

## 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.

Gibson stated as you go back deeper into the packet, there's all the hours from last year to

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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 amenities.

4.0A

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

## Ice Arena

## Report

## Gibson

## Management

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.

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 out 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

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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, 412 226<sup>th</sup> 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 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. I think it was on 183<sup>rd</sup>, 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, 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 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.

The Planning Commission conducted a Public Hearing relating to an application for an

7.0A.1

Jan. Report

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 189<sup>th</sup> 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 221<sup>st</sup>. 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 17<sup>th</sup> 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

7.0A.1

January  
Report

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.

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****Department  
Reports**

8.0A

Community  
Development

None.

8.0B

Engineer

None.

|   |  |
|---|--|
| 8.0C<br>City Attorney   | None.  |
| 8.0D<br>Finance   | None.  |
| 8.0E<br>Public Works  | None.  |
| 8.0F<br>Fire<br>Department  | None.  |
| 8.0G<br>City<br>Administrator<br>8.0G.1<br>SRWMO JPA<br>Amendment | <p>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.</p> <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> |

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.

**Informational; no action required at this time.**

|  |   |
|--|---|
| 9.0 Other<br>9.0A<br>Staff Reports<br>Recycling<br>Goal<br>Met | <p>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.</p>                         |
| Video<br>Indexing  | <p>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.</p> |
| Roads<br>Commission<br>Vacancy                                 | <p>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<sup>th</sup>. Davis stated that's all I have.</p>  |

9.0B  
Council  
Report –  
Member  
Mundle

Mundle stated the Upper Rum River Watershed meeting was on the 26<sup>th</sup>. 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 28<sup>th</sup>. 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.

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

Harrington stated lastly, February 20<sup>th</sup>, CLIA, Coon Lake Improvement Association, has a

Fishing  
Tournament

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

None.

9.0D  
Closed  
Session  
Union  
Negotiations  
and Attorney-  
Client Matter

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.*