



STMA ARENA BOARD AGENDA

Monday, May 13, 2024

Albertville City Hall Council Chambers

6 pm

- 1. Call to Order**
- 2. Adopt Agenda**
- 3. 2023 AUDIT PRESENTATION – ABDO, Tyler See/Alex Trippel** *(separate attachments)*
(Motion to accept 2023 audit report as presented)
- 4. Approval of the STMA Arena Board Minutes – MARCH 11, 2024** (pgs. 1-2)
- 5. Finance Reports**
 - a. Approve the March 2024 Payment of Claims as presented in the amount of \$35,580.34 and March 2024 Finance Report (pgs. 3-6)
 - b. Approve the April 2024 Payment of Claims as presented in the amount of \$226,242.98 and April 2024 Finance Report (pgs. 7-10)
- 6. Arena Manager**
 - a. Monthly Report and Ice Usage Stats – April 2024 (pgs. 11-13)
- 7. Old Business**
- 8. New Business**
 - a. Arena Holiday/Closed Calendar – Earley Opinion (pgs. 14-23)
- 9. STMA Youth Hockey Association**
- 10. Announcements and/or Upcoming Meetings**

June 10 STMA Arena Board, 6 pm
- 11. Adjournment**



ST. MICHAEL-ALBERTVILLE ARENA BOARD

REGULAR MEETING MINUTES

March 11, 2024 - 6pm
Council Chambers
Albertville City Hall

Present: Chairman Cocking, Members Gleason, Wettschreck, Lewis, and Zagorski. Absent: Dwinnell and Weber.

Also Present: City Administrator Nafstad, Finance Clerk Moseng, STMA Arena Manager Fitch, Megan Esterberg for STMA Youth Hockey & Jason Bichler Buildings & Grounds for STMA School District.

1. Call to Order

Chairman Cocking called the meeting to order at 6:00 pm.

2. Adopt Agenda

MOTION made by Member Wettschreck, seconded by Member Gleason to adopt the Agenda as presented. Ayes: Gleason, Wettschreck, Cocking, Lewis, and Zagorski. Nays: None. Absent: Dwinnell and Weber. The motion carried.

3. Approval of Minutes

MOTION made by Member Lewis, seconded by Member Gleason to approve the February 12, 2024 Board Meeting Minutes as presented. Ayes: Gleason, Wettschreck, Cocking, Lewis, and Zagorski. Nays: None. Absent: Dwinnell and Weber. The motion carried.

4. Finance Reports

Mr. Nafstad stated there was nothing out of the ordinary to report.

Requested by Chairman Cocking to approve February 2024 Finance Report and Payment of Claims as presented. Member Zagorski made the **MOTION**, seconded by Member Gleason. Ayes: Gleason, Wettschreck, Cocking, Lewis, and Zagorski. Nays: None. Absent: Dwinnell and Weber. The motion carried.

5. Arena Manager's Report

The scoreboard has been installed with the electrical to be completed shortly.

The ice has been removed from the Gold Rink and construction has started on the low-e ceiling installation – approximately 2-week downtime, then the ice will go back in to start tournaments.

Usage: Both rinks have been booked to the max for the month.

Mr. Fitch stated he received a notice from Ann-Marie regarding the Arena being closed on Juneteenth (June 19). He asked the Board if the Arena should be closed on other holidays as well. Mr. Lewis commented that all district buildings are to be closed. Mr. Fitch will connect with Keith Cornell regarding the ice-time that he has already sold for that day. Mr. Lewis and Nafstad will bring back further guidance from the school district at the next meeting.

6. Old Business

a. 2024/2025 STMA Arena Budget and Rates:

Mr. Nafstad reported that the budget within the packet has not changed since the last meeting. He explained that the rental time sold was mirrored to 2023 budget numbers. Made a couple minor tweaks to the budget for utilities and expenses. The budget does include a \$5/hour increase. This could be removed, but over time will need to be at a greater bump. The budget is balanced, but generally pretty flat budget.

Chairman Cocking commented that he liked the conservative budgeting on the income-side.

Mr. Lewis stated he did discuss with Ann-Marie and the District regarding their audit on whether or not they wanted to ask for a reduction in ice rate and at this time they do not want to ask for a reduction.

MOTION made by Member Zagorski, seconded by Member Gleason to approve the 2024/2025 STMA Arena Budget and Rates. Ayes: Gleason, Wettschreck, Cocking, Lewis, and Zagorski. Nays: None. Absent: Dwinnell and Weber. The motion carried.

7. New Business

8. Youth Hockey Association

Megan stated there was nothing to report for this month.

9. Announcements and/or Upcoming Meetings

April 8 STMA Arena Board, 6 pm (*meeting may be cancelled due to lack of Agenda items*)

10. Adjournment

MOTION made by Member Zagorski, seconded by Member Gleason to adjourn at 6:19 pm. Ayes: Gleason, Wettschreck, Cocking, Lewis, Weber and Zagorski. Nays: None. Absent: Dwinnell and Weber. The motion carried.

Respectfully submitted,

Kristie Moseng, Finance Clerk



STMA Arena Budget to Actual March 2024 (Cash Basis)

| STMA Arena | 2024 Budget | March 2024 Actual | 2024 Actual YTD 03/31/24 | 2024 YTD % of Budget |
|---|---------------------|--------------------|--------------------------|----------------------|
| Income | | | | |
| Ice Rental | \$728,195.00 | \$92,958.62 | \$206,830.86 | 28.40% |
| Concessions | \$80,000.00 | \$6.00 | \$40,999.70 | 51.25% |
| Room Rental | \$0.00 | \$0.00 | \$0.00 | |
| Other Revenues (Advertising/LMC/Ins Claims/ATM) | \$22,500.00 | \$3,407.05 | \$4,157.05 | 18.48% |
| Vending | \$2,300.00 | \$94.00 | \$705.05 | 30.65% |
| Open Skate/Hockey, etc. | \$9,000.00 | \$0.00 | \$680.00 | 7.56% |
| Reimbursement | \$0.00 | \$0.00 | \$1,830.00 | 0.00% |
| Misc. Revenue | \$0.00 | \$0.00 | \$0.00 | 0.00% |
| Total Income | \$841,995.00 | \$96,465.67 | \$255,202.66 | 30.31% |
| Expenses | | | | |
| Salaries, Wages, Taxes & Benefits | \$336,964.16 | \$25,285.75 | \$90,276.59 | 26.79% |
| Supplies (Office, Misc.) | \$500.00 | \$0.00 | \$0.00 | 0.00% |
| Supplies (Concession) | \$44,500.00 | \$529.77 | \$13,025.69 | 29.27% |
| Fuel, Misc. | \$500.00 | \$0.00 | \$0.00 | 0.00% |
| Professional Services | \$20,000.00 | \$1,660.20 | \$3,335.89 | 16.68% |
| Sales Tax | \$7,304.00 | \$1,120.61 | \$3,941.62 | 53.97% |
| Telephone | \$1,750.00 | \$95.05 | \$214.98 | 12.28% |
| Monitoring | \$250.00 | \$21.48 | \$21.48 | 8.59% |
| Electric | \$175,000.00 | \$10,508.41 | \$10,508.41 | 6.00% |
| Gas | \$72,900.00 | \$7,549.50 | \$16,351.31 | 22.43% |
| Water | \$12,500.00 | \$1,393.32 | \$3,037.84 | 24.30% |
| Refuse | \$8,500.00 | \$668.13 | \$1,496.67 | 17.61% |
| Insurance | \$37,800.00 | (\$30.38) | (\$30.38) | -0.08% |
| Education/Training | \$500.00 | \$0.00 | \$250.00 | 50.00% |
| Administration | \$15,546.22 | \$1,295.52 | \$3,886.56 | 25.00% |
| Misc. | \$5,700.00 | \$0.00 | \$1,828.00 | 32.07% |
| Repair Maintenance – Machinery | \$20,000.00 | \$1,557.00 | \$2,356.80 | 11.78% |
| Repair Maintenance – Building | \$75,000.00 | (\$383.56) | \$10,773.51 | 14.36% |
| Total Operating Expenses | \$835,214.38 | \$51,270.80 | \$161,274.97 | 19.31% |
| Net Income/Loss | \$6,780.62 | \$45,194.87 | \$93,927.69 | |

STMA ARENA CASH BALANCES AND RECEIVABLES

March 31, 2024

Cash Balance Operations

| | | |
|------|--|-------------------|
| Est. | Cash Balance Operations 1/1/24 | \$ 348,346 |
| | Add Revenues | \$ 255,203 |
| | Less Expenses | \$ 161,275 |
| | Est. Cash Balance Operations 03/31/24 | \$ 442,274 |

Accounts Receivable (invoiced) Operations March 31, 2024 - \$21,969.82

| Team | Amount Due | 0-30 Days | 30-60 days | 60-90 days | 90 days & Over |
|--------------------------|---------------------|---------------------|--------------------|-------------|----------------|
| District 5 Hockey | \$ 5,290.00 | | \$ 5,290.00 | | |
| Hockey Finder | \$ 1,975.70 | \$ 1,975.70 | | | |
| ISD #885 | \$ 3,335.00 | \$ 3,335.00 | | | |
| Midwest Hockey Program | \$ 1,481.78 | \$ 1,481.78 | | | |
| MN Hockey Tier 1 League | \$ 5,340.00 | \$ 5,340.00 | | | |
| MN Lakers | \$ 1,481.78 | | \$ 1,481.78 | | |
| Outlaws | \$ 3,065.56 | \$ 3,065.56 | | | |
| | | | | | |
| Total | \$ 21,969.82 | \$ 15,198.04 | \$ 6,771.78 | \$ - | \$ - |
| | | | | | |
| | | | | | |
| Current 0-30 days | | \$15,198.04 | 69.18% | | |
| 30-60 days | | \$6,771.78 | 30.82% | | |
| 60-90 days | | \$0.00 | 0.00% | | |
| over 90 day | | \$0.00 | 0.00% | | |

Cash Balance Dedicated Capital Improvement Fund

| Arena Dedicated Capital Improvement Fund | | |
|--|---------------------------------------|-------------------|
| Est. | Beginning Balance 1/1/24 | \$277,682 |
| | Invoiced St. Michael \$15,000 | \$15,000 |
| | Invoiced ISD 885 \$15,000 | \$15,000 |
| | Invoiced City of Albertville \$15,000 | \$15,000 |
| | Box Heaters | (\$1,330) |
| | Donations Albertville Utility Billing | \$12 |
| | | |
| | Balance 03/31/24 | \$ 321,364 |

STMA Arena Vendor Check Detail Register

March 2024

| | | | | | |
|-------------------|----------|-----------------------------------|------------|-------------|--|
| 13553 e | 03/01/24 | MEDICA | | | |
| E 810-00000-131 | | Employer Paid Health | \$2,955.63 | | MARCH 2024 Emp Health Insurance |
| 13554 e | 03/01/24 | MET LIFE LIFE INSURANCE | | | |
| E 810-00000-130 | | Employer Paid Ins | \$444.06 | | MARCH 2024 Emp Life, Dental, Dis, Vision |
| 13586 e | 03/04/24 | ARAMARK-ARENA | | | |
| E 810-00000-405 | | R/M - Buildings | \$68.17 | 2530245148 | Janitorial Supplies |
| E 810-00000-405 | | R/M - Buildings | \$49.34 | 25302462654 | Janitorial Supplies |
| 13604 e | 03/04/24 | RINK SYSTEMS, INC. | | | |
| E 810-00000-404 | | R/M - Machinery/Equip | \$1,415.00 | 080117 | Misc Supplies & Materials |
| R 810-00000-34950 | | Other Revenues | \$750.00 | 080117 | sold nets |
| 13605 e | 03/04/24 | SCR, INC | | | |
| E 810-00000-405 | | R/M - Buildings | \$654.17 | W96547 | Indicator Lights for Pumps |
| 13608 e | 03/04/24 | TWIN PINES IMPRINTING LLC | | | |
| E 810-00000-300 | | Professional Svcs | \$1,127.44 | 6286 | Vinyl Mesh Banners-Gold |
| 13609 e | 03/04/24 | WATSON COMPANY, INC | | | |
| E 810-00000-252 | | Food/Concessions-Resale | \$454.45 | 140296 | Arena Concessions |
| 13611 e | 03/04/24 | CHARTER COMMUNICATIONS | | | |
| E 810-00000-321 | | Telephone/Data | \$60.06 | 00152630215 | Arena Cable 01/30/24-02/29/24 |
| E 810-00000-321 | | Telephone/Data | \$34.99 | 00152630215 | Arena Voice 2/15/24-3/14/24 |
| 13620 e | 03/01/24 | SIGNAPAY | | | |
| E 810-00000-300 | | Professional Svcs | \$532.77 | MARCH 2024 | Arena CC Merchant Fee |
| 13625 e | 03/11/24 | CITY OF ALBERTVILLE | | | |
| E 810-00000-382 | | Water Utilities | \$219.89 | | Water Bill 02/21/24 87-0000310-00-5 |
| E 810-00000-382 | | Water Utilities | \$1,173.43 | | Water Bill 02/21/24 87-0000315-00-0 |
| 13628 e | 03/12/24 | CITY OF ALBERTVILLE | | | |
| E 810-00000-412 | | Building Rentals/Admin Fee | \$1,295.52 | | MARCH 2024 03/24 Arena Admin Fee |
| 13643 e | 03/18/24 | ACE OF ALBERTVILLE - ARENA | | | |
| E 810-00000-405 | | R/M - Buildings | \$91.96 | 130930/1 | Janitorial Supplies |
| E 810-00000-405 | | R/M - Buildings | \$53.95 | 131175/1 | Janitorial Supplies |
| E 810-00000-405 | | R/M - Buildings | \$5.99 | 131177/1 | Janitorial Supplies |
| 13645 e | 03/18/24 | ARAMARK-ARENA | | | |
| E 810-00000-405 | | R/M - Buildings | \$68.17 | 2530247662 | Janitorial Supplies |
| E 810-00000-405 | | R/M - Buildings | \$68.17 | 2530250202 | Janitorial Supplies |
| 13653 e | 03/18/24 | CARD SERVICES | | | |
| E 810-00000-252 | | Food/Concessions-Resale | \$13.45 | | Arena Concessions |
| E 810-00000-252 | | Food/Concessions-Resale | \$21.52 | | Arena Concessions |
| E 810-00000-252 | | Food/Concessions-Resale | \$26.90 | | Arena Concessions |
| E 810-00000-252 | | Food/Concessions-Resale | \$13.45 | | Arena Concessions |

| | | | | | |
|-----------------------|----------|--------------------------------------|--------------------|--------------|------------------------------------|
| 13669 e | 03/18/24 | MR CUTTING EDGE LLC | | | |
| E 810-00000-404 | | R/M - Machinery/Equip | \$142.00 | 6369 | Equipment Repair |
| 13671 e | 03/18/24 | PREMIUM WATERS INC | | | |
| E 810-00000-405 | | R/M - Buildings | \$8.98 | 802827-02-24 | Bulk Water |
| 13673 e | 03/18/24 | SCR, INC | | | |
| E 810-00000-405 | | R/M - Buildings | \$2,873.75 | C010218 | Monthly Blanket - March 2024 |
| 13677 e | 03/18/24 | WRIGHT-HENNEPIN COOP ELECTRIC | | | |
| E 810-00000-327 | | Monitoring | \$10.74 | 35031111967 | Elevator Monitoring |
| E 810-00000-327 | | Monitoring | \$10.74 | 35031180961 | Elevator Monitoring |
| 13678 e | 03/18/24 | MN DEPARTMENT OF REVENUE | | | |
| E 810-00000-315 | | Sales Tax | \$1,120.61 | MARCH 2024 | Arena Sales Tax |
| 42827 | 03/04/24 | JURRENS OUTDOOR SERVICES LLC | | | |
| E 810-00000-405 | | R/M - Buildings | \$1,005.00 | INV-2550 | Arena Plowing 1/8/24 & 2/15/24 |
| 42835 | 03/04/24 | XCEL ENERGY | | | |
| E 810-00000-381 | | Electric Utilities | \$10,508.41 | 865740381 | 5898 Lachman Ave 01/09/24-02/08/24 |
| 42838 | 03/18/24 | CENTERPOINT ENERGY | | | |
| E 810-00000-383 | | Gas Utilities | \$7,549.50 | MARCH 2024 | 5898 Lachman 1/27/24-2/27/24 |
| 42847 | 03/18/24 | STEP SAVER, INC. | | | |
| E 810-00000-405 | | R/M - Buildings | \$84.00 | 171477 | Bulk Salt-East |
| 42849 | 03/18/24 | WASTE MANAGEMENT | | | |
| E 810-00000-384 | | Refuse/Garbage Disposal | \$668.13 | 7901986- | Trash Removal 5898 Lachman Ave |
| 810 STMA Arena | | | \$35,580.34 | | |



STMA Arena Budget to Actual April 2024 (Cash Basis)

| STMA Arena | 2024 Budget | April 2024 Actual | 2024 Actual YTD 04/30/24 | 2024 YTD % of Budget |
|--|-----------------------|--------------------------|--------------------------------|----------------------------|
| Income | | | | |
| Ice Rental | \$728,195.00 | \$31,666.24 | \$238,497.10 | 32.75% |
| Concessions | \$80,000.00 | \$1,839.25 | \$42,838.95 | 53.55% |
| Room Rental | \$0.00 | \$215.00 | \$215.00 | |
| Other Revenues (Advertising/LMC/Ins Claims/ATM) | \$22,500.00 | \$0.00 | \$4,157.05 | 18.48% |
| Vending | \$2,300.00 | \$0.00 | \$705.05 | 30.65% |
| Open Skate/Hockey, etc. | \$9,000.00 | \$0.00 | \$680.00 | 7.56% |
| Reimbursement | \$0.00 | \$0.00 | \$1,830.00 | 0.00% |
| Misc. Revenue | \$0.00 | \$0.00 | \$0.00 | 0.00% |
| Total Income | \$841,995.00 | \$33,720.49 | \$288,923.15 | 34.31% |
| Expenses | | | | |
| Salaries, Wages, Taxes & Benefits | \$336,964.16 | \$21,888.80 | \$112,165.39 | 33.29% |
| Supplies (Office, Misc.) | \$500.00 | \$101.99 | \$101.99 | 20.40% |
| Supplies (Concession) | \$44,500.00 | \$0.00 | \$13,025.69 | 29.27% |
| Fuel, Misc. | \$500.00 | \$12.00 | \$12.00 | 2.40% |
| Professional Services | \$20,000.00 | \$3,211.38 | \$6,547.27 | 32.74% |
| Sales Tax | \$7,304.00 | \$193.12 | \$4,134.74 | 56.61% |
| Telephone | \$1,750.00 | \$100.45 | \$315.43 | 18.02% |
| Monitoring | \$250.00 | \$475.00 | \$496.48 | 198.59% |
| Electric | \$175,000.00 | \$11,665.09 | \$22,173.50 | 12.67% |
| Gas | \$72,900.00 | \$4,364.04 | \$20,715.35 | 28.42% |
| Water | \$12,500.00 | \$982.82 | \$4,020.66 | 32.17% |
| Refuse | \$8,500.00 | \$114.98 | \$1,611.65 | 18.96% |
| Insurance | \$37,800.00 | \$26,713.00 | \$26,682.62 | 70.59% |
| Education/Training | \$500.00 | \$0.00 | \$250.00 | 50.00% |
| Administration | \$15,546.22 | \$1,295.52 | \$5,182.08 | 33.33% |
| Misc. | \$5,700.00 | \$0.00 | \$1,828.00 | 32.07% |
| Repair Maintenance – Machinery | \$20,000.00 | \$86.00 | \$2,442.80 | 12.21% |
| Repair Maintenance – Building | \$75,000.00 | \$14,947.92 | \$25,721.43 | 34.30% |
| Total Operating Expenses | \$835,214.38 | \$86,152.11 | \$247,427.08 | 29.62% |
| Net Income/Loss | \$6,780.62 | (\$52,431.62) | \$41,496.07 | |

STMA ARENA CASH BALANCES AND RECEIVABLES

April 30, 2024

Cash Balance Operations

| | | |
|------|--|-------------------|
| Est. | Cash Balance Operations 1/1/24 | \$ 348,367 |
| | Add Revenues | \$ 288,923 |
| | Less Expenses | \$ 247,427 |
| | Est. Cash Balance Operations 04/30/24 | \$ 389,863 |

Accounts Receivable (invoiced) Operations April 30, 2024 - \$31,959.92

| Team | Amount Due | 0-30 Days | 30-60 days | 60-90 days | 90 days & Over |
|--------------------------|---------------------|---------------------|--------------------|--------------------|----------------|
| Hockey Finder | \$ 1,975.70 | \$ 1,975.70 | | | |
| Lakes Area Training | \$ 3,946.04 | \$ 3,946.04 | | | |
| Midwest Hockey Program | \$ 14,635.22 | \$ 13,153.44 | \$ 1,481.78 | | |
| MN Hockey Tier 1 League | \$ 5,340.00 | | \$ 5,340.00 | | |
| MN Lakers | \$ 1,494.15 | \$ 12.37 | | \$ 1,481.78 | |
| Outlaws | \$ 3,065.56 | | \$ 3,065.56 | | |
| Rogers Old Man Hockey | \$ 1,503.25 | \$ 1,503.25 | | | |
| | | | | | |
| Total | \$ 31,959.92 | \$ 20,590.80 | \$ 9,887.34 | \$ 1,481.78 | \$ - |
| | | | | | |
| | | | | | |
| Current 0-30 days | | \$20,590.80 | 64.43% | | |
| 30-60 days | | \$9,887.34 | 30.94% | | |
| 60-90 days | | \$1,481.78 | 4.64% | | |
| over 90 day | | \$0.00 | 0.00% | | |

Cash Balance Dedicated Capital Improvement Fund

| Arena Dedicated Capital Improvement Fund | | |
|--|---------------------------------------|----------------------|
| Est. | Beginning Balance 1/1/24 | \$ 277,682.00 |
| | Invoiced St. Michael \$15,000 | \$ 15,000.00 |
| | Invoiced ISD 885 \$15,000 | \$ 15,000.00 |
| | Invoiced City of Albertville \$15,000 | \$ 15,000.00 |
| | Invoiced ISD 885 \$3335.00 | \$ 3,335.00 |
| | Box Heaters | \$ (1,330.00) |
| | Scoreboard | \$ (17,000.00) |
| | Low-E Ceiling | \$ (70,790.00) |
| | Donations Albertville Utility Billing | \$ 12.00 |
| | Balance 04/30/24 | \$ 236,909.00 |

STMA Arena Vendor Check Detail Register

April 2024

| | | | | | | |
|-----------------|----------|--|-------------|-------------|---------------------------------------|--|
| 13692 e | 04/01/24 | MEDICA | | | | |
| E 810-00000-131 | | Employer Paid Health | \$2,955.60 | APRIL 2024 | Emp Health Insurance | |
| 13693 e | 04/01/24 | MET LIFE LIFE INSURANCE | | | | |
| E 810-00000-130 | | Employer Paid Ins | \$444.07 | APRIL 2024 | Emp Life, Dental, Dis, Vision | |
| 13699 e | 04/01/24 | VESTIS GROUP, INC | | | | |
| E 810-00000-405 | | R/M - Buildings | \$68.17 | 2530252718 | Janitorial Supplies | |
| 13703 e | 04/01/24 | BROTHERS FIRE & SECURITY, INC | | | | |
| E 810-00000-327 | | Monitoring | \$475.00 | C006324 | Annual Monitoring 4/1/24-3/31/25 | |
| 13705 e | 04/01/24 | CHARTER COMMUNICATIONS | | | | |
| E 810-00000-321 | | Telephone/Data | \$65.46 | 00152630315 | Arena Cable 3/15/24-4/14/24 | |
| E 810-00000-321 | | Telephone/Data | \$34.99 | 00152630315 | Arena Voice 3/15/24-4/14/24 | |
| 13711 e | 04/01/24 | GARAGE DOOR STORE | | | | |
| E 810-00000-405 | | R/M - Buildings | \$170.00 | Z269077 | Door Maintenance | |
| E 810-00000-405 | | R/M - Buildings | \$401.00 | Z269407 | PI Section & Fire Roll Up Maintenance | |
| 13725 e | 04/05/24 | ELAN FINANCIAL SERVICES | | | | |
| E 810-00000-300 | | Professional Svcs | \$1,338.34 | | Computer Supplies | |
| 13727 e | 04/01/24 | SIGNAPAY | | | | |
| E 810-00000-300 | | Professional Svcs | \$1,873.04 | APRIL 2024 | Arena CC Merchant Fee | |
| 13730 e | 04/10/24 | CITY OF ALBERTVILLE | | | | |
| E 810-00000-382 | | Water Utilities | \$219.37 | APRIL 2024 | Water Bill 03/19/24 87-0000310-00-5 | |
| E 810-00000-382 | | Water Utilities | \$763.45 | APRIL 2024 | Water Bill 03/19/24 87-0000315-00-0 | |
| 13744 e | 04/10/24 | CITY OF ALBERTVILLE | | | | |
| E 810-00000-412 | | Building Rentals/Admin Fee | \$1,295.52 | | 04/24 Arena Admin Fee | |
| 13747 e | 04/15/24 | ACE OF ALBERTVILLE - ARENA | | | | |
| E 810-00000-405 | | R/M - Buildings | \$44.96 | 131264/1 | Misc Supplies & Materials | |
| E 810-00000-405 | | R/M - Buildings | \$35.16 | 131283/1 | Misc Supplies & Materials | |
| E 810-00000-405 | | R/M - Buildings | \$24.57 | 131377/1 | Misc Supplies & Materials | |
| E 810-00000-405 | | R/M - Buildings | \$41.88 | 131449/1 | Misc Supplies & Materials | |
| E 810-00000-405 | | R/M - Buildings | \$5.18 | 131489/1 | Misc Supplies & Materials | |
| E 810-00000-405 | | R/M - Buildings | \$4.48 | 131490/1 | Misc Supplies & Materials | |
| E 810-00000-405 | | R/M - Buildings | \$48.97 | 131541/1 | Misc Supplies & Materials | |
| 13750 e | 04/15/24 | AIM ELECTRONICS, INC. | | | | |
| E 811-00000-520 | | Buildings & Structures | \$14,480.00 | 45140 | Daktronics H-2104-13 Scoreboard | |
| 13755 e | 04/15/24 | BUSINESS ESSENTIALS | | | | |
| E 810-00000-200 | | Office Supplies | \$101.99 | WO-1289918- | Office Supplies | |
| 13764 e | 04/15/24 | ENERGIE INNOVATION | | | | |
| E 811-00000-520 | | Buildings & Structures | \$70,790.00 | 2024-467 | Astro-Rink Low-E Ceiling - Gold Rink | |
| 13767 e | 04/15/24 | FERRELLGAS LP | | | | |
| E 810-00000-212 | | Motor Fuels | \$12.00 | RN10335951 | Propane | |

| | | | | | |
|----------------------------------|----------|---|--------------|-----------------|---|
| 13768 e | 04/15/24 | FINNLYTECH, INC. | | | |
| E 810-00000-405 | | R/M - Buildings | \$3,305.00 | 1424 | Software Annual Fee |
| 13773 e | 04/15/24 | MR CUTTING EDGE LLC | | | |
| E 810-00000-404 | | R/M - Machinery/Equip | \$86.00 | 6454 | Equipment Repair |
| 13778 e | 04/15/24 | PREMIUM WATERS INC | | | |
| E 810-00000-405 | | R/M - Buildings | \$23.97 | 802827-03-24 | Bulk Water |
| 13780 e | 04/15/24 | SCR, INC | | | |
| E 810-00000-405 | | R/M - Buildings | \$2,873.75 | C010358 | Monthly Blanket - April 2024 |
| E 810-00000-405 | | R/M - Buildings | \$1,156.00 | W97781 | Equipment Repair |
| 13789 e | 04/18/24 | MN DEPARTMENT OF REVENUE | | | |
| E 810-00000-315 | | Sales Tax | \$193.12 | APRIL 2024 | Arena Sales Tax |
| 42858 | 04/01/24 | KLEIN ELECTRIC, INC. | | | |
| E 811-00000-520 | | Buildings & Structures | \$2,520.00 | 8977 | Install Power for Arena Scoreboard |
| 42861 | 04/01/24 | LEAGUE OF MN CITIES INSURANCE TRUST | | | |
| E 810-00000-360 | | Insurance (GENERAL) | \$26,713.00 | | Property #40003210 3/10/24-3/10/25 |
| 42868 | 04/01/24 | SUNBELT RENTALS | | | |
| E 810-00000-405 | | R/M - Buildings | \$941.00 | 151483787- | Industrial Scrubber Rental |
| 42869 | 04/01/24 | XCEL ENERGY | | | |
| E 810-00000-381 | | Electric Utilities | \$11,665.09 | 8696557875898 | Lachman Ave Arena 2/8/24-3/11/24 |
| 42870 | 04/15/24 | MYRON RUSSELL JR | | | |
| E 810-00000-405 | | R/M - Buildings | \$1,200.00 | 1026 | 2 Complete Board Cleaning & Seal |
| 42873 | 04/15/24 | B & D PLUMBING HEATING & AIR | | | |
| E 810-00000-405 | | R/M - Buildings | \$2,451.00 | 6181435 | Replaced 6 Gallon Hot Water Heater-Gold |
| 42876 | 04/15/24 | CENTERPOINT ENERGY | | | |
| E 810-00000-383 | | Gas Utilities | \$4,364.04 | APRIL 2024 5898 | Lachman Ave 2/28/24-3/27/24 |
| 42885 | 04/15/24 | DACOTAH PAPER | | | |
| E 810-00000-405 | | R/M - Buildings | \$51.33 | 64787 | Janitorial Supplies |
| 42886 | 04/15/24 | JURRENS OUTDOOR SERVICES LLC | | | |
| E 810-00000-405 | | R/M - Buildings | \$2,040.00 | INV-2595 | Push Ice out 3/11, Plowing 3/22, 3/25, 3/26 |
| 42891 | 04/15/24 | STEP SAVER, INC. | | | |
| E 810-00000-405 | | R/M - Buildings | \$61.50 | 172208 | Bulk Salt |
| 42893 | 04/15/24 | WASTE MANAGEMENT | | | |
| E 810-00000-384 | | Refuse/Garbage Disposal | \$114.98 | 7914881- | Trash Removal 5898 Lachman Ave |
| 42897 | 04/16/24 | ENERGIE INNOVATION | | | |
| E 811-00000-520 | | Buildings & Structures | \$70,790.00 | 2024-467. | Supplied & Installed Low-E Ceiling-Gold |
| 810 STMA Arena | | | \$67,662.98 | | |
| 811 Arena Dedicated Cap Imp Fund | | | \$158,580.00 | | |



MANAGER’S GENERAL UPDATE

Date: May 13th, 2024
To: STMA Arena Board
From: Grant Fitch, STMA Arena Manager

ARENA MONTHLY RENTAL HOURS – APRIL

| <u>User</u> | <u>Hours Sold</u> |
|-------------------------------|--------------------------------------|
| AAA | 84.33 |
| YH District 5 | 0 hours |
| HS Boys/Girls | 0 hours |
| Adult Hockey | 8 hours |
| Public Skating/OH | 0 hours |
| Private rentals | 70.75 hours |
| <hr/> | |
| Total Hours | 163.08 |
| April Budget Projection | 180 |
| May Projected | 130 |
| **Billed Hours for April 2024 | 163.08 |
| **Billed Hours for March 2024 | 166.75 (March Budget Projection 150) |

Operations: Per annual inspection performed on 9/21/2023, the following is due & required per NFPA 25, The State of MN & most insurance regulations. Brothers Fire & Security perform 3 year Full Trip on (2) Dry systems (Blue & Gold Rink). Last performed 9/13/2018. Two techs required. Cost \$3,316.00 (Spoke with Eric Bullen: Albertville Fire Chief) said quote is reasonable.

New Scoreboard West End Blue Rink: Delivered 3/05/24 and installed on 3/07/24. Electrical work completed on 3/12/24

Astro-Rink Low-e Ceiling: Install completed March 20th, 2024

Summer Camps & FHIT Hockey: STP Starts Monday June 10th and run through July 26th, 2024. FHIT runs June 10th through August 29th, 2024.

Albertville Friendly City Days: Registration is set up and planning on 8 teams. Game Dates: Friday June 7th, Saturday June 8th and Sunday June 9th, 2024.

STMA Arena Usage Statistics: Attached are the Blue and Gold Rink hours for April 1st to April 30th, 2024



BLUE RINK

Usage Statistics - Account

4/1/2024 to 4/30/2024 No Time restrictions

All Days of the Week

Selected Facilities

| Account Type/Account | Hours | % Hours | Fee | Other | Tax | Total | % Total |
|--------------------------------------|--------|---------|-------------|--------|------------|-------------|---------|
| AAA Hockey | 60.83 | 56.024% | \$10,645.83 | \$0.00 | \$785.22 | \$11,431.05 | 56.254% |
| EuroAmerican Hockey | 11.33 | 10.437% | \$1,983.33 | \$0.00 | \$146.31 | \$2,129.64 | 10.480% |
| Midwest Hockey Program (MHP) | 49.50 | 45.587% | \$8,662.50 | \$0.00 | \$638.91 | \$9,301.41 | 45.774% |
| Adult Hockey | 8.00 | 7.368% | \$1,840.00 | \$0.00 | \$135.68 | \$1,975.68 | 9.723% |
| Hockey Finder (HF) | 8.00 | 7.368% | \$1,840.00 | \$0.00 | \$135.68 | \$1,975.68 | 9.723% |
| Private Rental | 39.75 | 36.608% | \$6,581.25 | \$0.00 | \$332.42 | \$6,913.67 | 34.023% |
| Lakes Area Training (Lakes Elite) | 9.00 | 8.289% | \$1,575.00 | \$0.00 | \$116.18 | \$1,691.18 | 8.323% |
| Mn Hockey HP & Tier 1 League (D5) | 10.00 | 9.210% | \$1,900.00 | \$0.00 | \$0.00 | \$1,900.00 | 9.350% |
| Outlaws | 9.00 | 8.289% | \$1,575.00 | \$0.00 | \$116.19 | \$1,691.19 | 8.323% |
| Private Rental - Non-Tax | 1.00 | 0.921% | \$175.00 | \$0.00 | \$0.00 | \$175.00 | 0.861% |
| Private Rental - Taxable | 5.75 | 5.295% | \$481.25 | \$0.00 | \$35.50 | \$516.75 | 2.543% |
| Rogers Old Man Hockey | 4.00 | 3.684% | \$700.00 | \$0.00 | \$51.64 | \$751.64 | 3.699% |
| STMA Arena (Ice Rental Not Invoiced) | 1.00 | 0.921% | \$175.00 | \$0.00 | \$12.91 | \$187.91 | 0.925% |
| | 108.58 | | \$19,067.08 | \$0.00 | \$1,253.32 | \$20,320.40 | |



GOLD RINK

Usage Statistics - Account

4/1/2024 to 4/30/2024 No Time restrictions

All Days of the Week

Selected Facilities

| Account Type/Account | Hours | % Hours | Fee | Other | Tax | Total | % Total |
|---|-------|---------|------------|--------|----------|-------------|---------|
| AAA Hockey | 23.50 | 43.119% | \$4,112.50 | \$0.00 | \$303.27 | \$4,415.77 | 43.120% |
| EuroAmerican Hockey | 3.00 | 5.505% | \$525.00 | \$0.00 | \$38.73 | \$563.73 | 5.505% |
| Midwest Hockey Program (MHP) | 20.50 | 37.615% | \$3,587.50 | \$0.00 | \$264.54 | \$3,852.04 | 37.615% |
| Private Rental | 31.00 | 56.881% | \$5,515.00 | \$0.00 | \$309.83 | \$5,824.83 | 56.880% |
| Lakes Area Training (Lakes Elite) | 12.00 | 22.018% | \$2,100.00 | \$0.00 | \$154.91 | \$2,254.91 | 22.019% |
| Mn Hockey HP & Tier 1 League (D5) | 6.00 | 11.009% | \$1,140.00 | \$0.00 | \$0.00 | \$1,140.00 | 11.132% |
| Outlaws | 6.00 | 11.009% | \$1,050.00 | \$0.00 | \$77.46 | \$1,127.46 | 11.010% |
| Private Rental - Non-Tax | 1.00 | 1.835% | \$175.00 | \$0.00 | \$0.00 | \$175.00 | 1.709% |
| STMA Squirt Spring-Summer Hockey Clinic | 6.00 | 11.009% | \$1,050.00 | \$0.00 | \$77.46 | \$1,127.46 | 11.010% |
| | 54.50 | | \$9,627.50 | \$0.00 | \$613.10 | \$10,240.60 | |

April 8, 2024

VIA EMAIL ONLY

Douglas Birk
Director of Administrative Services
St. Michael-Albertville Public Schools
11343 50th Street NE
Albertville, MN 55301

RE: Permissibility of Renting Public Facilities on State Holidays

Dear Mr. Birk:

In a recent communication you requested that our office provide an opinion to Independent School District No. 885, St. Michael-Albertville (“School District”), that it may share with other its joint powers entity partners as identified below, based upon the following:

FACTS

The School District, the city of Albertville (“Albertville”) and the city of St. Michael (“St. Michael”) are parties to a Joint Powers Agreement and Management Agreement (“JPA”) regarding the construction, operation and management of the St. Michael Albertville Arena (“STMA Areana”), located in Albertville, Minnesota. The parties are equal owners, with each sharing a one-third interest in the property. The School District also solely owns and operates a separate ice arena (“ISD 885 Arena”) that is adjacent to the STMA ice arena. Pursuant to the JPA, Albertville performs the administrative and management duties for both the STMA Ice Arena and ISD 885 Arena with the funding for management of the ISD 885 Arena paid for by the School District.

Both of these ice arena facilities are used by the School District varsity and junior varsity hockey programs, the St. Michael-Albertville Youth Hockey Association and occasionally for other third party use. All personnel performing work at the STMA Arena and ISD 885 Arena pursuant to the JPA are employees of Albertville. Certain areas of the combined space between the STMA Arena and the ISD 885 Arena are also used as community space or private rental spaces from time to time that are leased out to various community groups, organizations, or families for special events. All rental revenues and

Over 35 Years of Service

expenses are deemed joint arena operating revenue and expenses. When the School District uses the arenas, it provides additional support personnel who are employees or individuals contracted for by the School District. Pursuant to the JPA, the Joint Powers Board has the authority to exercise all powers which are common to St. Michael, Albertville and the School District and to decide what uses the facility will be put to and to whom the facility shall be leased and upon what rental terms.

On February 4, 2023, an amendment to Minnesota Statutes, section 654.44 took effect. *See* 2003 Minn. Laws Ch. 5, § 2; 2003 Minn. Laws Ch. 62, Art. 2, § 117. This statute defines those holiday declared to be state holidays and the permissible activities that may be engaged in by public entities on those days as discussed more below. The 2023 amendment modified the definition of “holiday” to now include Juneteenth, identified as June 19th, as a state holiday wherein “no public business” shall be transacted, except in “cases of necessity.”

The JPA does not address the specific dates of operation of the ice arenas. Rather, the JPA provides that the normal operating hours for the combined arenas shall be set by the Arena Board from time to time. As noted above, staffing of the arena is the responsibility of Albertville although when the arenas are in use by the School District, the School District also provides its own supplemental staff.¹ For the most part, however, Albertville’s staff operate the arena and its employment policies and practices control the terms of employment for these staff. Albertville also is responsible for maintaining a schedule of all hours of ice time not used by the School District and has authority to sell available ice time at the rate established by the Joint Powers Board.

It recently came to the attention of the Joint Powers Board that one or both of the arenas have been rented out on June 19, 2024, which is Juneteenth, and possibly other state holidays designed in Minnesota law.

Based on the foregoing, you asked the following:

QUESTION

Is it legally permissible for the Joint Arena Board, which governs the operation of both ice areas, the STMA Arena and the ISD 885 Arena, to rent out the use of these facilities or otherwise operate these arenas on Juneteenth or other holidays designated as state holidays by law.

¹ Following the passage and effective date of this law, on June 5, 2023, the School District School Board passed a resolution that authorized holiday compensation for Juneteenth in recognition of the state holiday and to identify to the public that it would not be hosting activities or events or providing public access to school facilities on that day. As a result, absent modification by the School District School Board of this resolution, the School District presently does not have the authority to operate or staff the arenas on Juneteenth.

ANALYSIS

I. Minnesota Designated State Holidays

At the outset, the following dates are defined under Minnesota law to constitute a legal holiday:

- New Year's Day, January 1;
- Martin Luther King's Birthday, the third Monday in January;
- Washington's and Lincoln's Birthday, the third Monday in February;
- Memorial Day, the last Monday in May;
- Juneteenth, June 19;
- Independence Day, July 4;
- Labor Day, the first Monday in September;
- Indigenous Peoples Day, the second Monday in October;
- Veterans Day, November 11;
- Thanksgiving Day, the fourth Thursday in November; and
- Christmas Day, December 25;

Minn. Stat. § 645.44, subd. 5 (a).

To the extent these holidays are designated to fall on a particular date, there are supplemental rules that must be applied when the date of the holiday falls on a Saturday or Sunday. More specifically:

- When New Year's Day, January 1; or Juneteenth, June 19; or Independence Day, July 4; or Veterans Day, November 11; or Christmas Day, December 25; falls on Sunday, the following day (Monday) shall be a holiday.
- When New Year's Day, January 1; or Juneteenth, June 19; or Independence Day, July 4; or Veterans Day, November 11; or Christmas Day, December 25; falls on Saturday, the preceding day (Friday) shall be a holiday.

Minn. Stat. § 645.44, subd. 5(a).

On these designated holidays, no public business may be conducted but there are special rules with regard to some of these holidays where exceptions are applied depending on the identity of the government entity. These rules are as follows:

- The Minnesota legislature may conduct public business on any of these designated holidays.

- For the executive branch of the state of Minnesota, the Friday after Thanksgiving also is defined as a holiday but Indigenous Peoples Day is not included as a holiday. The executive branch is defined as being limited to: “the heads of all agencies of state government, elective or appointive, established by statute or constitution and all employees of those agency heads who have within their particular field of responsibility statewide jurisdiction and who are not within the legislative or judicial branches of government. . . . The executive branch does not include agencies with jurisdiction in specifically defined geographical areas, such as regions, counties, *cities*, towns, municipalities, or *school districts*, . . . , and all of their employees, and any other entity which is incorporated, even though it receives state funds.” Minn. Stat. § 43A.02, subd. 22 (emphasis added). Thus, this exception does not apply to Albertville, St. Michael or the School District.
- Other branches of state government and political subdivisions (which would include Albertville, St. Michael and the School District) shall have the option of determining whether Indigenous Peoples Day and the Friday after Thanksgiving shall be holidays. Where it is determined that Indigenous Peoples Day or the Friday after Thanksgiving is not a holiday, public business may be conducted thereon. Thus, Albertville, St. Michael and the School District have some flexibility to conduct public business on these two particular holidays.

Minn. Stat. § 645.44, subd. 5(a).

There also is separate statutory authority for the operation of public business by public schools on certain identified holidays. In this regard, Minnesota Statutes, section 120A.42, specially provides that public schools may choose to operate schools on Martin Luther King Jr. Day, Presidents’ Day, Indigenous Peoples Day (formerly known as Columbus Day), and Veterans Day. In doing so, however, there must be some school program devoted to patriot observance of the holiday. While not permitted to generally conduct school on Juneteenth, a separate law also was enacted that permits public schools to offer “instruction and programs as to the observance of this day relative to important contributions African-Americans have made to Minnesota’s communities, culture, and economy. Minn. Stat. § 10.55. While permitting observance of ceremonies, this statute still does not permit the general operation of schools.

Notably, however, no exception is made to give any government entity other than the legislature the option as to whether to conduct business on Juneteenth. While the state legislature may conduct business on this day, subject to the restrictions set forth below, Albertville, St. Michael and the School District all must treat

Juneteenth as a state holiday and generally may not conduct public business on this day.

II. Activities That May Not Constitute Public Business

As referenced above, government entities other than the legislature or pursuant to the narrow exceptions listed above, are not permitted to conduct “public business” on state designated holidays. Thus, there is a valid question presented as to whether the rental of the ice arenas is considered “public business” prohibiting such action. Unfortunately, the statute does not define what constitutes “public business” under this exemption.

At the outset, it was noted by the Minnesota Supreme Court that that the term “public business” . . . may well defy precise definition” and that there is no authority that covers all situations. *Kantack v. Kreuer*, 158 N.W.2d 842, 845-6 (Minn. 1968). Thus, the vagueness of the law and lack of significant interpretation of it does expose public entities to some risk when attempting to apply this exception. The Minnesota courts, while not addressing the specific issue as to the permissibility of renting public facilities, reviewed certain situations as to whether they may constitute “public business” providing some limited guidance as to the application of the law.

For example, in the *Kantack* case, the Court reviewed whether or not holding a sheriff’s sale of foreclosed property constitutes “public business” and, if so, if conducting business on Columbus Day (now Indigenous Peoples Day), a legal holiday, renders such action void. There are two key factors the court looked at in analyzing whether a sheriff was conducting public business in holding an auction. First, the court examined whether the act being taken is one that could otherwise be conducted by a private person. Here, the court found that act of the sheriff in presiding over the auction was merely ministerial. The auction was an action being brought by private parties relative to the foreclose on a debt owed under a private mortgage contract. Second, the court determined that to be “public business” there must be some aspect of the business in which the public is interested or that concerns the public health, safety, morals or general welfare of the state. *Id.*, citing *Green v. Frazier*, 176 N.W. 11 (N.D. 1920), Here, too, the court determined that the mortgage foreclosure sale was one of a business enterprise for sole benefit of the parties involved in the transaction subject only to regulation of the process by the government. For these reasons, the court in *Kantack* found that the mere fact that the foreclosure sale was conducted by the sheriff does not make the sale of private property by foreclosure public business as the public neither shares in the proceeds nor has any financial interest in what is clearly private business.

A similar conclusion was reached in the case of *Slater v. Schack*, 43 N.W. 7 (Minn. 1889), involving the act of a notary public who acknowledged the signature of the parties on President’s Day, as an act of private business. Similar

conclusions finding that the act of the government is not public business also have been reached where the conduct was merely prescribed by law without the exercise of any personal judgment or discretion by government employee. *See e.g., City of St. Paul v Robinson*, 152 N.W. 777 (1915) (the city's publication of an ordinance in the official newspaper of the city on a legal holiday does not constitute the "transaction of public business," as that term is used in the statute); Minn. Op. Atty. Gen. 359A-24, 1978 WL 34136 (Dec. 26, 1978) (prohibiting the conduct of public business on a holiday does not prevent the commencement of a new term of office by a public official on January 1. A person may also qualify for and assume office on that day.).

In contrast, situations where employees are performing some type of work related to the actual business of the government have been found by the Minnesota Attorney General to be public business that may not occur on a holiday. *See e.g., Minn. Op. Atty. Gen., No. 185, p. 277 (1942)* (the village assessor should not work on Sundays or holidays); *Minn. Op. Atty. Gen., 276 (Apr. 11, 1939)* (city councils cannot hold meetings on legal holidays); *Minn. Op. Atty. Gen. 104-a-10 (June 22, 1948)* (county boards cannot keep courthouses open on holidays); *Minn. Op. Atty. Gen. 168 (1945)* (schools cannot require teachers to teach on holidays).

More recently, with respect to the newly enacted law declaring Juneteenth as a state holiday, several authoritative agencies have opined as to the legality of the operation of business of both schools and cities on Juneteenth. For example, the Minnesota Department of Education ("MDE") provided a bulletin update on June 2, 2023, opining that "[a]s is the case with other holidays defined in Minnesota Session Laws 2023, Chapter 5, no public business can be conducted on this day. This means school cannot hold classes or programs, school board meetings, athletic practices and competitions, and other school-associated events." *See attachment.* MDE did not identify any exceptions to this rule. Similarly, the League of Minnesota Cities published at least three articles noting that Juneteenth is a holiday in which no public business shall be transacted, except in cases of necessity. *See attachment.* Similarly, the League of Minnesota Cities also did not provide any exceptions to the general prohibition of public business being conducted on state holidays.

Given the above interpretations of the law, it would seem that the leasing or use of the Joint Powers Board's ice arenas would be considered "public business," subject to the prohibitions in Minnesota Statutes, section 645.44. In this regard, the ice areas are owned and operated by the cities and School District. Work to maintain the property and make it available for use is performed by public employees. The fee from renting the property goes directly to the cities and school district that impacts the overall benefit of the finances of these entities and the citizens of these jurisdictions. Thus, if the factors in *Kantack were* applied to the question at hand as well as the general guidance from the attorney general, MDE

and the League of Minnesota Cities, it is unlikely that the sale of ice time by the cities and school district for their own profit would be seen as a private business that could be conducted on a public holiday.

III. Situations of Necessity that May Permit Government Operations on Holidays

As set forth above, in addition to situations where the government is not acting on a matter of “public business,” government entities still may provide services on holidays in the case of “necessity.” Minn. Stat. § 645.44, subd. 5(a); *see also Kantack, supra*. Here, too, the statute similarly does not explain what constitutes a “necessity.”

The courts have held, however, that the power to act on a holiday depends on some preliminary fact giving rise to necessity. *See Ingelson v. Olson*, 272 N.W. 270, 275 (Minn. 1937). There is limited legal authority that describes situations where facts existed that support that the performance of public services are within the exception of “necessity.” One example is emergency services. In this regard, the attorney general has opined that the “[d]uties of firemen and policemen are within the exception of “in cases of necessity.” Minn. Op. Atty. Gen. 276 (Jan. 16, 1957). Where a contractual requirement exists related to the performance of duties on a discretionary holiday, such as Indigenous Peoples Day (formerly known as Columbus Day), this fact has authorized schools to require teachers to perform their duties. *See Skeim v. Indep. Sch. Dist. No. 115*, 234 N.W.2d 806 (Minn. 1975) (note that this exception is based on the specific statutory powers granted to schools). Courts have been presumed to act as a matter of necessity in continuing with a certain types of trials (generally criminal proceedings where there is a constitutional right to a speedy trial) when a holiday occurs within the time set for the proceedings. *See State v. Sorenson*, 19 N.W. 738 (Minn. 1884) (Washington's Birthday); *State v. Salverson*, 91 N.W. 1 (Minn. 1902) (Memorial Day); *Fureseth v. Great Northern Railway Co.*, 103 N.W. 499 (Minn. 1905) (Memorial Day).

Thus, there are times that a city and/or school district may find it necessary to provide public services. As noted, it would be appropriate and authorized for a city to provide police and other health, safety and emergency services. A school district or a city also can likely authorize employees to perform limited services on holidays to ensure that continued operations of the entities properties are not negatively impacted, such as requiring limited staff to keep a building maintained in the cold or in an emergency such as a water main break.

While the courts and other authorities have left much discretion for the decision that services are a necessity in the hands of the governing board, this does not mean that this decision is beyond challenge or can be made informally. There are several court decisions and attorney general opinions that direct that decisions as to the operation of governmental services should be made by the governing board.

Thus, if the Joint Powers Board were to determine that it must keep the ice areas open as a matter of necessity, the Board would need to deliberate and provide reasoning based upon some factual evidence as to why it is declaring that such services are a public necessity, keeping all of the factors set forth above in mind. Absent such a determination, while public entities generally are presumed to be acting only as necessary, continuing to operate on a public holiday could lead to claims that are less defensible.

IV. Penalty for Violations of Minnesota Statutes, Section 645.44

Minnesota Statutes, section 645.44, does not provide a specific penalty for violating the statute. The Minnesota Attorney General, however, has opined that in view of the statutory prohibition against the transaction of any public business on a legal holiday, a meeting of the city council, if held on a holiday, would not be valid nor would any action taken on that day. *See* Minn. Op. Atty. Gen., 276 (April 11, 1939). It is possible, therefore, that a contract for the exchange of consideration, such a lease for the use of the ice arenas on Juneteenth, similarly could be held invalid and unenforceable. Thus, the other party to the lease contract could declare the contract to be void and the fee to be uncollectable. Requiring employees to work on a public holiday, absent necessity, could give rise to claims by the employees that such an obligation is impermissible and unenforceable. Taxpayers may bring suit seeking an injunction to block an expenditure of government services to a private entity that is not for a public purpose generally. *See, e.g., Burns v. Esseling*, 194 N.W. 404, 405 (Minn. 1923). Thus, absent application of the exceptions set forth above, there is legal and financial risk for the Joint Powers Board if it contracts for the use of its facilities or otherwise allows its programs to operate on a legal holiday.

Another risk the parties should keep in mind is that even if it could prevail on supporting the need to operate the ice arenas on Juneteenth, questions may be raised as to why it is necessary to operate the arena on Juneteenth, a day to recognize the abolition of slavery, but is not necessary when it comes to recognizing the birthdays of Caucasian presidents or Christian holidays such as Christmas. Thus, keeping these services open could form the basis for a claim of discrimination, which entails the expenditure of funds to defend and possible financial liability and raises broader political controversies.

CONCLUSION

While there is no definitive authority that provides that the Joint Powers Board cannot legally rent out its facilities on Juneteenth, the statutory interpretations that do exist tend to support the position that such action is not permissible. Renting the facilities entails more than simply contracting to allow an entity to use public property, such as leasing out government owned equipment over which no oversight is needed (i.e., ice skates). In

contrast, it requires the Joint Powers Board to open and staff its facility. Such rental also does not entail the same type of public services that have been found to be a necessity, such as emergency police, fire, paramedic services or requiring one employee to report on site to make sure boilers or other equipment are properly operating to avoid building damage or loss of operations. Thus, the conservative approach would be for the Joint Powers board, as well as each individual government entity, to close all public operation of its facilities on nondiscretionary holidays, such as Juneteenth. Failing to do so could expose Albertville, St. Michael and the School District to potential claims and financial liability.

Please feel free to contact our office if you have questions or would like to discuss this further.

Very truly yours,

Jennifer K. Earley
Cameron E. Fox

Encl. MDE Update Regarding Juneteenth (June 2, 2023)
 League of Minnesota Cities Articles Regarding Juneteenth

RRM: 537736

2024 STMA ARENA BOARD CALENDAR

| JANUARY | | | | | | |
|---------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |

| FEBRUARY | | | | | | |
|----------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | | |

| MARCH | | | | | | |
|-------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | |

| APRIL | | | | | | |
|-------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | | | | |

| MAY | | | | | | |
|-----|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

| JUNE | | | | | | |
|------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | | | | | | |

| JULY | | | | | | |
|------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |

| AUGUST | | | | | | |
|--------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

| SEPTEMBER | | | | | | |
|-----------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | | | | | |

| OCTOBER | | | | | | |
|---------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

| NOVEMBER | | | | | | |
|----------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

| DECEMBER | | | | | | |
|----------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | | | | |

STMA Arena Board, 6 pm

Holiday - Arena Closed