



**ALBERTVILLE CITY COUNCIL  
AUGUST 3, 2009  
MINUTES**

**ALBERTVILLE CITY HALL**

**7:00 PM**

**PLEDGE OF ALLEGIANCE – CALL TO ORDER**

Mayor Klecker called the regular Albertville City Council meeting to order at 7:00 p.m., in which he invited all individuals present to stand for the Pledge of Allegiance.

**ROLL CALL**

**PRESENT:** Mayor Ron Klecker, Council members Tom Fay, Dan Wagner, John Vetsch, and Larry Sorensen

**OTHERS PRESENT:** City Administrator Larry Kruse, City Engineer Adam Nafstad, City Planner Alan Brixius, Finance Director Tina Lannes, and City Clerk Bridget Miller

**ABSENT:** City Attorney Mike Couri

**RECOGNITIONS – PRESENTATIONS – INTRODUCTIONS** – no comments

**CITIZEN FORUM**– no comments

**AMENDMENTS TO THE AGENDA**

The following amendment was made to the agenda: **8.K.1.** Discussion of Full Moon Saloon Bar & Grill.

**MOTION BY** Council member Wagner, seconded by Council member Fay to approve the Monday, August 3, 2009 regular City Council agenda to include the following item: **8.K.1.** Discussion of Full Moon Saloon Bar & Grill. Motion carried unanimously.

**MINUTES**

*July 20, 2009 regular City Council minutes*

**MOTION BY** Council member Wagner, seconded by Council member Sorensen to approve the Monday, July 20, 2009 regular City Council minutes as presented that will be printed and signed; after signing the minutes will be scanned and the electronic scanned version will be kept on file in the office of the City Clerk that will serve as the official copy. Motion carried unanimously.

## **CONSENT AGENDA**

### **✱ CONSENT AGENDA**

All items with an asterisk (✱) are considered to be routine in nature by the City staff and will be enacted by one motion. There will be no separate discussion of these items unless a Council member, staff, or citizen so requests. In such event, the item will be removed from the Consent Agenda; a separate discussion will take place during the General Order of Business and considered in its normal sequence on the agenda that will require a separate motion.

There were five (5) items listed on the Consent Agenda, in which none of the items were pulled that would require a separate discussion and a separate motion; therefore, the following motion was made approving the Consent Agenda as presented.

**MOTION BY** Council member Fay, seconded by Council member Sorensen to approve the August 3, 2009 Consent Agenda as presented that included the following items: 8.D.1. Accept the Building Official's Report dated July 28, 2009; 8.E.1. Authorize the Monday, August 3, 2009 payment of the claims that includes check numbers **027311** to **027342** as presented except the bills specifically pulled, which are passed by separate motion; 8.E.2. Approve **Resolution No. 2009-027** entitled a Resolution approving the Annual Retirement Benefit for the Albertville Volunteer Fire Department set at \$1,740 that would be effective January 1, 2010; 8.F.1. Approve a 1-Day Temporary Intoxicating Liquor License application submitted by the Albertville Lions for the Annual Albertville Fire Department Retirement Dinner that is a social event where retirees are invited that will be held at the Albertville Fire Hall on Saturday, September 19, 2009 from 3:00 p.m. to 12:00 mid-night; and, Reduce the \$220 City fee for the 1-Day Temporary Intoxicating Liquor License to \$55.00; and, To allow intoxicating liquor to be served in a city owned (public) facility; 8.I.1. Accept the municipal improvements of the Albertville Town Home project and commence the 2-year warranty period; and to reduce Letter of Credit No. 290 to no less than \$32,218 conditioned upon all outstanding balances owed to the City being paid in full. Motion carried unanimously.

## **DEPARTMENT BUSINESS**

**FIRE DEPARTMENT** – no comments

**PUBLIC WORKS DEPARTMENT** – no comments

**UTILITIES DEPARTMENT (WWTP) – no comments**

**BUILDING DEPARTMENT**

☛ *Accept the Building Official's Report dated July 28, 2009*

**MOTION BY** Council member Fay, seconded by Council member Sorensen to accept the Building Official's Report dated July 28, 2009 as presented in the Council packet. Motion carried unanimously.

**FINANCE DEPARTMENT**

☛ *Authorize the Monday, August 3, 2009 payment of the claims that includes check numbers **027311** to **027342** as presented except the bills specifically pulled, which are passed by separate motion*

**MOTION BY** Council member Fay, seconded by Council member Sorensen to authorize the Monday, August 3, 2009 payment of the claims that includes check numbers **027311** to **027342** as presented on the Consent Agenda. Motion carried unanimously.

☛ *Approve **Resolution No. 2009-027** entitled a Resolution approving the Annual Retirement Benefit for the Albertville Volunteer Fire Department set at \$1,740 that would be effective January 1, 2010*

**MOTION BY** Council member Fay, seconded by Council member Sorensen to approve **Resolution No. 2009-027** entitled a Resolution approving the Annual Retirement Benefit for the Albertville Volunteer Fire Department set at \$1,740 that would be effective January 1, 2010 as presented on the Consent Agenda. Mayor Klecker, Council members Fay, Wagner, Sorensen, and Vetsch all voted aye. Motion carried.

*Adopt **Resolution No. 2009-028** entitled a Resolution Setting Stormwater Utility Rates - increasing the rate for the Stormwater utility as follows effective September 2009. Stormwater rates (bimonthly):*

- *Stormwater 1 Residential* \$8.00 flat fee (increase of \$1.00)
- *Stormwater 2 Residential* \$11.12 flat fee (increase of \$1.39)
- *Stormwater 3 Residential* \$20.00 flat fee (increase of \$2.50)
- *Non-residential impervious 0-5%* \$12.58 per acre (increase of \$1.57)
- *Non-residential impervious 6-35%* \$23.70 per acre (increase of \$2.96)
- *Non-residential impervious 36-65%* \$33.32 per acre (increase of \$4.16)
- *Non-residential impervious 66-100%* \$59.96 per acre (increase of \$7.49)

- *Golf Course* *\$2.00 per acre*

Finance Director Lannes reminded the Council that in 2007 the City approved the Sale of \$800,000 of GO Bonds for the Stormwater Mitigation Pond Project. The Bonds were to be paid via a \$400,000 Special Assessment and a \$400,000 Stormwater rate increase. After the discussion in 2007, the Council reduced the Special Assessment another \$200,000. In order for the City to make up the \$200,000 difference, the bi-monthly Stormwater rate would be increased over the next few years. Phase I took place in September 2007 and Phase II was proposed in September 2008, in which the Council denied. Staff is once again proposing the implementation of Phase II that would take effect September 2009.

Council had a concern with raising the stormwater rates for all residents to fix the mistake of others. Taking the Council's concern the following motion was made:

**MOTION BY** Council member Wagner, seconded by Council member Sorensen to approve **Resolution No. 2009-028** entitled a Resolution Setting Stormwater Utility Rates - increasing the rate for the Stormwater utility as follows effective September 2009. Stormwater rates (bimonthly): Stormwater 1 Residential \$8.00 flat fee (increase of \$1.00); Stormwater 2 Residential \$11.12 flat fee (increase of \$1.39); Stormwater 3 Residential \$20.00 flat fee (increase of \$2.50); Non-residential impervious 0-5% \$12.58 per acre (increase of \$1.57); Non-residential impervious 6-35% \$23.70 per acre (increase of \$2.96); Non-residential impervious 36-65% \$33.32 per acre (increase of \$4.16); Non-residential impervious 66-100% \$59.96 per acre (increase of \$7.49); Golf Course \$2.00 per acre. Mayor Klecker, Council members Sorensen, Fay, Vetsch, and Wagner all voted aye. Motion carried.

*Finance Director's Update on TIF 10 and TIF 11 (no action needed)*

Finance Director Lannes updated the Council on Tax Increment Finance District 10 and 11. When staff conducted research, they found that when the two (2) districts were created they had a negative fund balance due to the creation of the district. Staff noted that in 1999 the costs associated to create the district were charged to the TIF funds in error. According to the TIF Documents, these were city costs that are not reimbursed by TIF dollars. The amounts have been brought up in prior audits, in which the City has budgeted monies annually in the general fund budget. The balance of the TIF fund in 2008 had enough to allow the transfers and the ability to close out both TIF 10 and TIF 11 accounts.

**MOTION BY** Council member Vetsch, seconded by Council member Fay to accept the Finance Director's Update on TIF 10 and TIF 11. Motion carried unanimously.

*Finance Director's Monthly Report dated July 28, 2009*

The Council had no further comments or concerns regarding the Finance Director's Monthly Report.

**CITY CLERK**

☛ *Approve a 1-Day Temporary Intoxicating Liquor License application submitted by the Albertville Lions for the Annual Albertville Fire Department Retirement Dinner that is a social event where retirees are invited that will be held at the Albertville Fire Hall on Saturday, September 19, 2009 from 3:00 p.m. to 12:00 mid-night; and, Reduce the \$220 City fee for the 1-Day Temporary Intoxicating Liquor License to \$55.00; and, To allow intoxicating liquor to be served in a city owned (public) facility*

**MOTION BY** Council member Fay, seconded by Council member Sorensen to approve a 1-Day Temporary Intoxicating Liquor License application submitted by the Albertville Lions for the Annual Albertville Fire Department Retirement Dinner that is a social event where retirees are invited that will be held at the Albertville Fire Hall on Saturday, September 19, 2009 from 3:00 p.m. to 12:00 mid-night; and, Reduce the \$220 City fee for the 1-Day Temporary Intoxicating Liquor License to \$55.00; and, To allow intoxicating liquor to be served in a city owned (public) facility as presented on the Consent Agenda. Council members Wagner, Vetsch, Fay, and Sorensen along with Mayor Klecker voted aye. Motion carried.

*Amend Title 5, Chapter 5, Section 3 of the 2005 Albertville Municipal City Code Exception language as follows: The location of the live outdoor musical performance must be at least one-hundred twenty feet 120' from any residence located in a residential zoning district*

**OR**

*Approve the request submitted by the 152 Club and the Albertville Lions for a Temporary Outdoor Music Permit on Saturday, September 12, 2009 at 5794 Main Avenue NE for the hours of 2:00 p.m. to 12:00 mid-night; and, Approve the request submitted by the 152 Club and the Albertville Lions for a Temporary Outdoor Music Permit on Saturday, October 3, 2009 at 5794 Main Avenue NE for the hours of 2:00 p.m. to 12:00 mid-night*

City Clerk Miller noted that on September 6, 2005, the Albertville City Council reviewed the first Temporary Outdoor Music permit that was submitted by the 152 Club. There was concern at that time regarding the noise complaints that have been received about the 152 Club. The Council did approve the Temporary Outdoor Music permit under the condition that should the City receive one complaint the City would not grant another permit. The applicant was to provide written waiver's from the homeowner(s) within 400' for their approval of the Live Outdoor Music performance, which a copy of the waivers were to be given to the City.

Over the next three (3) years, the 152 Club continued to submit a Temporary Outdoor Music permit, which was authorized by the City under the same restrictions that were set in 2005. In the three (3) years, City staff has never received a copy of the waiver's from homeowner(s) within 400' of the 152 Club.

City Administrator Kruse suggested approving an amendment to the City Code since these Temporary Outdoor Music Permits are in violation of the current 2005 Albertville Municipal City

Code. Staff proposed amending the City Code to reduce the buffer from 400' to 120'. Kruse recommended approval of the Temporary Outdoor Music Permit contingent upon completion of life safety and fire safety items related to the 152 Club's CUP that was approved in 2008-2009.

Council wanted to reduce the hours of operation from the current application of 2:00 p.m. to 12:00 mid-night to have the music ending at 11:30 p.m.; therefore, the outdoor music would be allowed from 2:00 p.m. to 11:30 p.m. It was understood that this would be a live band, in which the members of the band would take breaks and the music would not be constantly playing during the entire time.

Council and staff discussed the possibility of amending the City Code reducing the buffer from 400' to 120'. Whether the buffer remains at 400' or is reduced to 120' the Council would still have the authority to approve or deny the Temporary Outdoor Music Permit.

**MOTION BY** Council member Wagner, seconded by Council member Sorensen directing staff to prepare an Ordinance amend for Title 5, Chapter 5, Section 3 of the 2005 Albertville Municipal City Code relating to the Temporary Outdoor Music Permit with the goal to reduce the buffer to less than 400' thus allowing the issuance of Temporary Outdoor Music Permits at most liquor establishments subject to them meeting other performance criteria such as parking. After the Planning and Zoning Commission's review and approval of the text amendment that will be presented to Council at a future meeting. Motion carried unanimously.

In the meantime, Council made the following motion regarding the approval of the Two (2) Temporary Outdoor Music Permits that were submitted by the Albertville Lions and the 152 Club.

**MOTION BY** Council member Wagner, seconded by Council member Sorensen to approve the request submitted by the 152 Club and the Albertville Lions for a Temporary Outdoor Music Permit for an event that will be held on Saturday, September 12, 2009 at 5794 Main Avenue NE that will go from 2:00 p.m. to 11:30 p.m.; and, approve the request submitted by the 152 Club for a Temporary Outdoor Music Permit for the annual Oktoberfest that will be held on Saturday, October 3, 2009 at 5794 Main Avenue NE that will go from 2:00 p.m. to 11:30 p.m. both Temporary Outdoor Music Permits are contingent on the 152 Club calling for an inspection to confirm completion of the remaining building and fire code punch list items by 12:00 p.m. Wednesday, September 9. Motion carried unanimously.

## **CITY COUNCIL**

### *Oral Update on the Joint Powers Water Board meeting*

Mayor Klecker reported on the July 24, 2009 Joint Powers Water Board meeting, in which Veola is still experiencing issues with Well No. 9. Other topics that were discussed at the meeting dealt with the outstanding water bill for the Albertville Laundromat. When the account was initially setup there was an error in recording the meter reading, which was carried over for a number of years. It

was discovered in 2008 when the meter was checked for accuracy that Albertville staff realized the reading had been incorrectly entered into the system. The City of Albertville basically reduced the outstanding City portion of the water bill; however, Joint Powers is working with the tenant to get the outstanding debt paid.

## **PLANNING AND ZONING**

*Approve Ordinance No. 2009-012 entitled an Ordinance Amending Section 10-7-7 (General Standards) of Chapter 7 (Sign Regulations) of the Albertville Building and Development Regulations (Title 10) of the 2005 Albertville Municipal City code, Relating to the Number of Temporary and Portable Signs Allowed*

City Planner Brixius reviewed the reason for amending the 2005 Albertville Municipal City Code, which was because a business owner asked if the City would consider increasing the number of allowable Temporary Portable Signs. Council directed staff to prepare an amendment, which was presented to the Planning and Zoning Commission in July. The Planning Commission recommended changing the date to December 31, 2009, which does not allow much time for business owners to take advantage of the amendment.

Council agreed that ending the amendment on December 31, 2009 does not give business owners much time to obtain the information. Council discussed extending the date to December 31, 2010, which would be more cost effective. Since the City is investing in amending the City Code it is better to change the date to the end of 2010 because that will give business owners additional time to advertise during these economic times.

**MOTION BY** Council member Wagner, seconded by Council member Vetsch to approve Ordinance No. 2009-012 entitled an Ordinance Amending Section 10-7-7 (General Standards) of Chapter 7 (Sign Regulations) of the Albertville Building and Development Regulations (Title 10) of the 2005 Albertville Municipal City code, Relating to the Number of Temporary and Portable Signs Allowed extending the date to December 31, 2010. Motion carried unanimously.

### *Discuss 54<sup>th</sup> Street NE Townhomes Re-Development*

City Planner Brixius displayed pictures of townhomes on a section of 54<sup>th</sup> Street NE that runs between Large Avenue NE and Barthel Industrial Drive NE. Brixius explained that this section of homes was built in the mid to late 1970's. Recently a homeowner submitted a building permit to add a front entryway-mud room, which would require a Variance and or a Conditional Use Permit as the structure would be encroaching on the 35-foot front-yard setback. According to the current zoning, the development is zoned R-8 Mixed Housing with the front-yard setback at 35-feet. The homeowner would be encroaching 10-feet into the front-yard setback if the mud room is constructed. The homeowner is asking the City to consider amending the setbacks for R-8 Mixed Housing. Staff has presented the consideration to the Planning and Zoning Commission for review and amending the setbacks for the R-8 Zoning District, in which the Commission is willing to

review and amend. Brixius agreed that having a 35-foot front-yard setback for single-family, apartment complexes or multiple townhomes is acceptable, but could be reduced for twin homes or duplexes.

Brixius demonstrated the fact that the majority of dwellings in the development are townhomes or twin homes. Staff researched as to whether there was a homeowners association to regulate the maintenance or upkeep of the homes in the development and did not find any document or Developer's Agreement. This makes it difficult if one of the homeowners wants to invest in their home, while the neighboring tenant does not feel there is a need to. Brixius presented photos of twin homes where one tenant had a green garage door and the abutting property owner had a burgundy garage door. In 2008, Albertville experienced a hail storm that damaged roofs in the area. It was brought to staff's attention that one tenant replaced the shingles and the abutting tenant did not feel the shingles needed to be replaced.

As a follow-up to the building permit, staff conducted site inspections of the development and noticed there are homes that could use or are in need of repair and upkeep. Staff was amazed to see the exterior materials that were used on the twin homes as demonstrated with the two different color garage doors, which can also be seen in the color of siding.

The Council stated that the development did have a Homeowner's Association when it was initially developed in the 1970's, but has since been dissolved. Council acknowledged the fact that staff would like to amend the City Code to include language for "Point-of-Sale Inspections", which the Council had expressed their concerns with the work involved to conduct these inspections.

After discussing staff's recommendation to amend the 2005 Albertville Municipal City Code, Council directed staff to proceed with preparing an amendment to reduce the setbacks for R-8 Mixed Housing Zoning District in Albertville and, if possible, include language in the Code encouraging the homeowners to do their best to maintain their dwellings in an acceptable manner.  
*Oral Update on Billboards*

City Planner Brixius reminded the Council that a resident came before the Council at the Monday, July 6, 2009 meeting asking them to consider amending the City Code pertaining to the distance between billboards along I-94. The current 2005 Albertville Municipal City Code allows billboards to be spaced every 1,000 feet, and the resident wanted the space to be reduced to 500 feet. Council directed staff to prepare a layout demonstrating how many additional billboards there could be along the interstate. Staff presented the layout, in which there could be approximately 7+ additional locations for billboards along the interstate.

Some Council members felt the spacing of 1,000 feet was sufficient. Allowing additional billboards would cause more distractions for the motorists. Council then directed staff to prepare a layout demonstrating how many and the placement of billboards should the City compromise and reduce the spacing to 750 feet. Staff reiterated the Council's direction and stated they would draft a layout demonstrating the placement of billboards at 750 feet.

**ENGINEERING**

● *Accept the municipal improvements of the Albertville Town Home project and commence the 2-year warranty period; and to reduce Letter of Credit No. 290 to no less than \$32,218 conditioned upon all outstanding balances owed to the City being paid in full*

**MOTION BY** Council member Fay, seconded by Council member Sorensen to accept the municipal improvements of the Albertville Town Home project and commence the 2-year warranty period; and to reduce Letter of Credit No. 290 to no less than \$32,218 conditioned upon all outstanding balances owed to the City being paid in full. Motion carried unanimously.

*Accepting the quote from Oman Brothers, Inc., in the amount of \$3,200, to complete the bituminous trail segment located on Outlot B of the Towne Lakes 6<sup>th</sup> Addition*

City Engineer Nafstad noted that per Council's direction obtained quotes to complete the bituminous trail segment located on Outlot B of the Towne Lakes 6<sup>th</sup> Addition. The lowest quote was from Oman Brothers in the amount of \$3,200. Staff is looking for Council direction as to whether they want to accept the quote, proceed with construction of the trail, and instruct staff where to pull funds from.

Staff noted that a trail system has been designed throughout the entire residential portion of the Towne Lakes Development. In Towne Lakes 5<sup>th</sup> Addition there is a section of the trail that dead-ends at the proposed Towne Lakes 7<sup>th</sup> Addition, which will be constructed when Outlot B of Towne Lakes 6<sup>th</sup> Addition is platted as Towne Lakes 7<sup>th</sup>. With the current state of the economy, it is unknown as to when the Addition will be platted and the trail constructed.

A number of Towne Lakes Addition residents have requested and commented about when the City will finish the trail system. Council has directed staff to request the necessary easements and or permission from the current owner to construct the trail and to obtain quotes to complete the segment of trail prior to Final Platting of the Towne Lakes 7<sup>th</sup> Addition. It is now up to the Council to make a motion as to whether they would like to proceed or to hold off until a later date.

Mayor Klecker, with the consensus of the Council, tabled the acceptance of the quote from Oman Brothers, Inc. in the amount of \$3,200 to complete the bituminous trail segment located on Outlot B of the Towne Lakes 6<sup>th</sup> Addition until the August 17, 2009 council meeting or soon thereafter. Council directed staff to obtain additional information on the status of the Homeowners Association and whether the City can assess the construction of the bituminous trail to the Towne Lakes 6<sup>th</sup> Addition.

*Accept the City Engineer's Progress Report dated July 28, 2009*

Council accepted the City Engineer's Progress Report dated July 28, 2009 as presented in the Council packet.

**LEGAL** – no comments

**ADMINISTRATION**

*Discussion on Full Moon Saloon Bar and Grill*

City Administrator Kruse stated that the City received another complaint regarding Full Moon Saloon Bar and Grill. Kruse recommended inviting the owner of Full Moon Saloon Bar and Grill to the next Council meeting to discuss the concern.

**ANNOUNCEMENTS and or UPCOMING MEETINGS**

Mayor Klecker acknowledged the upcoming meetings and calendar of events.

**August 2009**

- 10 6:00 p.m. STMA Ice Arena Board meeting**
- 11 7:00 p.m. Planning and Zoning Commission meeting**
- 17 7:00 p.m. City Council meeting**
- 21 5:30 p.m. Albertville vs. St. Michael Bowling competition**
- 24 6:00 p.m. Joint Powers Water Board meeting**
- 31 7:00 p.m. Committee of the Whole Workshop (tentative)**

**September 2009**

- 7 all day Independence Day observed – City Offices closed**
- 8 7:00 p.m. City Council meeting (TUESDAY)**
- 9 7:00 p.m. Planning and Zoning Commission meeting**
- 14 6:00 p.m. STMA Ice Arena Board meeting**
- 21 7:00 p.m. City Council meeting**
- 28 6:00 p.m. Joint Powers Water Board meeting**
- 28 7:00 p.m. Committee of the Whole Workshop (tentative)**

**October 2009**

- 5 7:00 p.m. City Council meeting**
- 12 all day Columbus Day observed – City Offices closed**
- 12 6:00 p.m. STMA Ice Arena Board meeting**
- 12 7:00 p.m. Family-Youth Community Cooperative (FYCC)**
- 13 7:00 p.m. Planning and Zoning Commission meeting**
- 19 7:00 p.m. City Council meeting**
- 26 6:00 p.m. Joint Powers Water Board meeting**
- 26 7:00 p.m. Committee of the Whole Workshop (tentative)**

**November 2009**

- |           |                  |   |
|-----------|------------------|---|
| <b>2</b>  | <b>7:00 p.m.</b> | <b>City Council meeting</b>   |
| <b>9</b>  | <b>6:00 p.m.</b> | <b>STMA Ice Arena Board meeting</b>   |
| <b>10</b> | <b>7:00 p.m.</b> | <b>Planning and Zoning Commission meeting</b>   |
| <b>11</b> | <b>all day</b>   | <b>Veterans' Day observed – City Offices closed</b>   |
| <b>16</b> | <b>7:00 p.m.</b> | <b>City Council meeting</b>   |
| <b>23</b> | <b>6:00 p.m.</b> | <b>Joint Powers Water Board meeting</b>   |
| <b>26</b> | <b>all day</b>   | <b>Thanksgiving Day observed – City Offices closed</b>  |
| <b>30</b> | <b>tentative</b> | <b>Jt. City of Albertville; City of St. Michael and<br/>STMA School Board meeting (location to be determined)</b> |

**ADJOURNMENT**

**MOTION BY** Council member Fay, seconded by Council member Sorensen to adjourn the Monday, August 3, 2009 regular City Council meeting at 8:50 p.m. Motion carried unanimously.

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Bridget Miller, City Clerk (recording secretary)