it to 2 acres but what stops the next circumstance? Ms. Bonin stated the way I see it is these ordinances for various animals are based on the size of the animal even though it doesn't say that. Ms. Winter stated right. Ms. Bonin stated when it talks about a horse or a llama or something like that. You're talking about an animal that everybody knows and thinks about as being a certain size. But, when you talk about a miniature horse, you're talking about a big dog as far as size is concerned. And so I think the Ordinance should be based more on the size and the needs of the animal rather than an arbitrary size that couldn't fit everything, whether it fits or not. Ms. Winter stated I would agree with that.

Mr. Cornicelli stated Roseville's kind of done that with animals per acre but they didn't change the overall size of the parcel. It still needs to be 2.5. So, you know, again, this is a 'slippery slope,' 1 acre if you have a miniature horse, 1.5 if you have a Shetland, 1.75 if you have a POA you know, 3 if you have a real horse.

6.0 Discussion Regarding Farm Animal Ordinance

Mr. Plaisance stated well again, to the point that kind of got brought up earlier and add that with the precedence of continuing to change, or designer ordinances. I agree. I think it's 'slippery slope.'

Mr. Holmes stated and if you're talking about size, I mean a Great Dane can be a heck of a lot larger than a miniature horse. Now you've got separate categories for dogs. I mean if you start talking about size. Ms. Bonin stated yeah, but they have a different temperament. These animals apparently are very docile and would not be any kind of a problem where some dogs can be biters, others aren't of course. Mr. Cornicelli stated horse breeds vary too so you can't regulate, you can't have a thoroughbred because they're crazy but you can have a, you know. Ms. Bonin stated no you can't.

Mr. Balfany stated but just at that same point, let's say we went down that road of a miniature horse being similar to a dog, then all of a sudden does a miniature horse

now all of a sudden have all the Dog Ordinance apply to the miniature horse? Does it need to be registered? Is there a leash law?

Mr. Cornicelli stated though the Amazon commercial is kind of cute. Ms. Allenspach stated but you don't need as high of a fence with miniature horses as you do for a Great Dane. Mr. Cornicelli stated it's still an equine. Mr. Balfany stated I agree.

Mr. Balfany stated I think it's best to address the miniature horse, the issue in front of us for the Williams so they have an answer and they can either move forward or have closure, however we decide to move forward. I think if there's language that needs clean up, I think it's best if City staff would bring it back to us with a recommendation saying after recent reviews. But, that's just my opinion at this point.

Mr. Terry stated I would like it better if we had decided acreage based on something significant rather than, 'the Ordinance says' so that we could say, 'Well, there's a reason why it's only 2 acres, or 3 acres, or whatever it has to be.' So then there's a stopping point if somebody wants to do it at 1.5 if we change it to 2. Ms. Winter stated and I think that's why the 3 acres is in place. That's essentially the stopping point based on the definitions we have for the farm animals.

Mr. Terry stated right but what is 'magical' about the 3 acres? Mr. Cornicelli asked well then what's 'magical' about 2 versus. If we change it to 2, someone's going to come in and say 1.5. And, nope, we decided, you know, we arbitrarily decided 2 was the minimum. Mr. Terry stated that's what I'm saying. We shouldn't do it arbitrarily. There should be a reason behind what we decide.

Mr. Plaisance asked Colleen, is there any official organizations that could recommend what they would have for certain types of animals as a need for acreage? Ms. Allenspach noted our report says a miniature horse only needs a quarter acre. Mr. Plaisance stated I realize that but I'm thinking if we're going to go down this path, we need to discuss not just the miniature horse but, I mean, then somebody's going to say, 'Well, what about this animal? What about that animal?'

Mr. Holmes stated we're going to need descriptions of what constitutes a farm animal, what constitutes a pet. I mean, getting into a lot of language.

Mr. Balfany stated let me see if I can clear it up with a question to you, Colleen. When these ordinances get drafted originally, I'm assuming the base has to come from somewhere. And, I'm going to carefully assume that a lot of this follows from the State and from what other neighboring cities of like size are. Ms. Winter stated correct.

Mr. Balfany stated so I would think somebody, and again still assuming here carefully, somebody has done some of this research already to come up with these finite numbers to where it's not on us to have to go 2, 1, 1.5, 3. And, that's where we're getting a lot of this from just because, unfortunately, somebody does have a lightly smaller size. Back to Lou's original point, we're getting to designer ordinances here and start bringing in the finite stuff, where does it stop. So, I think

6.0 Discussion
Regarding Farm
Animal Ordinance

that should kind of answer that already. That somebody else has done the work and come up with some of these numbers. Ms. Winter stated right.

Ms. Bonin stated but that is saying what we did in the past is what we have to continue to do and we're not going to change anything. Mr. Balfany stated no, not necessarily. I'm just saying that the work has been done and theoretically if you're thinking about animals to land. How have the animals changed and the land changed that we would need to change these definitions?

Ms. Bonin stated I would guess that when this ordinance was adopted, nobody had even thought of anything such as a miniature horse. That wasn't on anybody's 'radar.' So when new things come along, we have to be open to at least addressing those things and seeing if we need to accommodate them or not. I don't think we should just arbitrarily say we've already decided this and that's it. Because, times change and things change. What we didn't even know existed before all of a sudden is right in front of our face.

Mr. Cornicelli stated but that's a structural argument about the ordinance in general. It's not a discussion about one individual who wants one horse. So, the question in front of us is: Should we change the ordinance to accommodate one person? No. I've been clear on that many times. If there's an issue with the ordinance then we should have that discussion with the City and change the ordinance because that benefits the City. We shouldn't change ordinances to benefit an individual, but I think we do. But if there's a problem with the ordinance, you know, how often do we get challenges to the ordinance? Are people bringing logical arguments as to why the ordinance is no longer relevant? That's a different issue and I don't think that's the question at hand. I realize I'm the 'bad guy,' and I'm sorry.

Ms. Winter stated getting back to the acres, part of it could be if you look at our Rural Residential subdivisions, 2.5-acre size is pretty common in a lot of our rural areas that were platted as subdivisions. So at the time that the Farm Animal Ordinance was constructed, it would make sense to say farm animals aren't going to be something allowed in rural subdivisions. It follows then that if most rural subdivisions were created at 2 ½ acre lot sizes, then 3 acres or more for Farm Animals would make sense.

Mr. Terry stated I had an idea to get around this. Instead of changing the ordinance, what about changing the definition of miniature horse? Mr. Cornicelli stated it's a hindgut fermentor, it's a horse. Mr. Terry asked if it were like a large animal rather than a horse, would that make any difference? Mr. Balfany stated but they have miniature breeds of cattle too. And, they have miniature goats and miniature sheep.

Mr. Holmes stated one of the biggest problems I think we have, and I'm just as much to blame when I moved to East Bethel myself because I thought I should be able to do this, and this, and this because I'm out in the 'tulies' now instead of in town. And, I didn't do this so I'm just as guilty as anybody else but we've had a lot of discussions about all these sort of things and people should actually, before they do anything, why don't they read our ordinance or our City codes? All they have to do is come to City Hall and find out what they are and then they can say, 'Well, gee, I've got to have 3 acres. I can't have it. It's a done deal.' We're not up here

6.0 Discussion
Regarding Farm
Animal Ordinance

arguing.

Mr. Holmes stated I mean, like you say, I did the same thing when I came to East Bethel. I thought I could do this, and this, and this. And they said, 'Ho, wait a minute. No, you can't. Oh, why?' Well, read the ordinance. I read the ordinance I go, 'Oh, okay.' But seems to have a lot of discussions on this stuff when people want to do something like, for instance, put a garage a foot-and-a-half away from the lot line. Well, all he has to do is read the ordinance and he knows he can't do it but then we're up here arguing, wasting time, and City Council's time, arguing about something that should have been done a long time ago just by the same person.

Mr. Holmes stated now, if they do want to have it changed, then they can come to us but do we change it for one person again? The thing that I wanted, I didn't get and now after all these years now I can do it but now I don't want to. But, I'm just saying, you know, people should read the codes. I mean, it's just like, 'Well, I'm not going to stop for that stop sign because I don't feel like it.' No, there's a law against stopping for that stop sign and you're going to get a ticket if you don't stop. 'Well, I don't want to stop.' Well, you're going to get a ticket anyhow. I mean, that's why we have the ordinances and the codes and all this. I think if nothing else, you know, the City here, when somebody comes in, you know, show them that they should read the code first before they make any attempt to do anything. Because all we're doing is arguing and wasting time.

Ms. Winter stated well, they were told 'no' by staff that they didn't meet the requirements. Mr. Holmes stated but I mean it should be done when you move to a community. I mean everybody thinks they can move out to East Bethel and how many times we had this? 'I'm moving out to East Bethel because I won't have any neighbors.' Then all of a sudden we get somebody that wants to build 40 houses or something and they say, 'Well, I didn't come out here to have houses right next to me.' Well.

Mr. Plaisance stated but it doesn't sound like that's the case though. Mr. Holmes stated no, but I'm just saying. Mr. Plaisance stated I hear you. Mr. Holmes stated but we've had other things. You know, like I say, the guy that wanted his garage a certain way. Well, no it doesn't say that in our ordinance. 'Well, I want it that way.' Well, I'm sorry. You know? And then we look like the 'bad guys' but yet we're trying to help the residents of the City.

Mr. Plaisance stated but I think where this came from was, I think they started out trying to do the right thing when they called City Hall because according to the letter that I'm seeing here, they were originally told that they could have one horse for every acre and I don't know where that was, I don't know if that's true. That's going by what I read here. But regardless, just because you were told one thing by the City doesn't mean that, you know, you've met all the conditions. And, that's kind of what we're talking about because, I'm sorry, we still have to meet all the conditions to have this go through for an IUP. So, I'm in agreement with you.

Mr. Plaisance stated I think we've discussed this enough for now. I'm going to ask for a recommendation from someone as to where you want to go from here. Do we

send this back to administration to take a look at this again? Or, are we going to come up with a preliminary vote to give these people an idea of what our thoughts are?

Mr. Cornicelli stated I'll make a recommendation to kick around. Is that okay? **Mr. Cornicelli stated my recommendation is we don't change the ordinance to accommodate an individual and if there are structural problems with the Farm Animal Ordinance that need to be addressed, we take that up separately with the City. If the City agrees that there's issues in general with the ordinance. But, my recommendation would be to leave it as is. Mr. Balfany stated I would agree with that. Mr. Holmes stated me too. Ms. Bonin stated I think it's a good solution (inaudible comment too far away from the mic).** Mr. Plaisance stated well then I'm going to put it to a vote just to make it official. All those in favor of Lou's recommendation say aye. **6 members is favor; one member Allenspach naye; motion carried. This item will go to the City Council in February for consideration.**

**7.0 Public Hearing/
Interim Use Permit,
Home Occupation**

Background Information:

Owner/Property Location:

Property Owner: William Thompson (dba/Wandering Cellars)
18341 Lakeview Point Drive NE
East Bethel MN 55092
PIN: 35-33-23-32-0010
Zoning: R1, Single Family/Shoreland Management

Ms. Winter presented the staff report. Mr. William Thompson is interested in producing wine out of his residential home. The home is not built at this time. He had purchased property where they plan on removing the existing home that is there as well as removing several outbuildings and there's a tennis court there. So, this Interim Use Permit is directly tied to the new home that would be built on the property.

This is not a farm winery. There will be no grapes grown on the premises for wine making, rather the grapes will be brought in by truck once a year, where they will be offloaded into barrels. A forklift will be required the one time a year that they do the offloading. The barrels will then be brought into their garage where they will set up their winemaking. There will be no public tasting room and private tastings will be by appointment only. It is anticipated that they will only be selling 75 cases of wine per year. They are working with a distributor and will be sending cases out once a week via UPS or delivering the product directly to the vendor. Enclosed in the packet is Mr. Thompson's Business Plan that provides greater details regarding the business operation. Water use is minimal and City staff has checked with the local DNR to see if there are any special requirements that they have for this type of business. The DNR does not have any additional requirements. Items to consider are:

1. Noise – how much noise will be generated by this business?
2. Hours of operation – What will the hours of operation be?
3. Traffic – how much traffic will this business generate?
4. Waste – Type of waste generated, and how is that waste handled?

**7.0 Public Hearing/
Interim Use Permit,
Home Occupation**

Again, the attachments that are included are the business plan, the aerial photo, a location map, and an IUP draft document

Ms. Winter stated Mr. Chair, after the Public Hearing, I'd be happy to go through the recommendations as far as what should be on the IUP. Or, do you want me to do that now? Mr. Plaisance stated no, I think at this time we will open up the Public Hearing. If anyone wishes to speak on behalf of this item, please come forward to the microphone, state your name and address.

The Public Hearing was opened at 7:44 pm.

Steve Olson, 18365 Lakeview Point, stated I'm just a couple properties to the east of the projected location and I can see the aerial view but I'd like to know more about the plan. I don't have a copy of the plan. It wasn't included with the mailing. Of course my initial objections, it's right in the middle of a residential neighborhood. It's a 100-foot by 300-foot property. There will be increased traffic. The private wine tastings are of concern because there would be no regulation that I can see at this time on how many wine tastings they can have per day or per week. So I think there's not enough information. If they were going to use it as their corporate address and simply have that as their corporate address, I probably wouldn't have an issue with it. However, we also have to think about septic systems. They say there's be minimal water usage, I find that fairly hard to believe. You're going to be making wine not only close to the Lake but the drainfield, obviously, will be subject to stress because wine has skin and seeds and a number of things. So, I think there's a lot of things to consider. And, specifically, one item is that it's right in the middle of a residential district. It's not at the end of the road, it's not at the beginning of the road, it's right there in the center of the residential district with children, pets, no miniature horses.

Jo Rohady, 18369 Lakeview Point, stated we've been there since 1971. I have the same concerns that Steve does. My biggest issue is the traffic in the area. We have very narrow streets. It's bad enough in the summertime with the boats coming through. We have children that are on the roads as well, a lot of animals. And I feel, too, that we did not get enough information to even make this decision. We've been concerned about this property for quite some time so I would really like this to be looked at in a lot more detail.

7.0 Public Hearing/
Interim Use Permit,
Home Occupation

Gary Quassabart, 18417 Lakeview Point Drive, stated I'm a little farther east. I'm a little concerned for a number of reasons. One, with people around the area it's very close family knit and we had understood at one point that when this property was purchased, it was under the idea it would be a home built on that property. It's my understanding today that there won't be a home built on that property unless this is passed. Ms. Winter stated I believe that is accurate.

Mr. Quassabart stated I believe that is accurate, yup. The second piece is what Steve has mentioned about what's the property look like? Will they live there? Will they buy a house across the street? And, before you know it, what do you have going on. And, more importantly, is the idea that what's on paper today scares me because when you indicated about when somebody takes advantage of permits, the

next thing is, okay, you've got a \$700 fine because you broke a rule. When does it stop? How do you put guidelines on this to say that once this thing is put in place, you don't go beyond that? Because if you go beyond it, then you have to leave. Are we willing to put things in place like that? Because, quite honestly, I believe that once it's set up, once the concrete is poured, that there is no stopping how big this can get. Thanks.

Tyler Gagner, 18340 Lakeview Point Drive, stated I'm right across the street. I also, too, have the same concerns. Particularly the waste management portion of this. I work in waste management. I deal with septic systems, large waste treatment systems, and 75 cases a year, how much is that? Mr. Plaisance stated it's 1.5 per week.

Mr. Gagner asked how many are in a case? Ms. Winter stated 12 bottles. Mr. Gagner stated I don't have a very good, I can't visualize how much that is but yeah, need more information. How large of a building is it going to be? Traffic? Are you going to be bringing in a truck? Where are you going to put a truck on that road? I share the same concerns and I think we need more information. Thank you.

Christine Mahlen, 18346 Lakeview Point Drive, stated my house is directly across from this property, right next to Tyler, and I too have the same issues. We have one road in, one road out. There's no, it's very difficult to even turn around in that area if you had a large truck. It's such a nice residential area now to where you can walk your dogs, you can walk, you have a very safe neighborhood, very safe area. My concern would be that would completely change. Right now, it's a 30 mile an hour speed limit. I think that wouldn't be something where people would want to compromise on as well. Many concerns and I agree with all the people that have spoke before me.

Tyler Gagner stated just to talk on the walking point, what you don't see on this is a large, I don't know if you guys are familiar with 183rd, it's a very long straight, narrow road and that's probably even more dangerous than this particular spot right here where you're going to be bringing in a lot of traffic down that road where there are a lot of dog walkers, you know, joggers, kids at the bus stop.

Al Beck, 18619 Lakeview Point, stated I'm a little farther east and did not receive notification. Evidently, it's a little bit farther out. Otherwise, we would have had a lot more people here because I just found out about this. And, I serve on the Anoka County Board, the Coon Lake Improvement District. I've been President of the Coon Lake Improvement Association and one of our biggest concerns is trying to control the pollution. That lot, if you actually went out and looked at it, is extremely low. It's about a foot above the Lake water. So, there would have to be a ton, multiple, multiple tons brought in. That little cabin that they call a house is about 800 square feet. That is not going to be replaced by something in the same area. And, then what kind of sewer system can they get in there and a well system for doing that type of industrial stuff. And, 700 can turn into 900, to what? And what is the zoning rule as far as for an industrial? How many acres you have? Quite a bit of time just talking about a little miniature pony versus opening a business on not even an acre of land in a residential area. And, the concern for safety of other people that live along the Lake. Thank you.

7.0 Public Hearing/
Interim Use Permit,
Home Occupation

Mr. Plaisance asked anyone else?

Ron Lewis, 183rd and Lakeview Point, stated I'm right where they join. My concern is the traffic. We've got four garbage haulers with eight trucks coming down there. The road is getting all beat up. We start bringing in people for wine tasting, trucks to deliver things, that's my biggest concern. Also, I'm worried about problems with odor when you're making the wine in your garage. We just don't have enough info.

Mr. Plaisance asked anyone wish to speak at tonight's public forum? Is Mr. William Thompson here tonight? Ms. Winter stated he is not. I did get a call. He was not able to attend due to an emergency. Mr. Plaisance stated he is not, okay. At this point I will close the Public Hearing and open it up for discussion.

The Public Hearing was closed at 7:54 pm.

Mr. Holmes stated I would like to ask one thing right away. The road that goes to this property, what's the load rating on that road? Do we know? Ms. Winter stated Randy had asked me that before. It's a standard residential street design.

Mr. Holmes stated I must be going way crazy because I really dove into this and this is how many items I have for questions. *(Mr. Holmes held up a sheet of paper listing his questions.)* I don't see this happening at all. He has to have a manufacturing license just to do this. Why are we allowing a manufacturing license in a residential area? That's number one. But, just for instance, he talks about a forklift and a conveyor and, I mean, where are those going to be stored? And 75 gallons of wine the first year, goes up to 400 gallons. Mr. Terry stated cases, not gallons, cases. Mr. Holmes stated cases, whatever. Mr. Terry stated it's even much larger. Mr. Holmes stated I don't care if it's 400 gallons, it's still, I mean, to me this is just not residential. It's a business.

Mr. Cornicelli stated it seems odd because I mean, you think about a home-occupied business. I live in my house, I'm making cabinets in a pole barn, pick whatever. This more seems like a business that they might live in the house. And, it seems like an odd area to put this kind of a business. It just seems, I wish they were here so we could ask these, Eldon's 32 questions. But, it's like, why on earth would you put it there of all places? Especially since there's no existing structure. You're not doing something in the domicile you currently live. You're going to build this thing and maybe live there. Something doesn't 'smell' right.

7.0 Public Hearing/
Interim Use Permit,
Home Occupation

Ms. Winter stated we do have building plans. They actually have the house plans drawn up. Mr. Cornicelli but it's only what, 100 by 300.

Ms. Bonin asked and why aren't they making the wine where they're growing the grapes? Mr. Plaisance stated well, if they're importing grapes that wouldn't, I mean, that wouldn't be, there's lots of small wineries. Just like people who brew beer. They don't grow their own hops. They buy that stuff and ship it in and make it. But, it just seems like a, it just seems backwards to me.

Mr. Holmes stated in regard to getting the grapes from California, what's he doing

about preventing diseases, pests, and fungi, and viruses from other States? Mr. Plaisance stated they'd have to comply with whatever ordinance the Minnesota Department of Ag has for importation. So, I'm less worried about the business plan and more concerned about why this low location. If this was something they were coming in on 65 in the Business District, 'Oh, this is great.' Great idea. But, it's kind of not. Mr. Holmes stated anyhow I've got way too many hours and I don't see it whatsoever.

Mr. Terry stated I spent very much little time on this and I've come to the same conclusion.

Mr. Balfany stated I drove by and read the whole plan and concluded, likely, most of Eldon's questions. But, is there an opinion from the City?

Ms. Winter stated it's up to the Planning Commission. I certainly think there are a lot of things that have to be answered on this one. And, that was made clear.

Ms. Bonin stated it sounds like to me that we don't need to have all those things answered because we all think that it's a dumb idea. Mr. Cornicelli stated I didn't say dumb.

Mr. Holmes stated it's an idea. I mean, the guy is adventurous and stuff but it's just not the right idea. Mr. Cornicelli stated I think it's potentially a great idea. Mr. Terry stated it's a great idea in the wrong location. Mr. Cornicelli stated there you go. Ms. Allenspach stated it's in the wrong neighborhood. It's definitely in the wrong neighborhood.

Mr. Plaisance stated I'm going to protect ourselves a little bit and just correct. I'm going to, I agree with you that I think we are all of maybe similar mind. But in respect to the applicant, we do need to respectfully make sure that it does or does not fall into our ordinances before we pass judgment on our personal opinions. Ms. Bonin stated right.

Mr. Plaisance stated with that said, one thing that does stand out to me and it's really only one line in here but this is the part that gets me in where I'm going to agree with Lou that it seems to be more about a business with living quarters than a house that has a small winery and people tasting. The sentence that gets me is under the sales paragraph, a couple pages into his plan operations, when it says, 'The majority of sales take place in the home based by appointment tasting room.' That sentence right there is saying the majority of the sales, and maybe it's mis-worded in here, but to me that tells me that there is more traffic. And, to get back to the original point, does it fall within our ordinance or not. This does generate higher traffic than normal use. Therefore, in my opinion, it would not fall in our ordinances. You don't have to worry too much about it, but that's my opinion.

Mr. Holmes stated well, I haven't seen one thing that would fall into our ordinance and for that reason I'd like to make the motion to deny. **Mr. Holmes made a motion to recommend denial of the IUP for William Thompson (dba/Wandering Cellars), 18341 Lakeview Point Drive NE, East Bethel MN 55092, to produce wine out of his residential garage to the City Council. Mr.**

7.0 Public Hearing/
Interim Use Permit,
Home Occupation

Terry seconded the motion. All members were in favor; motion carried. This item will go to the City Council in February for consideration.

**8.0 Public Hearing/
Subdivision Concept
Plan**

Background Information:

Owner/Property Location:

Concept Plan/Sketch Plan – Sauter’s Commercial Park 2nd Addition

T&G Land Inc./Tom Sauter

1052 189th Street NE

East Bethel MN 55011

PIN: 32-33-23-22-0002

Zoning: Light Industrial

Ms. Winter presented the staff report. Mr. Tom Sauter is requesting to move forward with platting his property into nine lots in a Light Industrial area. The Concept Plan is the first step of that process and Mr. Sauter has completed the wetland delineation and has agreed to dedicate the necessary right-of-way to the City of East Bethel for the extension of the Service Road as indicated on the attached Sketch Plan. It should be noted that the City of East Bethel is intending to begin construction on the Service Road in 2016. Mr. Sauter will be platting the property in phases beginning on the south side. He currently has an interested buyer for Lot 9 and will plat as demanded by the market.

Ms. Winter stated for a Concept Plan, this evening what you need to do is, as a Planning Commission, determine if this meets the requirements of our Comp Plan, if it is appropriate for him to proceed forth with platting at this time. And if so, then you can make that recommendation to the City Council and at the same time call for a Public Hearing for the Preliminary Plat.

Mr. Plaisance stated at this time I will open the Public Hearing. Anyone who wishes to speak to this particular issue please come forward, state your name and address for the record.

**8.0 Public Hearing/
Subdivision Concept
Plan**

The Public Hearing was opened at 8:02 pm. No members of the public spoke at the Public Hearing.

Mr. Plaisance stated seeing no one coming forward, I would ask is Tom Sauter here? Ms. Winter stated he’s here. Mr. Plaisance asked would you like to come forward and address the Commission?

Jason Rud stated I’m with E.G. Rud and Sons. Tom Sauter stated I’m Tom Sauter. Mr. Rud stated maybe just briefly to go over the project. Colleen gave a good summary. But, it’s a 40-acre parcel and the first phase, the southeast corner there, it’s called Lot 9. The intention would be to plat that lot. There is existing sewer and water out in front of that property. Services would need to be tapped for that parcel. Then a lot would be platted for the original Sauter homestead there and then the rest would be platted as an outlot along with the right-of-way dedication for the plat. All

of the proposed lots meet the zoning requirements, lot area requirements, livability requirements. The wetland has been delineated and approved and so we're at step one.

Ms. Winter stated it should be noted that with the Service Road going in there, these lots would be sort of in water lots.

Mr. Sauter stated I do have a purchase agreement signed today and he wants to build immediately so he's trying to get it platted. He would like to build this spring as soon as possible. I talked to Jack and we can actually hook up to the sewer, it's there, without the new road That's probably the only lot that we can hook up to sewer and this guy is excited to get this building going if we get it plotted.

Ms. Allenspach stated that was one of my questions, thanks. Ms. Bonin asked which lot is he buying? Mr. Sauter answered Lot 9.

Mr. Cornicelli stated Colleen I apologize, but I didn't see it. What is the zoning on this? Ms. Winter answered Light Industrial.

Ms. Bonin asked the house will stay there? Mr. Sauter stated right. Right now we're going to keep the house out and try to develop the other areas, other parcels. But, like Colleen said, it's just a concept plan on how we can divide the lots. I'm not comfortable with plotting the whole thing. It's nine lots. My second buyer, a bigger buyer, you know, could actually come back and plot it after I get a bigger buyer, I think would be more useful.

Ms. Winter stated once we have a road in there, it's going to impact, probably significantly, the visibility of these lots. Mr. Sauter stated and when we get one going, it will spark up the neighborhood. Mr. Plaisance stated ponds get drawn down to their historical level? Or, so the ponds just stay? Ms. Winter stated the ponds, for now, just stay. They actually did the delineation and they have to stay. Mr. Plaisance stated okay, so you just squeeze the lots in around the pond. Okay. That what it looks like but my eyes are getting... Ms. Winter stated there is one little section, it has a hashmark on it as part of that, if you'll see, depending on what happens with that part of it, there will be a whole joint application that they'll have to go through if they're going to alter it up there. Mr. Plaisance stated then they'll just mitigate it.

8.0 Public Hearing/
Subdivision Concept
Plan

Ms. Bonin asked so you want approval of this plan as it is? Or, just the concept plan to do something and approval for the one lot? Mr. Rud replied the goal tonight is just Sketch Plan review. As I understand, we'd be coming back for a Preliminary Plat for review on a separate application.

Mr. Rud stated for what it's worth, do you have a camera that you're able to project? Ms. Winter replied no, unfortunately. Mr. Rud stated well we have a draft Preliminary Plat underway just knowing that Tom has a buyer and he's got one as well. These show what a preliminary plat would look like. I think we're trying to be proactive here in that, simply plat the two lots, plat the outlot, dedicate the right-of-way.

Mr. Balfany stated if I can ask, what type of buyer is interested in the property? Mr. Sauter stated it's Dave Pixley. It's a chimney sweep company that's very successful. He's an East Bethel resident. He lives over on 185th. He's got a nice home over there but he's storing his vehicles at his home right now and would like to have his own shop. Mr. Balfany stated oh, fantastic.

Mr. Plaisance asked Colleen, do we have an anticipation as to when that Service Road will be put in. Ms. Winter stated I believe it is the City's intention, and Tim from the City Council is here and he may have an even better idea, but the Council did move forward with approving it. So, I know the Roads Commission has talked about it as well. So, I believe it is the intention for that to go in even as soon as this year.

Council Member Harrington stated we're waiting for one more easement. We've got all the other easements so I think we're looking at June. Mr. Plaisance stated great, thank you.

The Public Hearing was closed at 8:08 pm.

Mr. Terry made a motion to recommend approval of the Concept Plan/Sketch Plan – Sauter's Commercial Park 2nd Addition, T&G Land Inc./Tom Sauter, 1052 189th Street NE, East Bethel MN 55011 to the City Council and call for Public Hearing for a Preliminary Plat. Ms. Bonin seconded the motion. All members were in favor; motion carried. This item will go to the City Council in February for approval.

9.0 City Council Report

9.0 City Council Report

Council Member Harrington stated good evening Commission members. Before I start, I'd like to thank Lorraine, Lou, and Randy for volunteering for another term on the Commission. Thank you very much. I'm looking forward to working with the Planning Commission. It's going to be a learning experience for me. I've been on the Parks and Roads for the last year and a half so this is going to be something new. It might take me a little while to get going but I'm really looking forward to it. I think it's going to be, hopefully, an exciting year with Mr. Sauter starting. Hopefully, other things will get rolling in that area.

Council Member Harrington stated some of the highlights from the last couple Council Meetings, like I said, we've got one more easement to get, to construct that new road. So, hopefully we'll get that by the end of the month. A couple of dates here, we've got the Town Hall Meeting set for April 19th, Spring Recycling Day is April 23rd, our Board of Appeals and Equalization Meeting is April 20th. And, at the last meeting we okayed Mn/DOT to start a study on what they call a Super Road. Where it's going to start is 181st and go to Sims. I don't know where it's going to end up but if you get a chance, go on the website and look at this. They already told us no bridges. It's going to be a lot of J-Turns, unless somebody else has a different idea.

Ms. Allenspach stated as long as it's not a roundabout. City Member Harrington stated all their, or whatever it's going to be, will be put down south in Blaine and Ham Lake. They said 109th, 117th, and Bunker, they're big projects. So, we're just

trying to relieve the traffic. People are complaining about going east and west all the time. So, it might not be the best thing.

Mr. Cornicelli asked if it's not going to be a fly-over, what's it going to be? Council Member Harrington stated well, they're talking those J-Turns like up on 169th. But 22 and 65, it will be J-Turns but there will be lights. You have to have lights. The other ones they're looking at are just J-Turns.

Ms. Winter stated if you go on the last Roads Commission agenda, you can see it because it was an agenda item at the last Roads Commission meeting and it's all explained in there along with diagrams.

Council Member Harrington stated yeah, it looks good on a computer. But, like I said, roundabouts look good too on paper until people get driving on them. Mr. Cornicelli stated they'd like to get a new one on Broadway and Kettle River. They like to go straight. There's always new car tracks going straight.

Council Member Harrington stated that's all I've got unless you've got questions for me. Like I said, it's going to be a learning experience. I'm looking forward to it because I'm going to learn a lot. This is where things happen. Mr. Holms stated and boy, are we going to teach you. Council Member Harrington stated that's good.

10.0 Other Business

2015 Permit Report

Ms. Winter reported that there are four attachments in your packet. One is the total permits and it's got a graphic with it. What I think is encouraging about this, if you look at the 2015 permits, we went from 2010 where we were at a high and we dropped down and now we're coming back up. So, that's exciting to see in 2015, the amount of volume we had as far as the permits go. I think the other thing that's really good is if you look below. Again, it's really encouraging. Before the crash, we had a lot of single-family home permits and you can see, based on the graphic below the bar chart, that since 2010 it continues to increase. So, 2015 was a very good year for us.

2015 Permit Report

Ms. Winter stated the other thing after that is the Piwik analysis. That's the traffic that's generated on our website, and where people go on our website, and how they use our website.

Mr. Plaisance stated it's nice to see the Resident's Guide gets used quite a bit.

Piwik Website Use Analysis

Ms. Winter stated and then lastly, if you'll look, and again I'm not going to read these verbatim but it's nice to see in 2015 the accomplishments from a City perspective that happens. So, I think as Tim said, it's not just a credit, it's a credit obviously to our Mayor and our Council for their leadership but it's also a great credit to all the other volunteers and all the folks that are part of the various Commissions and the work that they put into it. So, we wouldn't have been able to get all this done if it hadn't been for having the Commissions that support what we do. So, that's all I have.

Mr. Holmes stated I have one thing and I don't know, well, it should be brought up. Our City ordinance states that the City Council shall go by *Robert's Rules of Order*.

2015 City
Accomplishment
Report

And, naturally with this grape winery, I sort of got carried away. I don't know, I didn't have much to do this week. Anyhow, what I accidentally found is that *Robert's Rules of Order* states that the Pro Tem officer, which would be Tim, has the right to cast a vote at our meetings. Or, it can be changed that he has a vote when we have a tie at this meeting. Or, it can be changed to him not having a vote at all.

Discussion of
Council Liaison
Vote

Mr. Holmes stated now that's not up to us. That's up to the City Council and I think that should be put into our ordinance some how, some way, what Tim's position or the ex-officio's position should be for our body. We do not have that in our ordinance.

Mr. Balfany stated if we're going to be bringing it up and talking about it, should we be sending it forward with a recommendation? Mr. Holmes stated well. Mr. Balfany asked do you want to form a group opinion on this now? Mr. Holmes stated we can, I just think it's totally up to the City Council to make that decision, myself. I wouldn't mind seeing that if we're all tied, Tim has the untying vote. But, either way, it don't matter. But, it's something that according to our ordinance, it should be done. We haven't gotten it done and something that should be brought up.

Mr. Terry stated I'd like to suggest that in the case if we don't have a quorum, that he could fill. Mr. Holmes stated he can't do that. Mr. Terry asked no? Ms. Allenspach stated I've never volunteered in a City where that's ever been allowed at all. Not on any type of Commission so that's news to me. Not that it hasn't happened somewhere but I've never heard of that in places, cities, where I've volunteered.

Discussion of
Council Liaison
Vote

Mr. Plaisance stated what he's saying is as part of *Robert's Rules of Order*... Mr. Holmes stated which the City Council has to abide by. Mr. Plaisance stated correct...that they would have to make the determination as to whether or not he would have the authority to vote in the case of a tie or to prevent him from making those votes. Mr. Holmes stated correct or him not voting or vote on everything. That's up to the City Council. That has nothing to do with us. I'm just bringing it up that, you know, I thought I knew a lot about *Robert's Rules of Order* until I started looking at it again.

Ms. Allenspach stated I've never heard of that one. Mr. Balfany stated that would be on us as well. Mr. Holmes stated correct. Mr. Cornicelli stated start talking about verbatim minutes, which is also a... Mr. Holmes stated no, but I think it's something that the City Council should look at and it shouldn't take long. They can just say, 'Hey, he's got no vote. That's it.' Or, whatever you want to do. It's just something that should be there and we probably will never, ever use it. I've got too much time on my hands.

Ms. Allenspach stated or maybe they did look at it and there's something in our ordinance that says we're not doing that. Mr. Bonin stated that's the same import to me because we're only a recommending board anyway. Ms. Allenspach stated right. Ms. Bonin stated and Council's going to decide what they want no matter what that person would do as far as what we're saying.

Mr. Holmes stated but it states the ex-officio at our meetings will, according to the City Council. Mr. Bonin stated so if we leave it the way it's been now, he doesn't have a vote, he doesn't have a say. Mr. Holmes stated right, and that's fine with me. I could care less even if he does have a vote. It doesn't matter. Mr. Cornicelli stated I think he's forming an opinion right now. Mr. Holmes stated I'm just saying if we're going by *Robert's Rules of Order*, we're supposed to, that they should make that determination and put that in our ordinance.

Ms. Allenspach stated I have served in another city as a council member and as a liaison to committees such as this and that's never been, I've never had a vote or any say. It's been an informational type of thing only, which is what we have here. Mr. Holmes stated and it depends on the city or whatever. I can see where there's instances where they would want the ex-officio to vote but I don't think we need that here unless Tim wants to vote, or whatever. But, that's up to City Council. I just thought I'd bring it up.

Mr. Plaisance stated well I think Lorraine's point was well taken when she was saying that, you know, we are just an advisory board. It's not like the decisions that we make here are going to be the decision that's for the City. So, it's only a recommendation. So, what we would be doing is saying, 'Yes, I think we should be recommending this to the Council.' Or, 'No, we shouldn't.'

Mr. Holmes stated but it does effect, maybe, some City Council decisions what we do. Mr. Plaisance stated it could. I'm not saying we shouldn't have that recommendation to them that they should come up with what you're discussing. I'm just saying I think that Lorraine made a very good point. Mr. Holmes stated oh, yeah, no, I agree.

Ms. Bonin stated and besides that, if he has a vote and changes what we're saying, then he gets two votes. He gets a vote here and he gets a vote at Council, which isn't really fair either I don't think. Mr. Balfany stated his vote would be, could be theoretically, the same because the information that's getting brought over is the same. Because it's really our job to review and make the recommendation for the City Council to have a lighter review of it to form their opinion. Mr. Terry stated we could give him half a vote.

Discussion of
Council Liaison
Vote

Future Development
Activity Discussion

Mr. Balfany stated Colleen, while you're looking that up, if I could slightly change topics. Where are we at with the project off Viking, the subdivision over there? What happened with that? It seems it kind of faded. Ms. Winter stated I think there's still interest in potentially doing something but I think they want to see what's going to be generated on the corner.

Mr. Holmes stated I think that's the problem the City's having. Everybody's waiting for somebody else to start something. Everybody's waiting for somebody else and nothing's happening.

Mr. Cornicelli asked have we still not heard anything from them? When was the last time we did? A year ago? A year and a half? Ms. Winter stated no, they have participated and I think they were at the last Roads or maybe Council. When we're talking about this road project, they've been very active participants in terms of

being aware of what's happening with the road. And, when I say 'road' I'm talking about the continuous intersection, however they define that, what Tim brought up on Highway 65.

Mr. Balfany stated they paid quite a bit of money to have the turn lane on Viking put in. Obviously, they kind of had to if they ever wanted to sell the property, if that was their intent. I mean, obviously, I think everybody's a little anxious to see what's going to happen. And, I think it's going to be a 'tipping point' for what I hope will be the next expansion in the City.

Mr. Holmes stated well my guess is that the new grocery store up in Isanti will make a big change in what happens down here. Ms. Bonin asked what's that? Mr. Holmes stated Coborn's is going in Isanti on the southeast corner, next to a bank.

Mr. Balfany stated I guess for me that still falls within that 15 minutes from that intersection. I mean, if we go back to the data, I forget what company pulled out all that information but even when they did the demographics from the dead center of that intersection, a 15-minute radius, or 15 mile, I forget how they determined it, but what is it, there's a need for \$20 million or \$19 million of grocery per year.

Mr. Cornicelli stated that was, you now, that's four years old. Mr. Balfany stated yeah, but I'm just saying it still shows that there's a need. I do think from that position, literally, 15 minutes from everything: Isanti, Andover, Blaine, Forest Lake, St. Francis. Literally, it is 15 minutes from everywhere. Even if you took half that size, of that \$19 million or even if you went down to \$15 million, that's still \$7 million a year in grocery revenue. I'm pretty sure you'd capture the majority of people within that radius.

Future Development
Activity Discussion

Mr. Cornicelli stated I'm only a third of a mile in from Linwood so where I sit, I'm 12 from Forest Lake, 13 from St. Francis, and 18 to Cambridge. Mr. Balfany stated and I'm 5 in off of Viking over by Coon. Yeah, it's all six of one, half a dozen of another. It's no good trip. Literally, pull out of the neighborhood and go, 'Do I want to go right or left?' It doesn't really matter. Ms. Allenspach stated exactly. Mr. Plaisance stated it's a matter of convincing the investor though, to actually make that 'leap' and at this time they haven't done that.

Mr. Balfany asked do we know if the EDA's been doing anything? Ms. Winter stated the EDA's been very active. In fact, they had a meeting last night and they approved their 2016 Work Plan. So, they definitely have some strong goals to pursue some business entities. But the struggle always is, you know, development will happen when development happens, somewhat. Mr. Cornicelli stated who 'blinks' first. Ms. Winter stated exactly and that's part of it. Is it rooftops? You need more rooftops in order to support the commercial development? You need the commercial development in order to get rooftops here? So, it's a tough one.

11.0 Adjournment

Mr. Holmes moved to adjourn the meeting at 8:28 p.m. Mr. Balfany seconded the motion; all members were in favor, motion carried.

Submitted by: Carla Wirth *TimeSaver Off Site Secretarial Inc.*



Parcel Information

1 in = 376 ft

PIN: 323323220002

Acres: 39.31

Owner Name: T & G LAND INC

Address1: 6651 141ST AVENUE NW

Address 2: EAST BETHEL, MN 55011

Site Address1: 1052 189TH AVE NE

Site Address 2: EAT BETHEL, MN 55011-9523

Zoning: R-2

Shoreland: null

Legal: THE NW1/4 OF THE NW1/4 OF SEC 32 T33

R23; EX PRT PLATTED AS SAUTERS

COMMERCIAL PARK; ALSO EX RD; SUBJ TO

EASE OF REC

© WSB &
January 20, 2016





City of East Bethel City Council Agenda Information

Date:

February 17, 2016

Agenda Item Number:

Item 7.0 A.2

Agenda Item:

Conditional Use Permit-Genevieve Family Limited Partnership Family Trust

Applicant: Barn Goddesses, LLC/dba Ponds of Hidden Prairie

PIN: 08-33-23-11-0005

Requested Action:

Consider a request by applicant, Barn Goddesses, LLC and owner, Genevieve Family Limited Partnership Family Trust for a Conditional Use Permit to allow Barn Goddesses to build upon and improve the subject property to operate and build an event venue DBA, Ponds of Hidden Prairie, LLC

Background Information:

Ms. Lisa Palm and Ms. Jennifer Parish Speilman submitted an application to the Planning Commission for a Conditional Use Permit (CUP) for an event center to be located adjacent to and east of PVS Auto on 221st Ave. NE. The main building will be 10,000 sq. ft. in size and will include a warming kitchen, bride’s room, groom’s den, restrooms, storage and an office. The Event center is a permitted use in both the B3 and I1 districts. In addition to the main event center Ms. Palm and Ms. Speilman will also have areas designated outside for outdoor ceremonies and would like to add 6 additional cabins (not to exceed 1,000 sq. ft. each) for the bridal party or overnight guests. The cabins would be constructed approximately three years after the main building is built. The cabins do not fall under the permitted use category in the B3 or I1. However, they are an integral part of the Ponds of Hidden Prairie business plan and are the reason for the CUP request.

It is not the intention of Ponds of Hidden Prairie to become a resort. Their focus is to provide a venue for weddings and other events and the cabins will be only for the guests of the specific event. The CUP is required to permit this use of the property and there will be a Site Plan Review by the Planning Commission and Council prior to development.

The Public Hearing for the Conditional Use Permit (CUP) was properly noticed and conducted at the February 1, 2016 Special Planning Commission Meeting. One resident spoke at the Hearing for the proposed CUP and his questions and concerns are contained in Attachment 2. At the conclusion of the Hearing and discussion, the Planning Commission voted unanimously to recommend approval of the CUP to City Council.

The purchase of the property by Barn Goddesses LLC is conditioned on the approval of the Conditional Use Permit

Attachments:

- 1.) Site location
- 2.) Feb. 1, 2016 Special Planning Commission Meeting Minutes

Fiscal Impact:

Recommendation(s):

The Planning Commission recommends that City Council consider approval of a Conditional Use Permit for Barn Goddesses, LLC dba Ponds of Hidden Prairie Event Center to construct up to six (6) additional cabins and outdoor venue space on this site subject to the following conditions:

- 1. Submission and approval of a Site Plan Review
- 2. Submission of Access approval by the ACHD and service road right of way dedication by the owner
- 3. Submission of a Phase I environmental review
- 4. Submission of the property survey
- 5. Submission of wetland delineations
- 6. Compliance with all applicable ICRB (building) Codes

Planning Commission Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

XXXX 221st Ave NE



1 in = 376 ft



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January 29, 2016

Map Powered by DataLink
from WSB & Associates

3.0 Conditional
Use Permit for
Barn Goddesses
Public Hearing

Ms. Palm stated she and Ms. Speilman are very excited for the opportunity to promote the City of East Bethel and its environment, and want to be an asset to the city. The applicants worked with a realtor to find the property and are anticipating a purchase agreement will be signed by the end of the week.

Simon Calderon, 1742 221st Ave. NE, East Bethel is the property owner next to the property. Mr. Calderon voiced two concerns 1) he raises horses on his property and noted there will be manure smells. He asked if the buildings will be located far enough away from his property in order to avoid having the smells be a problem, and 2) there will be people coming and going on the property every weekend; Mr. Calderon moved to East Bethel to get away from a busy activity of people. He likes the peaceful environment and quiet setting.

Mr. Plaisance closed the public hearing at 6:42 pm.

Mr. Terry likes the idea of this business in the area and appreciates the applicants seeing the value of the land and environment. He does have some concerns about noise, since there may be outside activities into the evening. Ms. Palm noted the buildings will be on 30 acres and that there are plenty of buffers on the land. The applicants are aware of the City noise ordinances. Mr. Terry asked that the applicants work with Mr. Calderone being that their property adjoin.

Mr. Holmes moved and Mr. Terry seconded to recommend granting the Condition Use Permit application to Barn Goddesses, LLC dba Ponds of Hidden Prairie Event Center to construct up to six (6) additional cabins and outdoor venue space. Subject to the following conditions:

1. Site plan review that includes noise mitigation
2. Access approval and road right of way dedication
3. Phase I environmental review
4. Survey
5. Wetland delineation
6. All applicable ICRB (building) codes

Motion carried.

4.0 Adjourn

Mr. Holmes moved and Mr. Balfany seconded to adjourn at 6:52 pm. Motion carried.

Respectfully submitted,
Gail Gessner, Recording Secretary
Submitted: 2/3/16



City of East Bethel City Council Agenda Information

Date:

February 17, 2016

Agenda Item Number:

7.0 A.3

Agenda Item:

Home Occupation, Interim Use Permit - William Thompson (dba/Wandering Cellars)

Address: 18341 Lakeview Pt Dr NE, East Bethel MN 55092

PIN: 35-33-23-32-0010

Requested Action:

Recommend denial of request by Mr. Thompson for an IUP for a home occupation as it does not meet the requirements of Appendix A, Zoning Code, Section 10-19.

Background Information:

Mr. William Thompson’s request for an IUP was presented to the Planning Commission at their regular meeting on January 26, 2016. The request by Mr. Thompson was for wine production from a home he is planning to build. The grapes would be trucked to the premises once per year. A forklift would be required for the offloading the grapes into barrels that would be stored in their garage for use in the winemaking.

There would be no public tasting room, and private tastings would be by appointment only. It is anticipated that they would be selling 75 cases of wine per year. They are working with a distributor and would be shipping cases weekly via UPS or delivering the product directly to their vendor. Water use is minimal and City Staff has checked with the local DNR to see if there are any special requirements that they have for this type of business. The DNR does not have any additional requirements.

The Planning Commission discussed Mr. Thompson’s request at length, and comments expressing concerns about Mr. Thompson’s request, were received from neighboring property owners. Concerns were related to additional traffic, changing the character of the neighborhood, environmental concerns and the proximity to Coon Lake. An additional concern is that since the house hasn’t been built is the construction for a business or a residence. Mr. Thompson had indicated that if he is not able to obtain an IUP for this location he would not be building the home. The Planning Commission was of the opinion that Mr. Thompson’s proposed business was an interesting endeavor but not one that met requirements of City Code at this location and not as a home based business. Based on the information that was provided by Mr. Thompson and the concerns expressed by the neighborhood, the Planning Commission recommended denial of the IUP for William Thompson (dba/Wandering Cellars), 18341 Lakeview Point Dr NE, East Bethel MN 55092 to produce wine out of his as of yet to be constructed residential garage. The request does not meet the requirements of Appendix A, Zoning Code, Section 10-19. All members voted in favor and motion carried.

Attachments:

1.) Location map

2.) The 1/26/16 Planning Commission Minutes are attached as Attachment 2, 7.0 A.1

Fiscal Impact:

Unknown

Recommendation(s):

Staff is seeking direction from City Council for the Planning Commission's IUP recommendation.

City Council Action

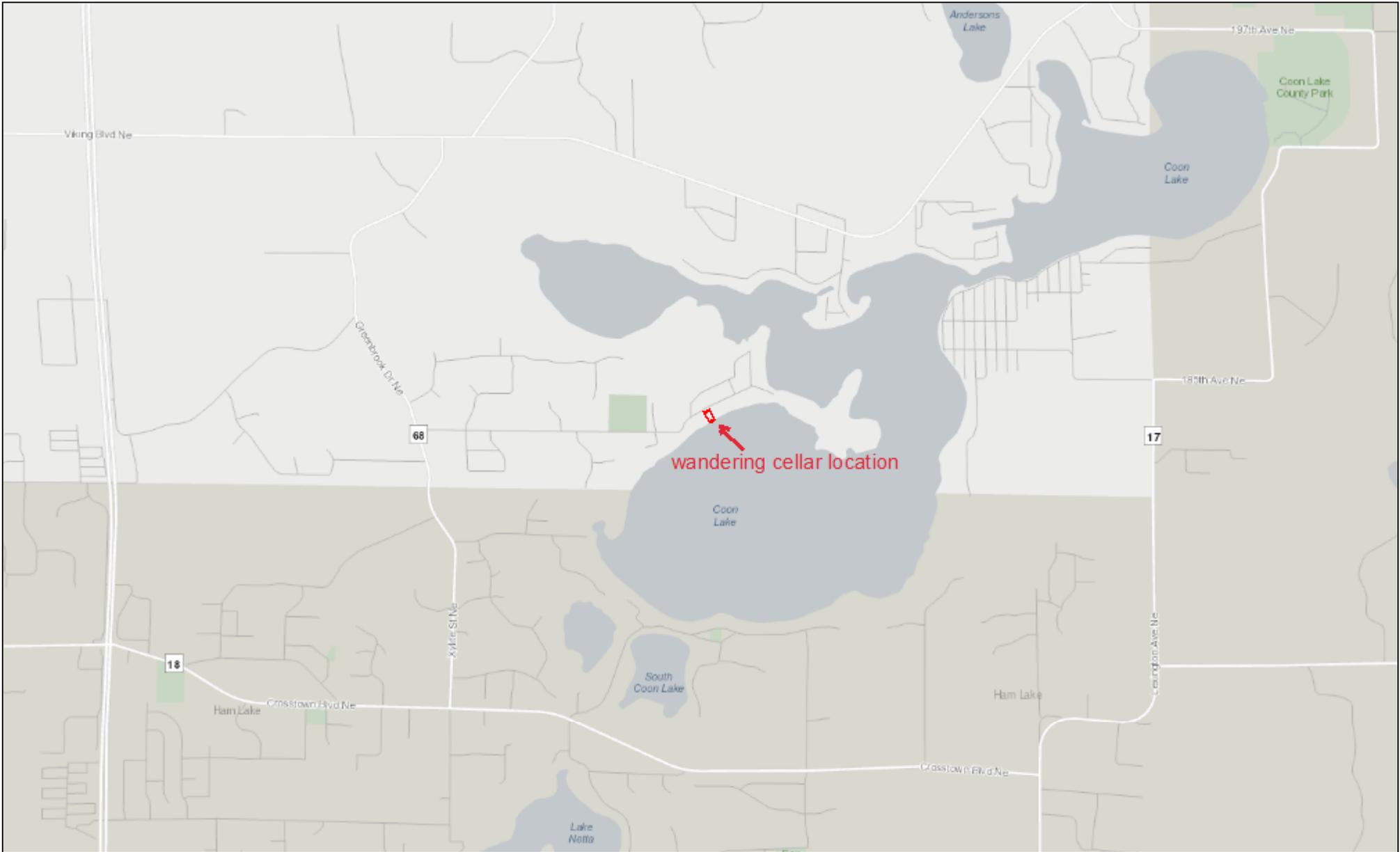
Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



1 in = 3,009 ft



7 January 20, 2016

Map Powered by DataLink from WSB & Associates



City of East Bethel City Council Agenda Information

Date:

February 17, 2016

Agenda Item Number:

7.0 A.4

Agenda Item:

Appeal of Farm Animal Ordinance – Brooklyn Williams, 19715 Tri Oak Circle NE, East Bethel MN

Requested Action:

Final decision by City Council

Applicable Code Sections:

Chapter 10, Article V, East Bethel Code of Ordinances

Background Information:

At their regular meeting on November 4, 2015, the City Council heard an Administrative appeal from Ms. Jerolyn Williams. Ms. Williams appealed a City Staff decision to not allow a miniature horse on her property at 19715 Tri Oak Circle. This decision was based on requirements of City Code, Chapter 10, Article IV, Section 10-116, no animal regulated by this article can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three acres provided, however that if all the lots within a platted subdivision are larger than four acres, then interim use permits for horses may be issued for those lots. The four acre exception does not apply in this situation.

19715 Tri Oak Circle is a platted lot of 2 acres in size and is located in the Viking Knoll Subdivision. The other platted lot in this subdivision is 2.28 acres.

There are no distinctions between horse breeds or size included in the City Code. Section 10-115 of City Code provides definition for animals, parcels and platted subdivisions:

As a result of the appeal, City Council recommended that Ms. Williams research other City policies and ordinances relating to this matter and bring their findings to City Staff. Ms. Williams and her daughter met with City staff but were not able to provide examples from other Cities. City staff assisted their efforts but found only two examples of municipal ordinances that relate to miniature horses. The two Cities we found that address this issue are:

City of Rosemount – 7-4B-10: HORSE REGULATIONS: The keeping of horses is a permitted use in the **agricultural and rural residential zoning districts**, provided: 1. The lot size is at least two and one-half (2.5) acres.2. The number of horses does not exceed one horse per one acre. B. Exceptions: 1. Miniature Horses: The number of miniature horses allowed per acre is three (3).

City of Inver Grove Heights - Horses are allowed in all "A" and "E" zoning districts and Miniature Horses not taller than 38 inches as measured to the top of the withers are allowed in all "A", "E" and "R-1" zoning districts provided (Ord. 754; 7/13/92): 1. The minimum lot size is one and three-quarters (1.75) acre. 2. Structures used to shelter horses must conform to the setback requirements of Section 515.70, Subd. 11, (B2). 3. Proper care and shelter shall be provided to all horses as required by Minnesota Statute 346.38.

The Planning Commission previously discussed this issue and the consensus at that time was that the lot size of three acres regardless of the size of the horse should remain in effect. It was a discussion item only and no formal recommendation was made to the City Council. The topic was re-introduced to the Planning Commission at their meeting on January 26, 2016 and there was a lengthy discussion as to amending the ordinance to address this particular request. The main concerns expressed by the Planning Commission members were the establishment of the precedence of creating a designer ordinances or revisions that are a reaction to an individual's specific or unique request. After much discussion, the recommendation of the Planning Commission was to keep the Farm Animal Ordinance, Chapter 10, Article V unchanged in relation to the miniature horse issue. Unrelated to the request for Ms. Williams appeal, the Planning Commission discussed considering reviewing the section of the Farm Animal Ordinance that addresses the requirement of obtaining an IUP for Youth Organization Projects. The Planning Commission voted 6 to 1 to recommend the Farm Animal Ordinance relating to the keeping of horses remain as written.

Attachment:

The Planning Commission minutes of the 1-26-16 meeting are attached as Attachment 2, 7.0 A.1

Fiscal Impact:

Recommendation(s):

Staff is seeking Council direction on this matter.

City Council Action

Motion by: _____ Second by: _____

Vote Yes: _____ Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

February 17, 2016

Agenda Item Number:

Item 8.0 E.1

Agenda Item

2016 Class V Projects

Requested Action:

Consider approving 2016 Class V projects for advertising for bids

Background Information:

In 2006 the City began a six year cycle of gravel road resurfacing for the 16 miles of unpaved roads within our system. The repeat cycle of this work began in 2012 was projected to be completed by 2018. However, with the increase in material and delivery costs and a budget for this item that has remained unchanged since 2007, the current cycle may need to be extended an additional two years for completion. This concern will be addressed during the 2017 Budget discussions.

In 2015, Class V budget funds were used to resurface and apply chloride to Klondike Drive and address local projects on our gravel roads.

The recommended roads for 2016 Class V resurfacing are as follows:

- | | | |
|-----|--------------------------|--------|
| 1.) | 199th Ave & Buchannan St | 3,540' |
| 2.) | Durant St | 1,500' |
| 3.) | Xylite St & 216th Ave | 4,550' |
| 4.) | Zumbrota St & 219th Ave | 3,720' |

\$35,000 has been budgeted for this project in 2016. The costs for these projects are for material and delivery. The City conducts the grading, compaction and finishing of this material. Prior to the placement of any new class V material, staff will reclaim the shoulders and reshape the existing road surface.

It is estimated that 3,100 tons of Class V material along with delivery will cost approximately \$11/ton for a total project cost of \$34,100. Attached is a map that lists the streets proposed for resurfacing.

Attachment(s):

1. Project Location Map

Fiscal Impact:

\$35,000 was budgeted for Class V gravel road resurfacing projects in the 2016 Roads Budget.

Recommendation(s):

The Road Commission and staff recommend Council approval of 199th Ave & Buchanan St, Durant St, Xylite St & 216th Ave, and Zumbrota St & 219th Ave for Class V resurfacing projects in 2016 and authorization to solicit bids for this work.

City Council Action

Motion by: _____

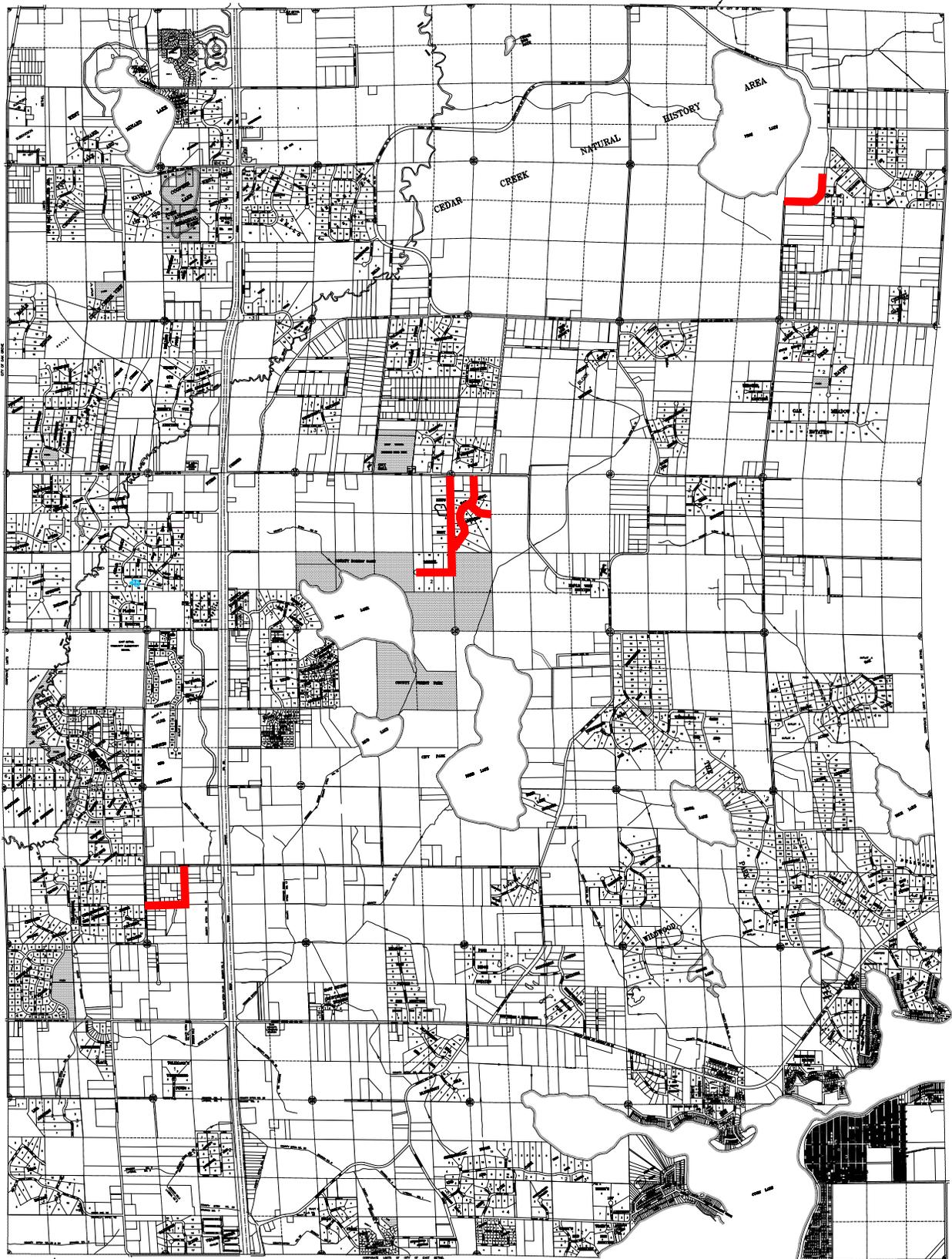
Second by: _____

Vote Yes: _____

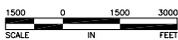
Vote No: _____

No Action Required: _____

2016 Gravel Road Project Locations



 2016 Gravel Road Resurfacing



CITY OF EAST BETHEL BASE MAP



City of East Bethel City Council Agenda Information

Date:

February 17, 2016

Agenda Item Number:

Item 8.0 G.1

Agenda Item:

Ice Arena Management Contract

Requested Action:

Consider renewal of the Ice Arena Management Contract with Gibson Management Corporation

Background Information:

At the June 3, 2015 meeting, the City Council approved Gibson Management Services as the contractor for East Bethel Ice Arena for the term of August 1, 2015 to July 31, 2016. The term of this contract was for one year with the option of renewal for an additional year pending a satisfactory performance review.

Staff has completed Gibson Management Corporation’s performance evaluation and based on benchmarks contained in the contract the specified requirements have been met. In addition, the Saint Francis Youth Hockey Association has stated “that the working relationship with Gibson Management has, overall, been much better this year”. There are still pockets of items/communications which can be improved, but the overall interaction and experience between the customers and the management service with arena personnel, scheduling and facility maintenance has shown continual improvement.

Attachments:

- 1.) Proposed Contract
- 2.) Evaluation Checklist
- 3.) Arena Revenues/Expenses

Fiscal Impact:

There is no impact on the City’s General Fund Levy for this service. All costs are covered by user fees and projections for revenues for 2017 indicate that adequate funds will be available to cover the costs of the operation of the Arena, including the management fee. The management fee for the current contract year is \$80,200. Fees for 2016-17 would be \$81,000 and those for 2017-2018 would be \$83,000.

Recommendation(s):

Staff recommends that Council consider extending Gibson Management Corporation’s contract for an additional two years. The proposed contract would commence on August 1, 2016 and expire on July 31, 2018.

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

**CONTRACT AGREEMENT BETWEEN
THE CITY OF EAST BETHEL
AND GIBSON MANAGEMENT COMPANY, LLC.**

This Agreement (“Agreement”), effective the 1st day of August, 2016 to July 31, 2018, is between the City of East Bethel, 2241-221st Avenue NE, East Bethel, Minnesota 55011, a Minnesota municipal corporation, hereinafter called the "City," and Gibson Management Company, LLC, PO Box 18, East Bethel, Minnesota 55011, a Minnesota corporation, hereinafter called the "Contractor." City and Contractor, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1. The Agreement

1.1 The Contractor will perform the following management services for the City:

The Contractor agrees to furnish management services for management of the East Bethel Ice Arena and perform the following functions, duties, and obligations in connection therewith:

- Provide an on-site manager, all necessary operational staff and provide worker's compensation insurance covering all its employees.
- Provide an on-site manager at the Arena full time September 1 through March 31. The manager will be at the Arena as necessary for the adequate performance of this Agreement and as required, April 1 through August 31.
- Market, sell, schedule, invoice, and ensure collection of all payments for all ice rental and dry floor events. All payments will be made directly to the City. Copies of all invoices will be provided to the City immediately upon preparation by the Contractor. All executed contracts, insurance paperwork, and payments must be provided to the City by the Contractor prior to use of the Arena through rental or other types of agreements.
- Provide commercial general liability insurance coverage in the amounts of at least \$1,000,000.00 per occurrence; \$2,000,000.00 annual aggregate, with the City of East Bethel named as an additional insured on the policy.
- Manage all concessions activities, including purchasing all concession merchandise and supplies. Provide the City with a listing of menus, item prices and a schedule of concession stand dates and hours of operations to the St. Francis High School and the Youth Hockey Association.
- Market, sell, manage and ensure the display of all advertising including interior and exterior signage. All executed contracts and payments will be forwarded to the City for approval before signage is installed.
- Manage all short term maintenance projects and activities as directed by the City.
- Maintain the interior of the Arena by cleaning all public areas at least daily and prior to any scheduled practices, games, dry floor rentals or any other uses. Install and maintain the ice surface to a safe and satisfactory playing surface. All emergency exits, sidewalks and front plaza must be kept clear of ice and snow as required for public safety.
- Provide a weekly record of cleaning tasks, routine maintenance and equipment service on forms provided by the City.
- Thoroughly clean the facility at the end of the ice season and provide a form, furnished by the City reporting these activities.

- Thoroughly clean the facility within 48 hours after each dry floor activity and provide a form, furnished by the City reporting these activities.
- Provide staff for access to all dry floor rentals and staff to set up these activities as required.
- Provide open skating to the public at least once per week for a two hour period during December, January and February. Coordinate the scheduling of this activity with the City to utilize non-rented prime hours.
- Secure and protect the artificial turf in a visually attractive manner inside the arena in an area that does not interfere with access to exit doors or interfere with any rink activities.
- Secure all buildings when not in use. Contractor will be liable for any damages, thefts or costs resulting from failure to lock the compressor building or from failure to arm the Arena alarm system when the Arena is unoccupied. Contractor will take full responsibility for the actions of clients that are allowed unsupervised access to the Arena.
- Meet with the City and Arena user groups as required by the City to address any management or facility issues and to coordinate activities, schedules and other items relating to any problems encountered by these groups.
- Establish and maintain a web site for Arena information, operations and scheduling as approved by the City. Update the Website on a daily basis and e-mail scheduling changes to the Youth Hockey Association, St. Francis High School and/other users immediately after notification of rental time cancellation. Provide real time internet access to schedules via the East Bethel Ice Arena Website.
- Maintain reasonable accounting practices that will allow the city to audit and review all financial transactions of the Ice Arena operations called for within this contract.
- Provide the City a monthly performance report by the end of each month on a form provided by the City.

1.2 The City will be responsible for the following:

- Maintain the building exterior and the property grounds including snow plowing the parking areas and maintaining the lawn areas of the facility.
- Address reasonable capital improvements and maintenance necessary to ensure continued, uninterrupted operation of the Arena for all user groups.
- Provide space in the City newsletter, Cable Access Channel and City Reader Board for Arena advertising information.
- Maintain insurance coverage at the statutory limits for property, boiler, machinery, business interruption, and commercial general liability.
- Pay all necessary Arena operating expenses except items used/consumed in the Concession Area.

ARTICLE 2. Contract Price and Payment

2.1 The amount to be paid for the Contractor's management fee, all wages, payroll taxes, worker's compensation costs and any other payroll-related costs, including all travel, meeting and training expenses will be \$81,000 for 8/1/16 to 7/31/17 and \$83,000 for 8/1/17 to 7/31/18.

Commission Based Incentives:

Ice Rental Revenue

Ice rental revenue will be shared equally between the City and the contractor after \$200,000 in ice time fees have been accrued in a calendar year.

Advertising Revenue

Advertising revenue will be shared equally between the City and the contractor after \$2,000 in advertising revenue has been accrued in a calendar year. All ad sales must be approved by the City and no ad signs can be installed unless the City approves sign design and receives payment for said ads. The City reserves the right to conduct the ad sales independently of the contractor. The City's decision to exercise this right shall be provided to the contractor no later than August 15th of each year and would relieve the contractor of any obligation for ad sales.

Dry Floor Event Revenue

The Contractor and the City will equally share dry floor event revenues in excess of \$5,000 accrued per calendar year.

- 2.2 The Contractor will rent and operate the concession area in the Arena for \$2,000 per contract year and is due by December 15th. Contractor will be responsible for purchasing all products consumed and used in the Concession area.

Rental includes use and maintenance of concession equipment as follows:

- Cash Register-with point of sale software
- Refrigerator
- Microwave
- Pizza oven
- Popcorn Machine
- Nacho Cheese Machine

Should equipment listed need replacement, as deemed necessary by the City; Contractor will be responsible for 50% of the replacement cost. Equipment will remain property of the City.

The City will obtain the Food Establishment License from Anoka County and will be reimbursed from the Contractor for the License fee.

ARTICLE 3. Term

- 3.1 The term of this Agreement is August 1, 2016, to July 31, 2018.
A review of the contractor's performance based on the responsibilities outlined in the contract will be completed by the City no later than February 15, 2018.

ARTICLE 4. Contractor's Representations

- 4.1 In order to induce the City to enter into this Agreement, the Contractor makes the following representations:
- 4.1.1 The Contractor has visited the East Bethel Ice Arena and become familiar with

and is satisfied as to the Arena conditions that may affect performance of this Agreement.

- 4.1.2 The Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect performance of this Agreement.

ARTICLE 5. Fair Employment Practices Required

- 5.1 The Contractor will comply with Section 103 and 107 of the "Contract Work Hours and Safety Standards Act" (40 USC 327-333) as supplemented by Department of Labor Regulations contained in 29 CFR Parts 3, 5 and 5a.
 - 5.1.1 Section 103 of the Act provides that laborers or mechanics of the Contractor will receive compensation on the basis of a standard work week of forty hours. Work in excess of the standard work week is permissible, provided the worker is compensated at a rate not less than one and one-half times the basis rates of pay for all hours worked in excess of forty hours in any work week.

In the event of a violation, the Contractor will be liable to any affected employee for unpaid wages as well as to the appropriate government agency for liquidated damages.

Section 5 of the Federal Labor Standard Provisions, Housing and Urban Development Form 4010 sets forth in detail the Section 103 requirements.
 - 5.1.2 Section 107 of the Act provides that laborers or mechanics of the Contractor will not be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to their health and safety, as determined under construction, safety, and health standards promulgated by the Secretary of Labor.
- 5.2 The Contractor will comply with all Federal and State anti-discrimination laws. To this end the Contractor agrees to comply with Section 202 of Executive Order 11246 of September 24, 1965, in which the Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action will include, but is not limited to the following: employment, upgrading, demotion, or transfer; recruitment; advertising; layoff or termination; rates of pay or other compensation; and selection of training, including apprenticeships.
 - 5.2.1 The Contractor will send each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding a notice advising the labor union or workers' representative of the Contractor's commitment under Section 202 of Executive Order 11246 of September 24, 1965, and will post copies of the notice in conspicuous places, available to employees and applicants for employment.
 - 5.2.2 The Contractor will state, in all solicitations or advertisements for employment placed by or on behalf of the Contractor, that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

ARTICLE 6. Miscellaneous

6.1 Assignment of Agreement

No assignment by a party hereto of any rights under or interests in this Agreement will be binding on another party without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

6.2 Successors and Assigns

The City and the Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained this Agreement.

6.3 Severability

Any provision or part of this Agreement held to be void or unenforceable under any Law or Regulation will be deemed stricken, and all remaining provisions will continue to be valid and binding upon the City and the Contractor, who agree that the Agreement will be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

6.4 Insurance

The Contractor will maintain during the entire term of this Agreement the following insurances with at least the indicated amounts of coverage and provide the City a certificate of insurance showing such coverage's before providing any services under this Agreement: (I) commercial general liability insurance coverage with a policy limit of at least \$1,000,000.00 per occurrence; \$2,000,000.00 annual aggregate.; and (2) worker's compensation insurance. The Contractor's insurance provider shall provide the City with written notice at least 30 days in advance of any changes to the insurance coverage as provided for in the Certificate of insurance provided by the Contractor including but not limited to termination of such coverage by the Contractor for any reason.

6.5 Independent Contractor

The Contractor acknowledges and agrees that it is an independent contractor and that nothing herein will be construed to create the relationship of employer and employee between the City and the Contractor. No employee related withholdings or deductions will be made from payments due the Contractor. The Contractor will not be entitled to receive any benefits from the City and will not be eligible for workers' compensation or unemployment benefits. The Contractor will at all times be free to exercise initiative, judgment, and discretion in how best to perform or provide the services identified

herein.

6.6 Default

The occurrence of any of the following will constitute default by the Contractor and, if not corrected within ten days after the City provides the Contractor notice of the default, will allow the City to terminate the Agreement: (1) failure to adequately perform or deliver the required services; (2) failure to follow the specifications or standards established by this Agreement; (3) failure to perform or complete the services in a timely fashion as established by the City; (4) bankruptcy; (5) making a material misrepresentation; (6) persistently disregarding laws, ordinances, rules, regulations, or orders of any public authority having jurisdiction; (7) failure to satisfactorily perform this Agreement; or (8) failure to perform any other material provision of this Agreement. The City may lawfully terminate the Agreement if, after providing the Contractor ten days notice of the default, the Contractor does not correct the situation. Upon default of this Agreement by the Contractor, the City may withhold any payment due the Contractor for purposes of set-off until such time as the exact amount of damages due are determined. Such withholding will not constitute default or failure to perform on the part of the City.

6.7 Remedies

6.7.1 Default or breach of this Agreement by the Contractor will entitle the City to seek remedies under law and as provided by this Agreement. In the event this Agreement is terminated by reason of default by the Contractor, the City may recover the necessary costs of termination, including but not limited to, administrative, attorneys' fees, and legal costs, from the Contractor. Except when caused by circumstances beyond the parties' control, if the Contractor fails to perform in accordance with the specifications, terms, and conditions of this Agreement, the City will have the right to purchase the services from other sources on the open market. The City may deduct as damages from any money due or coming due to the Contractor the difference between the Contractor's price and the higher price or the costs of replacement services.

6.7.2 Any remedies available to the City are cumulative and not exclusive. The seeking or exercising by the City of a remedy does not waive its right to seek or exercise any other remedy available to it at law, in equity, by statute, or under this Agreement.

6.8 Indemnification

The Contractor will indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from the performance of this Agreement, provided that any such claim, damage, loss, or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including the loss of use resulting there from, and (2) is caused in whole or in part by any negligent act or omission of the Contractor, anyone directly or indirectly employed by the Contractor, or anyone for whose acts the Contractor may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder.

6.9 Record Availability and Retention

The Contractor agrees that the City or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of the Contractor and invoice transactions relating to this Agreement.

Contractor agrees to maintain these records for a period of three (3) years from the date of termination of this Agreement.

7.0 This Agreement is subject to the Minnesota Government Data Practice Act, Minnesota Statutes Chapter 13 (Data Practices Act). All government data, as defined in the Data Practices Act Section 13.02, Subd 7, which is created, collected, received, stored, used, maintained, or disseminated by Contractor in performing any of the functions of the City during performance of this Agreement is subject to the requirements of the Data Practice Act and Contractor shall comply with those requirements as if it were a government entity.

7.1 Processing of Payments

Prior to processing of any and all payments to the Contractor pursuant to this Contract, compliance with East Finance Department regulations on the completion and filing of W-9 forms and other IRS and MN Department of Revenue taxing forms is required.

7.2 Nondiscrimination

During the performance of this Agreement, the Contractor agrees to the following:

No person shall, on the grounds of race, color, religion, age, sex, disability, marital status, public assistance status, criminal record, creed or national origin be excluded from full employment rights in, participation in, be denied the benefits of or be otherwise subjected to discrimination under any and all applicable federal and state laws against discrimination.

7.3 Possession of Firearms on Ice Arena Premises

Unless specifically required by the terms of this contract, no provider of services pursuant to this contract, including but not limited to employees, agents or subcontractors of the Vendor or Contractor shall carry or possess a firearm on City premises or while acting in service of this contract with the City pursuant to the terms of this agreement. Violation of this provision shall be considered a substantial breach of the Agreement; and, in addition to any other remedy available to the City under law or equity are grounds for immediate suspension or termination of this contract.

IN WITNESS WHEREOF, the City and the Contractor have signed this Agreement in duplicate, One Counterpart each has been delivered to the City and the Contractor.

City of East Bethel

By: _____
Steve Voss, Mayor

Gibson Management, LLC

By: _____
Todd Gibson, Owner

By: _____
Jack Davis, City Administrator

Status of Contract Goals

Provide an on-site manager, all necessary operational staff and provide worker's compensation insurance covering all its employees. **YES**

Provide an on-site manager at the Arena full time September 1 through March 31. The manager will be at the Arena as necessary for the adequate performance of this Agreement and as required, April 1 through August 31. **YES**

Market, sell, schedule, invoice, and ensure collection of all payments for all ice rental and dry floor events. All payments will be made directly to the City. Copies of all invoices will be provided to the City immediately upon preparation by the Contractor. All executed contracts, insurance paperwork, and payments must be provided to the City by the Contractor prior to use of the Arena through rental or other types of agreements. **YES**

Provide commercial general liability insurance coverage in the amounts of at least \$1,000,000.00 per occurrence; \$2,000,000.00 annual aggregate, with the City of East Bethel named as an additional insured on the policy. **YES**

Manage all concessions activities, including purchasing all concession merchandise and supplies. Provide the City with a listing of menus, item prices and a schedule of concession stand dates and hours of operations prior to the St. Francis High School or the Youth Hockey season. **YES**

Market, sell, manage and ensure the display of all advertising including interior and exterior signage. All executed contracts and payments will be forwarded to the City for approval before signage is installed. **YES**

Manage all short term maintenance projects and activities as directed by the City. **YES.**

Maintain the interior of the Arena by cleaning all public areas at least daily and prior to any scheduled practices, games, dry floor rentals or any other uses. Install and maintain the ice surface to a safe and satisfactory playing surface. All emergency exits, sidewalks and front plaza must be kept clear of ice and snow as required for public safety. **YES**

Provide a weekly record of cleaning tasks, routine maintenance and equipment service on forms provided by the City. **YES**

Thoroughly clean the facility at the end of the ice season and provide a form, furnished by the City reporting these activities. **ICE IS STILL IN.**

Thoroughly clean the facility within 48 hours after each dry floor activity and provide a form, furnished by the City reporting these activities. **IN ICE SEASON STILL**

Provide staff for access to all dry floor rentals and staff to set up these activities as required. **IN ICE SEASON STILL.**

Provide open skating to the public once per week for a two-hour period during December, January and February. Coordinate the scheduling of this activity with the City to utilize non-rented prime hours. Secure and protect the artificial turf in a visually attractive manner inside the arena in an area that does not interfere with access to exit doors or interfere with any rink activities. **YES**

Secure all buildings when not in use. Contractor will be liable for any damages, thefts or costs resulting from failure to lock the compressor building or from failure to arm the Arena alarm system when the Arena is unoccupied. Contractor will take full responsibility for the actions of clients that are allowed unsupervised access to the Arena. **YES**

Meet with the City and Arena user groups as required by the City to address any management or facility issues and to coordinate activities, schedules and other items relating to any problems encountered by these groups. **YES**

Establish and maintain a web site for Arena information, operations and scheduling as approved by the City. Update the Website on a daily basis and e-mail scheduling changes to the Youth Hockey Association, St. Francis High School and/or other users immediately after notification of rental time cancellation. Provide real time internet access to schedules via the Gibson Management Website. **YES**

Install a 32" monitor in the lobby to display schedules and other pertinent announcements. **YES**

The Contractor will provide scheduling software as approved by the City at the Contractors cost. The City will pay 50% of the hosting cost for this service not to exceed \$1,200. The City will purchase the software from the contractor for \$1,250 in the event the contract for services is not extended or approved beyond July 31, 2016. **YES**

Maintain reasonable accounting practices that will allow the city to audit and review all financial transactions of the Ice Arena operations called for within this contract. **YES**

Provide the City a monthly performance report by the end of each month on a form provided by the City. **YES**

Meet the goals of dry floor sales. **YES**

Past Projects & Future Projects

July & August 2015

- Oversaw and assisted with the removal of old boards and glass
- Oversaw the installation of new arena sound system
- Oversaw the installation of the new dasher boards and new glass

September 2015

- Thoroughly cleaned and pressure washed entire bleachers
- Installed the remaining glass around the rink surface
- Cleared area left of players benches to organize coaching tools, nets, etc.
- Repainted and touched up paint throughout the entire building
- Mounted TV monitor in lobby for ice schedule
- Painted pillars in bleachers blue and red
- Installed new rubber matting on player's benches and the walkway leading to the old locker room One
- Painted and strung game nets for use of games
- Oversaw electrical work for lighting and penalty box

October 2015

- Oversaw construction on privacy wall for new girl's high school locker room
- Oversaw and assisted with the removal of old lockers past girl's high school locker room
- Installed shelves and benches to the new locker four
- Cleaned rink glass and dasher boards prior to first ice rental
- Oversaw work done to the bleacher heating system and installed thermostat switches under bleachers
- Installed shooting tarp in shooting area

Future Projects

- Installation of additional speakers for arena sound system
- Installation of new goal horn to be located above penalty box area
- Fix scoreboard light bulbs and wires
- Replace rink lights that have burned out.
- Replace conditioner on Zamboni

Overall Review

The 2015-16 season has been a season full of changes for the best. With the summer project of the installation of new dasher boards and glass to locker room rearrangement, this has given people a new sense of pride for the arena.

On October 8, 2015, an email was sent to me from Jennifer Smith. The email reads:

"Hi all-

I was in the arena last night for the first time...and other than it being COLD... it looks WONDERFUL! I received a lot of compliments from those who were there as well. So THANK YOU for all you did to prepare for the season so far.... (I LOVE the paint on the pillars!!) The new mats by the team room entrance is great and so is the matting on the benches... the kids and coaches are going to love it!"

So as a company we continued to strive to keep working to improve the arena.

This year we maintained a higher quality of cleanliness of the building which we implemented a bathroom cleaning log sheet. This allowed us to show ourselves and our customers that the bathroom was being checked and cleaned on a regular basis. We worked on a quicker response time to the arena patrons which improved communication with user groups. We also developed more social media interactions which has helped with an improved open line of communication with the arena current and future patrons.

The new updated web based ice scheduler has allowed the arena users to view the ice schedule with a click of a button. Also, we installed a 32' TV to have the schedule scrolling in the lobby. This has been a step in the right direction for putting the arena on the web. One of our goals this year was to install Live Barn in the rink which would allow people to view games, practices, and events via online. This was unable to happen due to the fact that internet providers have not reached the arena. The arena is just in a poor spot to receive cable and internet connection.

This year we have been lining up more dry floor rentals. Jon has been in contact with many lacrosse organizations to sell more hours in the off season. This should be one of the better dry floor seasons yet.

I feel that WE, (the City, GMC, and SFYHA) has worked well together to better this facility this hockey season and I look forward to continuing this relationship.

City of East Bethel
Revenue / Expense Statement
Fiscal Year 2015
1/1/15 to 12/31/15

Account Description	1/1/15 to 12/31/15 Actual	FY 2015 Budget	YTD as a % of Budget
Arena Operations			
Revenues			
R 615-36210 Interest Earnings	161.15	-	N/A
R 615-36240 Refunds/reimbursements	32,500.00	-	N/A
R 615-37920 Vending Machine Sales	228.86	500.00	46%
R 615-38060 Ice Rental Revenues	183,386.72	220,500.00	83%
R 615-38062 Dry Floor Events	5,430.00	1,500.00	362%
R 615-38064 Concession Rental	2,000.00	2,000.00	100%
R 615-38065 Locker Room Rental	7,500.00	7,500.00	100%
R 615-38066 Advertising Revenue	675.00	2,000.00	34%
Total Revenues - Arena	231,881.73	234,000.00	99%
Expenditures			
E 615-49851-211 Cleaning Supplies	550.74	-	N/A
E 615-49851-212 Motor Fuels	2,588.09	2,000.00	129%
E 615-49851-219 General Operating Supplies	5,280.03	500.00	1056%
E 615-49851-223 Bldg/Facility Repair Supplies	5,697.57	4,000.00	142%
E 615-49851-231 Small Tools and Minor Equip	924.03	1,000.00	92%
E 615-49851-307 Professional Services Fees	80,200.00	79,000.00	102%
E 615-49851-321 Telephone	243.22	1,500.00	16%
E 615-49851-342 Legal Notices	32.25	-	N/A
E 615-49851-381 Electric Utilities	29,973.28	33,000.00	91%
E 615-49851-382 Gas Utilities	14,336.07	20,000.00	72%
E 615-49851-385 Refuse Removal	1,890.72	2,000.00	95%
E 615-49851-402 Repairs/Maint Machinery/Equip	2,339.30	3,000.00	78%
E 615-49851-403 Bldgs/Facilities Repair/Maint	8,961.75	15,000.00	60%
E 615-49851-422 Auto/Misc Licensing Fees/Taxes	190.53	1,000.00	19%
E 615-49851-481 Depreciation Expense	75,189.76	72,000.00	104%
Total Expenditures - Arena	228,397.34	234,000.00	98%
Net Income - Arena	3,484.39	-	



City of East Bethel City Council Agenda Information

Date: February 17, 2016

Agenda Item Number:

Item 8.0 G.2

Agenda Item:

February 24, 2016 Work Meeting

Requested Action:

Set Agenda for the February 24, 2016 Work Meeting

Background Information:

At the January 20, 2016 City Council Meeting, Staff was directed to develop a report for the upgrade of the City video recording and rebroadcast equipment for the February 24, 2016 Work Meeting. Staff will have a representative from EPA Audio Visual to present their proposal for a system upgrade. EPA Audio Visual provided the low quote for this service in response to the City's request to vendors for pricing for this project.

In addition to this agenda item, Staff proposes that Council add a presentation from CST, a distributor of mulch and bagged salt products located in Elk River, outlining their plans to relocate in the City. CST would be available to answer questions and provide additional information regarding their products, operation of their facility and company profile. Their plans are to locate in an area that is currently zoned light industrial.

The Roads Commission has reviewed their proposal and has made recommendations relating to dedication of right of way for a future service road. The proposal for their re-location to East Bethel will be presented to the EDA for comment and information and the Site Plan Review to the Planning Commission for their recommendation to City Council

Their proposed location meets zoning requirements but they will need to submit a site plan review for approval to both the Planning Commission and the Council before they could move forward with the project. It is anticipated that this would be brought before Council at the April 6, 2016 Meeting.

Attachments:

- 1.) Location Map

Fiscal Impact:

To be determined

Recommendation(s):

Staff requests that Council add the CST presentation to the February 24, 2016 Work Meeting.

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

CST site



1 in = 376 ft



February 5, 2016

Map Powered by DataLink
from WSB & Associates