



**ALBERTVILLE CITY COUNCIL
OCTOBER 19, 2009
MINUTES**

ALBERTVILLE CITY HALL

7:00 PM

PLEDGE OF ALLEGIANCE – CALL TO ORDER

The Mayor called the October 5, 2009 regular City Council meeting to order at 7:00 p.m., in which the members of the Council arose for the Pledge of Allegiance.

ROLL CALL

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

OTHERS PRESENT: City Engineer Adam Nafstad, Assistant City Planner Carie Fuhrman, City Attorney Mike Couri, Finance Director Tina Lannes, and City Clerk Bridget Miller

ABSENT: City Administrator Larry Kruse

RECOGNITIONS – PRESENTATIONS – INTRODUCTIONS

Sprung Building Presentation - STMA Arena

Mayor Klecker acknowledged there were members from Sprung Instant Structures in the audience here to give a presentation on their building structures.

Rob Ekblad began going over the history of the company that has been in busing for approximately 120 years. Sprung services 92 areas throughout the country; therefore, the structure needs to withstand various weather conditions. Sprung patented the stressed membrane structure; an innovative alternative to conventional construction utilizing architectural membrane panels placed under high tension within a non-corroding aluminum substructure. Rob wanted to make sure they allowed time for the Council to view a 5 minute DVD that was put together by Sprung.

Following the viewing Mr. Ekblad informed the Council that these structures are constructed fast and are energy efficient. This type of structure can easily be disassembled and put up on another site should the need arise.

Council questioned where they could view a building that would be close to Albertville. Mr. Ekblad reported that Jubilee Church constructed one of their buildings in St. Cloud, Minnesota. You could check one out at Canterbury or on the Mn State Fair grounds. It has been over the past couple of years that Sprung has come to Minnesota and in 2010-2011 they have a number of projects going.

Council inquired about what all is included with the structure. According to the handouts, it illustrates light fixtures, bleachers, and other items within the structure. Ekblad stated it would be similar to any type of structure that is built where the lighting, speakers, bleachers, etc. would be an additional cost to the project.

There was some discussion regarding how to finance the structure, which Mayor Klecker reiterated the Council is not making a decision tonight. The discussion entailed whether or not to lease versus buying. It was relayed by Sprung that leasing is a cost-effective way to go with - in the beginning; with the option to buy after a number of years.

Mayor Klecker thanked Rob Ekblad and his associates for the presentation and would get back to them at a future date should the City and the STMA Arena Board decide to go with a Sprung Structure.

CITIZEN FORUM – no comments

AMENDMENTS TO THE AGENDA

The following amendments were made to the agenda:

- 8.J.6. Legal – STMA Ice Arena
- 8.K.1. Administration – Mike Potter’s cost/expenses
- 8.K.2. Administration – City Employee’s Health Insurance Quote Update

MOTION BY Council member Wagner, seconded by Council member Sorensen to approve the Monday, October 19, 2009 regular City Council agenda to include the following items:

- 8.J.6. Legal – STMA Ice Arena
- 8.K.1. Administration – Mike Potter’s cost/expenses
- 8.K.2. Administration – City Employee’s Health Insurance Quote Update

Motion carried unanimously.

MINUTES

October 5, 2009 regular City Council minutes

MOTION BY Council member Sorensen, seconded by Council member Wagner to approve the Monday, October 5, 2009 regular City Council minutes as presented, that will be printed and signed; following 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.

October 5, 2009 City Council Workshop minutes

MOTION BY Council member Wagner, seconded by Council member Sorensen to approve the Monday, October 5, 2009 City Council Workshop minutes as presented, that will be printed and signed; following 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 are three (3) items listed on the Consent Agenda: 8.E.1. Authorize the Monday, October 19, 2009 Payment of Claims (bills) for check numbers **027569** to **027615** as presented except the bills specifically pulled, which are passed by separate motion; 8.F.1. ☛ Approve the New Application for a 2009-2010 Off-Sale Intoxicating Liquor License for the term beginning November 1, 2009 to April 15, 2010 to Harry and David for Harry and David contingent upon passing the Bureau of Criminal Apprehension (BCA) Background Check and approval from the Minnesota Department of Alcohol and Gambling; 8.F.2. ☛ Approve a 1-Day Temporary Intoxicating Liquor License application submitted by the Albertville Lions for an event that will be held at the St. Albert Parish Center on Saturday, October 24, 2009 from 5:00 p.m. to 10:00 p.m. and/or ☛ Approve a One-Day 3.2 Malt Liquor License application submitted by the Albertville Lions for an event that will be held at the St. Albert Parish Center on Saturday, October 24, 2009 from 5:00 p.m. to 10:00 p.m.

Mayor Klecker noted that item 8.I.1. **Authorize to release the Letter of Credit held for the Towne Lakes 5th Addition, with the following conditions:** a. Development is current with all fees and obligations owed to the City; and, b. All remaining silt fence is removed from site should be included under the Consent Agenda.

No items were pulled from the October 19, 2009 Consent Agenda.

MOTION BY Council member Sorensen, seconded by Council member Fay to approve the October 19, 2009 Consent Agenda that included the following item: 8.E.1. Authorize the Monday, October 19, 2009 Payment of Claims (bills) for check numbers **027569** to **027615** as presented except the bills specifically pulled, which are passed by separate motion; 8.F.1. approve the New Application for a 2009-2010 Off-Sale Intoxicating Liquor License for the term beginning November 1, 2009 to April 15, 2010 to Harry and David for Harry and David contingent upon passing the Bureau of Criminal Apprehension (BCA) Background Check and approval from the Minnesota Department of Alcohol and Gambling; 8.F.2. Approve a 1-Day Temporary Intoxicating Liquor License application submitted by the Albertville Lions for an event that will be held at the St. Albert Parish Center on Saturday, October 24, 2009 from 5:00 p.m. to 10:00 p.m. and/or Approve a One-Day 3.2 Malt Liquor License application submitted by the Albertville Lions for an event that will be held at the St. Albert Parish Center on Saturday, October 24, 2009 from 5:00 p.m. to 10:00 p.m., in which the following item was pulled for further discussion and a separate motion. 8.I.1. Authorize to release the Letter of Credit held for the Towne Lakes 5th Addition, with the following conditions: a. Development is current with all fees and obligations owed to the City; and, b. All remaining silt fence is removed from site. 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 October 14, 2009

Council had no additional questions or concerns regarding the October 14, 2009 Building Official's report.

FINANCE DEPARTMENT

☛ *Authorize the Monday, October 19, 2009 payment of the claims that includes check numbers **027569** to **027615** as presented except the bills specifically pulled, which are passed by separate motion*

MOTION BY Council member Sorensen, seconded by Council member Fay to authorize the Monday, October 19, 2009 payment of the claims that includes check numbers **027569** to **027615** as presented except the bills specifically pulled, which are passed by separate motion. Motion carried unanimously.

CITY CLERK

☛ *Approve the New Application for a 2009-2010 Off-Sale Intoxicating Liquor License for the term beginning November 1, 2009 to April 15, 2010 to Harry and David for Harry and David contingent upon passing the Bureau of Criminal Apprehension (BCA) Background Check and approval from the Minnesota Department of Alcohol and Gambling*

MOTION BY Council member Sorensen, seconded by Council member Fay to approve the New Application for a 2009-2010 Off-Sale Intoxicating Liquor License for the term beginning November 1, 2009 to April 15, 2010 to Harry and David for Harry and David contingent upon passing the Bureau of Criminal Apprehension (BCA) Background Check and approval from the Minnesota Department of Alcohol and Gambling. Motion carried unanimously.

☛ *Approve a 1-Day Temporary Intoxicating Liquor License application submitted by the Albertville Lions for an event that will be held at the St. Albert Parish Center on Saturday, October 24, 2009 from 5:00 p.m. to 10:00 p.m.*

☛ *Approve a One-Day 3.2 Malt Liquor License application submitted by the Albertville Lions for an event that will be held at the St. Albert Parish Center on Saturday, October 24, 2009 from 5:00 p.m. to 10:00 p.m.*

MOTION BY Council member Sorensen, seconded by Council member Fay to approve a 1-Day Temporary Intoxicating Liquor License application submitted by the Albertville Lions for an event that will be held at the St. Albert Parish Center on Saturday, October 24, 2009 from 5:00 p.m. to 10:00 p.m. and/or a One-Day 3.2 Malt Liquor License application submitted by the Albertville Lions for an event that will be held at the St. Albert Parish Center on Saturday, October 24, 2009 from 5:00 p.m. to 10:00 p.m. (Albertville Lions received the 1-Day Temporary Intoxicating Liquor License and did not need the One-Day 3.2 Malt Liquor License) Motion carried unanimously.

CITY COUNCIL

Oral Update on the STMA Ice Arena Board meeting and ARY Report Update (oral)

Dan Wagner stated that Paul Youngquist was unable to attend the meeting as he was going to give an oral update on the ARY. Bob Rego was present to answer any questions the Council may have.

Council basically wanted to find out the cost for construction of the building, which City Engineer Nafstad displayed Architect Paul Youngquist's spreadsheet that City Administrator Kruse presented at the October 5, 2009 meeting.

Oral Update on the Planning and Zoning Commission meeting

Council member Wagner reported that the Planning Commission continued the 54th Street ordinance amendments regarding the setbacks. Other items were advertising (billboards) on top of buildings and amending the Comprehensive Plan as it relates to the Northwest area of Albertville.

Mayoral Update on Guardian Angels Senior Project

Mayor Klecker stated that Dan Dixson with the Guardian Angels was here last Thursday to talk to staff updating them on the status of their progress of coming to Albertville. In the 1st Phase, Guardian Angels is proposing to construct a 2-story 40-unit structure. There is a purchase agreement for the Albert Villas 7th Addition. Dan Dixson will be meeting with the consultants on Tuesday to go over the details of the project.

Council was very pleased to receive the update and progress being made by the Guardian Angels. Council looks forward to the development of the site.

Mayoral Update on Monday, October 19 Wright County Commissioners Road Tour (I-94 and CSAH 19)

Mayor Klecker informed the Council that the Wright County Commissioners and some Wright County employees were touring some of the roads on Monday. The members stopped in Albertville for a nice relaxed joint luncheon with a few Council members and City staff.

Albertville received a positive response from the County in support of I-94 Improvements and looking into possible CSAH 19 Improvements. The luncheon gave the Commissioners' a better

understanding of transportation needs and problems in Albertville. Nafstad with assistance from Administrator Kruse put together a PowerPoint presentation on the I-94 Project, which was received positively by the County Commissioners. The Commissioners invited Albertville to attend the upcoming Wright County Transportation Committee Meeting of the Whole to formally appoint a task force to make a recommendation of funding both the I-94 Project as well as the CSAH 19 North Project.

PLANNING AND ZONING – no comments

ENGINEERING

■ Authorize to release the Letter of Credit held for the Towne Lakes 5th Addition, with the following conditions: Development is current with all fees and obligations owed to the City and All remaining silt fence is removed from site

MOTION BY Council member Sorensen, seconded by Council member Fay to authorize to release the Letter of Credit held for the Towne Lakes 5th Addition, with the following conditions: Development is current with all fees and obligations owed to the City and All remaining silt fence is removed from site.

*Adopt **Resolution No. 2009-036** entitled Resolution Ordering Improvement, Approving Plans and Specifications and Accepting Bid for the Towne Lakes Watermain Extension Project*

City Engineer Nafstad reported that the City advertised for bids for the Towne Lakes Watermain Extension Project, which the City received three bids.

Nodland Const. Co., Inc.	\$84,890.00
LaTour Construction, Inc.	\$54,259.00
Northdale Contr. Inc.	\$53,333.56

Nafstad continued by stating that according to the Towne Lakes 6th Addition Development Agreement, the developer is required to extend the trunk water to the easterly plat boundary. The extension is necessary to loop the Hunter's Pass Estates into the municipal water system and provide an alternate feed to assure continuous flows.

The current owner of the Towne Lakes 6th Addition is M & I Bank who has petitioned the City to complete the improvement and has agreed to reimburse the city for all costs related to the project.

City Attorney Couri has prepared two additional documents relating to the extension of the municipal water system, which include the Execution of the Agreement to Pay Costs of the

Waterline Installation by M & I Bank; and, the Execution of Authorization to Draw on the Letter of Credit by Alliance Bank. Couri has heard from M & I Bank and would like to incorporate some very minor changes to the agreement.

MOTION BY Council member Wagner, seconded by Council member Sorensen to adopt **Resolution No. 2009-036** entitled Resolution Ordering Improvement, Approving Plans and Specifications and Accepting Bid for The Towne Lakes Watermain Extension Project with a low bid of \$53,333.56 from Northdale Contr., Inc., and to allow the City Attorney to make minor changes to the Agreement to Pay Costs of Water Line Installation and the Authorization to Draw on Letter of Credit. Motion carried unanimously.

LEGAL

Approve **Ordinance No. 2009-022** entitled an Ordinance Establishing a Sewer Trunk District for Selected Properties Abutting CSAH 37 (known as Niemeyer Trailer Sales); **AND** Approve **Ordinance No. 2009-023** entitled an Ordinance Establishing a Water Trunk District for Selected Properties Abutting CSAH 37 (known as Niemeyer Trailer Sales)

City Attorney Couri started off by noting before the Council are two Ordinances establishing a Sewer Trunk District and a Water Trunk District for selected properties abutting CSAH 37 within Albertville. According to Mn State Statutes, this does not require a public hearing. Staff felt in the best interest of the two abutting property owners to the Niemeyer Trailer Sales, it would be considerate to notify them of the trunk charges.

Couri continued by letting the Council know that one of the property owners has submitted a document expressing their view of the SAC and WAC charges.

As Council is aware, the Niemeyer Trailer Sales development has been slowly progressing. Construction of the sewer and water utilities is nearly complete. During the review process of the development, Council had previously determined that wanted to establish a trunk charge system to pay for the costs associated with the project. Staff has prepared two ordinances that will recover 100% of the cost of the utility project upon full development of all parcels lying within these trunk districts.

Tim Niemeyer of Niemeyer Trailer Sales has asked to have the project costs Specially Assessed to the property, these ordinances will not apply to his property. The project costs associated with the ordinances will apply to the Miller property to the west of Niemeyer Trailer Sales and the property to the east of the Niemeyer Trailer Sales. The property to the east currently has water service; therefore, has been excluded from the water district.

Mayor Klecker allowed the Miller's to speak, even though this was not a public hearing.

Colleen Riley, co-owner of the property west of the Niemeyer Trailer Sales Development was given the ability to speak on the proposed SAC and WAC charges. Ms. Riley gave two objections to the proposed charges, which were 1. Ms. Riley and Ms. Miller object to the District Boundaries, 2. the Interest Amount being charged and when it should be charged. Ms. Riley and Ms. Miller agreed that it should be charged when their property is Final Platted and or a Building Permit is submitted to the city. The interest should not start accruing prior to that.

Ms. Riley continued by bringing up this SAC and WAC fee is a hardship put on their property. Ms. Riley and Ms. Miller do not ever foresee the property west of the Niemeyer Trailer Sales ever developing.

Staff and Council discussed the option of deferring the interest that would be applied towards the property west of the Niemeyer Trailer Sales Addition. However, Council made the following motion to approve the two ordinances as presented.

MOTION BY Council member Wagner, seconded by Council member Fay to approve **Ordinance No. 2009-022** entitled an Ordinance Establishing a Sewer Trunk District for Selected Properties Abutting CSAH 37 (known as Niemeyer Trailer Sales). Mayor Klecker, Council members Wagner, Fay, and Sorensen voted aye. Council member Vetsch opposed. Motion carried.

MOTION BY Council member Wagner, seconded by Council member Fay to approve **Ordinance No. 2009-023** entitled an Ordinance Establishing a Water Trunk District for Selected Properties Abutting CSAH 37 (known as Niemeyer Trailer Sales). Mayor Klecker, Council members Wagner, Fay, and Sorensen voted aye. Council member Vetsch opposed. Motion carried.

Approve Installation of Road Maintenance Notification Sign in the Prairie Run Development

City Attorney Couri brought up the concern regarding a portion of the Prairie Run Development, in which the developer was supposed to set up a homeowners association to maintain a portion of 51st Street NE that is a private drive (Outlot A of Prairie Run). There was a Homeowners Association established in 2005 via a common interest community and set up a non-profit corporation that became the association. The non-profit corporation took title to Outlot A. In March, 2006, for reasons nobody quite understands, the Developer terminated the common interest community, but did not dissolve the non-profit corporation, which still holds title to Outlot A.

Staff is concerned regarding the continued support of the non-profit corporation having the ability to maintain the portion of 51st Street NE in future years. It appears that only three of the lots have been purchased, leaving about 13 additional homes along the private drive to be sold. With no solution on the horizon, staff is concerned that people purchasing the lots will expect that the road is a City-maintained road, or at a minimum, will expect that there is some sort of

homeowner's association in place to maintain the road. The proposed sign should inform the potential purchasers of the true status of both of these issues.

To the best of staff's knowledge, the information contained on the proposed sign is factually correct. (proposed sign language below)

THE STREET LOCATED BEYOND THIS SIGN IS A PRIVATE STREET THAT IS NOT MAINTAINED BY THE CITY.

The common interest community that was charged with maintaining this street was terminated on March 15, 2006. As of September 30, 2009, no common interest community was in existence governing the lots abutting this street per the recorded documents at the Wright County Recorder's Office. The individual property owners abutting this street are responsible for maintaining this street, including providing snowplowing services, and are responsible for establishing a mechanism to pay for such maintenance

Council acknowledged staff's concern regarding the private drive within the Prairie Run residential development and agreed to do what's in the best interest of the City, which was to get the message out there to potential buyers or the remaining lots or any future selling or buying of homes in the area.

MOTION BY Council member Fay, seconded by Council member Sorensen to approve Installation of Road Maintenance Notification Sign in the Prairie Run Development to read as follows: **THE STREET LOCATED BEYOND THIS SIGN IS A PRIVATE STREET THAT IS NOT MAINTAINED BY THE CITY.** The common interest community that was charged with maintaining this street was terminated on March 15, 2006. As of September 30, 2009, no common interest community was in existence governing the lots abutting this street per the recorded documents at the Wright County Recorder's Office. The individual property owners abutting this street are responsible for maintaining this street, including providing snowplowing services, and are responsible for establishing a mechanism to pay for such maintenance. Motion carried unanimously.

Authorize the City Administrator to enter into a contract with Nagell Appraisal to appraise I-94 properties to identify I-94 benefit not to exceed an initial \$10,000 (written correspondence was distributed at the meeting)

City Attorney Couri did not present any correspondence regarding the proposal to enter into a contract with Nagell Appraisal. Couri did feel it was in the best interest of the City to authorize the City Administrator to enter into a contract with Nagell Appraisal to appraise properties along the I-94 corridor. By obtaining an appraisal of about 6-8 similar properties along I-94, the City will get an idea of the benefit of the proposed I-94 Improvement Project will be. The Appraisal will also serve as a document to refer back to should the need arise following the construction of the I-94 Improvement Project.

MOTION BY Council member Wagner, seconded by Council member Sorensen to authorize the City Administrator to enter into a contract with Nagell Appraisal to appraise I-94 properties to identify I-94 benefit not to exceed an initial \$10,000 for Special Assessment purposes, which will allow staff a tool to use to calculate the amount to be assessed. Mayor Klecker, Council members Wagner, and Sorensen voted aye. Council member Vetsch opposed. Council member Fay abstained. Motion carried.

Lamar I-94 Property Acquisition (written documentation was distributed during the meeting)

City Attorney Couri gave a brief update on the Lamar I-94 property acquisition, stating the City has contracted with Nagell Appraisal to identify the market value of the land to be used for a stormwater pond. Acquisition of this property is an integral step to be completed to maintain the goal to start construction in the spring.

Oral Update on Psyk Assessment Litigation Outcome

City Attorney Couri informed the Council that the judge ruled in favor of the city regarding the Psyk Assessment Litigation. It is unknown whether the Psyk's will pursue appealing further.

STMA Ice Arena

Council member Wagner brought up the fact that the STMA Hockey Association would like to take over the STMA Hockey Arena.

Council member Vetsch reported that the arena was originally building in 1997-1998. The organization of the Mighty Ducks had a grant of \$215,000. The STMA School District and the two (2) cities Albertville and St. Michael put in a considerable amount of approximately \$350,000 each. If the STMA Hockey Association take over the \$215,000 grant from the Mighty Ducks would not be forfeited. Besides the cities and School forgave approximate three quarters of a million dollars in loans due from the STMA Ice Arena operation. Further, the STMA School purchased land for an additional \$500,000.

Finance Director Lannes and City Engineer Nafstad both brought to the Council's attention that most hockey arenas do not make money. The STMA Hockey Association would not last long running the arena.

Following the conversation, the current Council were in agreement that the City has made significant investments in arena operations.

ADMINISTRATION

City Employee Health Insurance

Finance Director Lannes informed the Council that staff obtained quotes from a few vendors. Medica came back with the lowest bid; therefore, the City would be changing Health Insurance Providers. The overall insurance increased approximately 3%.

Expenses – Costs associated with Mike Potter

Finance Director Lannes responded to the Council request as to what the total cost or expenses to date were for the Mike Potter property located off of CSAH 37. The total costs incurred amounted to \$1,297 to date

ANNOUNCEMENTS and or UPCOMING MEETINGS

Mayor Klecker acknowledged the upcoming meetings and calendar of events.

October 2009

26 6:00 p.m. Joint Powers Water Board meeting

November 2009

1 2:00 a.m. Daylight Savings ends - set clocks back 1-hour
2 7:00 p.m. City Council meeting
9 6:00 p.m. STMA Ice Arena Board meeting
10 7:00 p.m. Planning and Zoning Commission meeting
11 all day Veterans' Day observed – City offices closed
16 7:00 p.m. City Council meeting
23 6:00 p.m. Joint Powers Water Board meeting
26 all day Thanksgiving Day observed – City offices closed
30 tentative Jt. City of Albertville; City of St. Michael and STMA School Board meeting (location to be determined)

December 2009

7 6:30 p.m. Truth-in-Taxation Hearing
7 7:00 p.m. City Council meeting
8 7:00 p.m. Planning and Zoning Commission meeting
14 6:00 p.m. STMA Ice Arena Board meeting
21 6:30 p.m. Truth-in-Taxation Hearing (if necessary)
21 7:00 p.m. City Council meeting
23 1:30 p.m. Christmas Day observed – City offices closing early
24 all day Christmas Day observed – City offices closed

- 26 6:00 p.m. Joint Powers Water Board meeting**
- 26 7:00 p.m. Committee of the Whole Workshop (tentative)**
- 31 1:30 p.m. New Year's Day observed – City offices closing early**

ADJOURNMENT

MOTION BY Council member Sorensen, seconded by Mayor Klecker to adjourn the Monday, October 19, 2009 regular City Council meeting at 9:38 p.m. Motion carried unanimously.

Bridget Miller, City Clerk (recording secretary)