



**ALBERTVILLE CITY COUNCIL
NOVEMBER 2, 2009
MINUTES**

ALBERTVILLE CITY HALL

7:00 PM

PLEDGE OF ALLEGIANCE – CALL TO ORDER

The November 2, 2009 regular City Council meeting was called to order at 7:00 p.m. by Mayor Klecker who led the members in the Pledge of Allegiance.

ROLL CALL

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

OTHERS PRESENT: City Engineer Adam Nafstad, City Planner Al Brixius, City Attorney Mike Couri, Finance Director Tina Lannes, City Administrator Larry Kruse, Public Works Supervisor Tim Guimont, Assistant City Attorney Sarah Schwarzhoff, and City Clerk Bridget Miller

ABSENT: none

RECOGNITIONS – PRESENTATIONS – INTRODUCTIONS – no comments

MINUTES

October 19, 2009 regular City Council minutes

MOTION BY Council member Vetsch, seconded by Council member Sorensen to approve the Monday, October 19, 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.

CITIZEN FORUM

John Darkenwald of Otsego inquired if the Council or staff had any type of a timeline as far as the proposed upcoming road projects.

City Administrator Kruse noted that staff attended a joint meeting with the Wright County Highway Department. At this point this, things are moving forward with contracting a consultant to obtain appraisals. It is anticipated to get things started in the Spring-Summer of 2010. It was brought up that City Engineer Nafstad will be putting together a chart on a timeline of how things will progress.

Wally O'Dell of Otsego stated that part of his questions and concerns were just answered by City Administrator Kruse. Mr. O'Dell commented that once the timelines are put in place he would like to see the neighboring communities open to assisting with their support.

AMENDMENTS TO THE AGENDA

The following amendments were made to the agenda:

13.B. Closed Session – Discussion and Update on the Hoey Billboard Lawsuit

MOTION BY Council member Fay, seconded by Council member Sorensen to approve the Monday, November 2, 2009 regular City Council agenda to include the following items: 13.B. Closed Session – Discussion and Update on the Hoey Billboard Lawsuit. Motion carried unanimously.

PUBLIC HEARING

Approve **Resolution No. 2009-037** entitled a Resolution Reallocating Special Assessments to Lots 1-4, Block 1, Albertville Marketplace (Special assessments of Lots 1, 2, 3 and 4, Block 1, Albertville Marketplace, in the total amount of \$21,998.34)

Mayor Klecker opened the public hearing at 7:07 p.m. on Resolution No. 2009-037 relating to the reallocation of special assessments in the Albertville Marketplace Development.

City Attorney Couri basically reviewed the background that included the facts that when Albertville Marketplace was platted, there were existing special assessments on the property. Normally, these special assessments are allocated to the numbered lots upon subdivision, usually via a resolution reallocating the special assessments to the numbered lots. Because we did not process a reallocation at the time of the filing of the plat, the County Auditor's office reallocated the special assessments to the three outlots which consist of the wetlands/pond, the private street,

and the lift station property. These special assessments were put on the outlots' tax statements for 2009. Because the City owns the lift station property (Outlot B), the City's tax statement for 2009 contained an assessment installment amount of \$1,857.41. The City paid this installment of the special assessment. Staff is now proposing to reallocate the remaining \$20,130.93 in special assessments plus the \$1,857.41 paid by the City (for a total of \$21,988.34) to the four numbered lots on the property for the remaining five years of the original life of the special assessments. The proposed assessment will reallocate the special assessments in equal amounts over the four lots for the remaining five years of the original assessment at the 6.4% interest rate that was adopted with the original assessment in 1999.

Mayor Klecker asked if any Council members had questions or concerns regarding the Reallocation of Special Assessments to Lots 1-4, Block 1, Albertville Marketplace.

Council members had no questions or concerns regarding the reallocation of special assessments.

Mayor Klecker asked if there was anyone in the audience that wanted to share comments or concerns regarding the Reallocation of Special Assessments to Lots 1-4, Block 1, Albertville Marketplace.

There was no one present in the audience that wanted to comment regarding the Reallocation of Special Assessments to Lots 1-4, Block 1 of the Albertville Marketplace.

Mayor Klecker asked for a motion to close the Public Hearing regarding the Reallocation of Special Assessments to Lots 1-4, Block 1, Albertville Marketplace.

MOTION BY Mayor Klecker, seconded by Council member Vetsch to close the public hearing at 7:09 p.m. regarding the Reallocation of Special Assessments to Lots 1-4, Block 1, Albertville Marketplace.

MOTION BY Council member Vetsch, seconded by Council member Sorensen to approve **Resolution No. 2009-037** entitled a Resolution Reallocating Special Assessments to Lots 1-4, Block 1, Albertville Marketplace (Special assessments of Lots 1, 2, 3 and 4, Block 1, Albertville Marketplace, in the total amount of \$21,998.34) as presented. Motion carried unanimously.

*Approve **Resolution No. 2009-038** entitled a Resolution Adopting Assessment for Sanitary Sewer and Municipal Water Charges (Special assessment of Lot 2, Block 1, Albertville Marketplace for \$61,050 in SAC and WAC charges)*

Mayor Klecker opened the public hearing at 7:10 p.m. on Resolution No. 2009-038 relating to adopting an assessment for sanitary sewer and municipal water charges on lot 2, block 1 of the Albertville Marketplace addition.

City Attorney Couri brought to the Council's attention the next resolution that involved the Albertville Marketplace Development. The Developer of Lot 2, Block 1 in Albertville Marketplace has recently requested that the City Council special assess its SAC and WAC charges for the construction of a gas station/convenience store/restaurant in the amount of \$61,050 to the property over a period of three years. The proposed assessment will special assess the SAC and WAC charges over a three year period at 6.2 % interest.

Mayor Klecker asked if any Council members had questions or concerns regarding the Adoption of an Assessment for Sanitary Sewer and Municipal Water Charges to Lot 2, Block 1, Albertville Marketplace.

The Council did not have any concerns relating to the assessment for the Albertville Marketplace Lot 2, Block 1.

Mayor Klecker asked if there was anyone in the audience that wanted to share comments or concerns regarding the Adoption of an Assessment for Sanitary Sewer and Municipal Water Charges to Lot 2, Block 1, Albertville Marketplace.

There was no one present in the audience that wanted to comment regarding the Adoption of an Assessment for Sanitary Sewer and Municipal Water Charges to Lot 2, Block 1, Albertville Marketplace.

Mayor Klecker asked for a motion to close the Public Hearing regarding the Adoption of an Assessment for Sanitary Sewer and Municipal Water Charges to Lot 2, Block 1, Albertville Marketplace.

MOTION BY Council member Sorensen, seconded by Council member Fay to close the public hearing at 7:11 p.m. regarding the Adoption of an Assessment for Sanitary Sewer and Municipal Water Charges to Lot 2, Block 1, Albertville Marketplace.

MOTION BY Council member Sorensen, seconded by Council member Fay to approve **Resolution No. 2009-038** entitled a Resolution Adopting Assessment for Sanitary Sewer and Municipal Water Charges (Special assessment of Lot 2, Block 1, Albertville Marketplace for \$61,050 in SAC and WAC charges) as presented. Motion carried unanimously.

*Approve **Resolution No. 2009-039** entitled a Resolution Adopting Assessment for Sanitary Sewer and Municipal Water Charges (Special assessment of Lots 1, 2 and 3, Block 1, Niemeyer Trailer Sales, for \$224,797 in trunk charges and local sewer and water utility expenses)*

Mayor Klecker opened the public hearing at 7:12 p.m. on Resolution No. 2009-039 relating to adopting an assessment for sanitary sewer and municipal water charges to lots 1, 2, and 3, block 1 of the Niemeyer Trailer Sales addition.

City Attorney Couri went over the final resolution that involved the Developer's Agreement for Niemeyer Trailer Sales, the City has previously agreed to special assess the sewer and water trunk charges and the cost of installing local sewer and water lines in the private drive serving the Niemeyer properties. Construction on these projects has just been completed. Niemeyer's trunk costs are \$125,037 for sewer and \$47,357 for water, and the combined local sewer and water line installation costs are \$52,403. Niemeyer's total assessment for all of these costs will be \$224,797. The Developer's Agreement calls for these assessments to be levied for a period of time not less than 10 years. The proposed assessment will special assess the sewer and water costs over a fifteen year period at 6.2% Couri noted that Mr. Niemeyer was notified regarding the assessment and was in contact with the City Engineer going over how the assessment was calculated.

Mayor Klecker asked if any Council members had questions or concerns regarding the Adoption of an Assessment for Sanitary Sewer and Municipal Water Charges to Lots 1, 2, and 3, Block 1 Niemeyer Trailer Sales.

Council did not have any comments regarding the assessment for the Niemeyer Trailer Sales.

Mayor Klecker asked if there was anyone in the audience that wanted to share comments or concerns regarding the Adoption of an Assessment for Sanitary Sewer and Municipal Water Charges to Lots 1, 2, and 3, Block 1 Niemeyer Trailer Sales.

There was no one present in the audience that wanted to comment regarding the Adoption of an Assessment for Sanitary Sewer and Municipal Water Charges to Lots 1, 2, and 3, Block 1 Niemeyer Trailer Sales.

Mayor Klecker asked for a motion to close the Public Hearing regarding the Adoption of an Assessment for Sanitary Sewer and Municipal Water Charges to Lots 1, 2, and 3, Block 1 Niemeyer Trailer Sales.

MOTION BY Council member Fay, seconded by Council member Vetsch to close the public hearing at 7:15 p.m. regarding the Adoption of an Assessment for Sanitary Sewer and Municipal Water Charges to Lots 1, 2, and 3, Block 1 Niemeyer Trailer Sales.

MOTION BY Council member Fay, seconded by Council member Sorensen to approve **Resolution No. 2009-039** entitled a Resolution Adopting Assessment for Sanitary Sewer and Municipal Water Charges (Special assessment of Lots 1, 2 and 3, Block 1, Niemeyer Trailer Sales, for \$224,797 in trunk charges and local sewer and water utility expenses) as presented. 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 five (5) items listed on the Consent Agenda that are: 9.E.1. Authorize the Monday, November 2, 2009 Payment of Claims (bills) for check numbers **027619** to **027653**; 9.E.2. Approve **Resolution No. 2009-040** entitled a Resolution Certifying the 2009 List of Uncollected Utility Bills and Outstanding Invoices to Wright County for Collection with Real Estate Taxes; 9.E.5. Approve **Resolution No 2009-042** entitled a Resolution Reallocating the Assessment for SAC and WAC charges to Lot 5, Block 1, Shoppes of Towne Lakes II parcel 101-116-001050; 9.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 ALL G, LLC for Heidi's Brew Wine & Spirits contingent upon passing the Wright County Sheriff Background Check and approval from the Minnesota Department of Alcohol and Gambling; 9.G.1. Set Tuesday, November 10, 2009 at 7:00 p.m. as a Special City Council meeting for the purpose of reviewing and approving the Guardian Angels Concept Plan.

The following items were pulled from the November 2, 2009 Consent Agenda: 9.E.2. Approve **Resolution No. 2009-040** entitled a Resolution Certifying the 2009 List of Uncollected Utility Bills and Outstanding Invoices to Wright County for Collection with Real Estate Taxes, and 9.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 ALL G, LLC for Heidi's Brew Wine & Spirits contingent upon passing the Wright County Sheriff Background Check and approval from the Minnesota Department of Alcohol and Gambling.

MOTION BY Council member Sorensen, seconded by Mayor Klecker to approve the November 2, 2009 Consent Agenda that included the three (3) following items: 9.E.1. Authorize the Monday, November 2, 2009 Payment of Claims (bills) for check numbers **027619** to **027653**; 9.E.5. Approve **Resolution No 2009-042** entitled a Resolution Reallocating the Assessment for SAC and WAC charges to Lot 5, Block 1, Shoppes of Towne Lakes II parcel 101-116-001050; 9.G.1. Set Tuesday, November 10, 2009 at 7:00 p.m. as a Special City Council meeting for the purpose of reviewing and approving the Guardian Angels Concept Plan; the following items were pulled requiring a discussion and a separate motion: 9.E.2. Approve **Resolution No. 2009-040** entitled a Resolution Certifying the 2009 List of Uncollected Utility Bills and Outstanding Invoices to Wright County for Collection with Real Estate Taxes, and 9.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 ALL G, LLC for Heidi's Brew Wine & Spirits contingent upon passing the Wright County Sheriff Background Check and approval from the Minnesota Department of Alcohol and Gambling. Motion carried unanimously.

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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 15, 2009

Council accepted the Building Officials Report dated October 15, 2009 as presented.

FINANCE DEPARTMENT

■ *Authorize the Monday, November 2, 2009 Payment of Claims (bills) for check numbers **027619** to **027653***

MOTION BY Council member Sorensen, seconded by Mayor Klecker to authorize the Monday, November 2, 2009 Payment of Claims (bills) for check numbers **027619** to **027653** as presented except the bills specifically pulled, which are passed by separate motion. Motion carried unanimously.

*Approve **Resolution No. 2009-040** entitled a Resolution Certifying the 2009 List of Uncollected Utility Bills and Outstanding Invoices to Wright County for Collection with Real Estate Taxes*

Finance Director Lannes wanted to pull Resolution No. 2009-040 from the November 2, 2009 Consent Agenda to allow anyone from the public an opportunity to question an outstanding balance due to the City prior to being Certified to the 2010 Real Estate Taxes.

There was no one in the audience that disputed an outstanding bill.

MOTION BY Council member Fay, seconded by Council member Sorensen to approve **Resolution No. 2009-040** entitled a Resolution Certifying the 2009 List of Uncollected Utility Bills and Outstanding Invoices to Wright County for Collection with Real Estate Taxes as presented on the Consent Agenda. Motion carried unanimously.

Approve **Resolution No. 2009-034** entitled a Resolution Setting Water Utility Rates, increasing the rate for the water utility as follows effective January 1, 2010: Monthly Rates; 0-3,333 Gallons \$4.13; 3,334-6,667 gal. \$.78 per 1,000 over 3,333; 6,668-11,667 gal. \$.83 per 1,000 over 6,667; Over 11,668 gal. \$.89 per 1,000 over 11,668, AND Approve **Resolution No. 2009-035** entitled a Resolution Setting Sewer Utility Rates, increasing the rate for the sewer utility as follows effective January 1, 2010: Monthly Rates; 0-5,000 Gallons \$17.87; Over 5,000 gal. \$.36 per 1,000

Finance Director Lannes reiterated what was discussed at the October 5 Council meeting in the fact that Albertville has not raised water or sewer rates since 2006 and the intention was to raise rates between 2-3% annually for both rates, which would have resulted in a 6% increase on average on the resident's bill. Since the rates have not been raised since 2006 it creates a larger increase needed today. The rates proposed would create on average a 12% increase in the residents bill.

Lannes gave approximately five (5) examples of proposed utility bills going to a monthly billing and the proposed rate increase. Lannes commented that it is being suggested to offer residents an incentive to set up an ACH payment process and or receiving an e-bill. By signing up for and ACH Payment Process and opting to receive an e-bill the City would save on the cost of paper, ink, envelope, postage, and labor.

Council questioned the discount that would be offered to residents. Council shared the thought of just reducing the rate of increase. Other comments from the Council, was the thought of continuing to dip into the Reserves to pay off the outstanding debt on bonds for upgrading of the Wastewater Treatment Plant and other areas.

Council amended the rates as follows in the motions:

MOTION BY Council member Fay, seconded by Council member Vetsch to approve **Resolution No. 2009-034** entitled a Resolution Setting Water Utility Rates, increasing the rate for the water utility no more than 6% that would be effective January 1, 2010; and re-evaluate the rates in 2010 at which time Council will again decide whether to increase the rates for 2011. Motion carried unanimously.

MOTION BY Council member Fay, seconded by Council member Vetsch to approve **Resolution No. 2009-035** entitled a Resolution Setting Sewer Utility Rates, increasing the rate for the sewer utility no more than 6% that would be effective January 1, 2010; and re-evaluate the rates in 2010 at which time Council will again decide whether to increase the rates for 2011. Motion carried unanimously.

Approve **Resolution No 2009-041** entitled a Resolution Reallocating the Assessment for Downtown Railroad Land Exchange parcel 101-013-001091

Finance Director Lannes reported on the background relating to the Downtown Railroad Land Exchange. Lannes reminded the Council that in November 2008, the City approved assessing the Downtown Railroad Land Exchange charges in the amount of \$3,689 for 11572 57th Street over a 2 year period at an interest rate of 4%. Donatus Vetsch has requested an extension, reallocation, of the remaining assessment balance of \$1,844.50 over the next 2 years at the interest rate of 4%.

MOTION BY Council member Fay, seconded by Council member Sorensen to approve **Resolution No 2009-041** entitled a Resolution Reallocating the Assessment for Downtown Railroad Land Exchange parcel 101-013-001091 (property owner Donatus Vetsch). Mayor Klecker, Council members Fay, Sorensen, and Wagner voted aye. Council member Vetsch abstained from voting.

■ Approve **Resolution No 2009-042** entitled a Resolution Reallocating the Assessment for SAC and WAC charges to Lot 5, Block 1, Shoppes of Towne Lakes II parcel 101-116-001050

MOTION BY Council member Sorensen, seconded by Mayor Klecker to approve **Resolution No 2009-042** entitled a Resolution Reallocating the Assessment for SAC and WAC charges to Lot 5, Block 1, Shoppes of Towne Lakes II parcel 101-116-001050 as presented on the November 2, 2009 Consent Agenda. 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 ALL G, LLC for Heidi's Brew Wine & Spirits contingent upon passing the Wright County Sheriff Background Check and approval from the Minnesota Department of Alcohol and Gambling

City Attorney Couri pulled the application for a 2009-2010 Off-Sale Intoxicating Liquor License for Heidi's Brew Wine & Spirits from the November 2, 2009 Consent Agenda. Couri wanted to share additional information regarding the situation.

Couri noted that the Nelson's are in the process of terminating the lease agreement between Ed Hackenmueller and Rob Nelson. Mr. Hackenmueller currently leases space for the Hack's Liquor Store. Staff has been in contact with Mr. Nelson explaining the situation that the City most likely could not approve two (2) liquor licenses for the same location. Mr. Nelson was encouraged to work things out between him and Mr. Hackenmueller. Once the lease agreement was resolved, staff would like some form of proof before proceed with the process of approving the liquor license.

Council listened to staff and appeared to be hesitant in approving the liquor license until the lease agreement situation was resolved. The following motion was made:

MOTION BY Council member Wagner, seconded by Council member Vetsch to table the New Application for a 2009-2010 Off-Sale Intoxicating Liquor License for ALL G, LLC for Heidi's Brew Wine & Spirits contingent upon Hack's and Heidi's working out the agreement, in which the City would like proof of some type of written agreement between the two business owners, and contingent upon passing the Wright County Sheriff Background Check and approval from the Minnesota Department of Alcohol and Gambling. Motion carried unanimously.

CITY COUNCIL

☛ Set Tuesday, November 10, 2009 at 7:00 p.m. as a Special City Council meeting for the purpose of reviewing and approving the Guardian Angels Concept Plan

MOTION BY Council member Sorensen, seconded by Mayor Klecker to set Tuesday, November 10, 2009 at 7:00 p.m. as a Special City Council meeting for the purpose of reviewing and approving the Guardian Angels Concept Plan.

Oral Update on the Joint Powers Water Board meeting

Mayor Klecker gave an update on the Joint Powers Water Board meeting, in which the majority of the meeting focused on the Laundromat. Joint Powers is doing their best to encourage the owner, Mr. Jones, to pay a minimal amount of \$200 each month. Klecker stated the conversation went back-n-forth with the potential that the balance of the outstanding utility bill will be certified to the real estate taxes.

PLANNING AND ZONING

Adopt **Resolution No. 2009-043** entitled a Resolution requiring the installation of a fence along the property line of the 152 Club and Geez Sports Bar and Grill

City Planner Brixius began with the comment that the City approved an outdoor dining conditional use permit for Geez Sports Bar and Grill in July of 2007 and an outdoor dining and recreational activity conditional use permit for 152 Club in July of 2008. Both were approved based on the condition that the permits would be re-evaluated within one year to determine if any nuisance issues were occurring.

Since the approvals there have been complaints with key issues: Noise complaints during special events – may have been due to the directions the speakers were facing; Headlight glare

into homes; Dust nuisances; Inappropriate driving (donuts) within the gravel parking area, which flings mud onto privately-owned buildings; Inappropriate activity on private property; Bar customers accessing the establishments via private property; Suggest the city review the special event setups prior to the events in order to enforce requirements; and, Suggest a fence to separate residential from commercial properties.

Brixius concluded that in accordance with Resolution 2007-66, approving a CUP for Geez Sports Bar and Grill, and Resolution 2008-035, approving a CUP to re-establish the existing outdoor dining and outdoor recreation activities at the 152 Club, the Planning Commission re-evaluated the CUPs for nuisance issues at their October meeting. The Planning Commission recommended that the City Council require the installation of a 6-foot high board-on-board fence along the property line of Geez Sports Bar and Grill and 152 Club, subject to the following conditions:

1. the fence shall extend from the existing Geez Sports Bar and Grill's outdoor patio fence east 25 feet beyond the current improved parking areas;
2. the two establishments shall have a fence installation under contract by March 15, 2010;
3. the fence installation shall be reviewed in conjunction with the liquor license reviews in April;
4. the fence shall be installed by June 1, 2010; and
5. the City shall consider options to alleviate the financial burden on Geez and the 152 Club.

Council agreed with the Planning and Zoning Commission with working with Mr. Gentile to give some assistance with the cost for the installation of the fence.

Initial motion by Council member Wagner, seconded by Council member Fay to adopt (approve) **Resolution No. 2009-043** entitled a Resolution requiring the installation of a fence along the property line of the 152 Club and Geez Sports Bar and Grill and offer the ability to assess the associated cost of the fence installation over a 2-3 year period.

MOTION BY Council member Wagner, seconded by Council member Fay to adopt (approve) **Resolution No. 2009-043** entitled a Resolution requiring the installation of a fence along the property line of the 152 Club and Geez Sports Bar and Grill as amended to include language within the Resolution to assist the business owners with the cost(s) associated with the installation of the fence between the commercial property and the residential property. Motion carried unanimously.

*Zoning Ordinance Amendment(S) – “54th Street NE Redevelopment Standards”: Adopt **Ordinance No. 2009-017 (Amendment #1)** entitled an Ordinance amending the following Sections: 3250.6 (Lot Requirements and Setbacks); 3300.6 (Lot Requirements and Setbacks); 3400.5 (Lot Requirements and Setbacks); 3500.5 (Lot Requirements and Setbacks); 3600.5 (Lot Requirements and Setbacks); 3700.5 (Lot Requirements and Setbacks); 3800.5 (Lot*

Requirements and Setbacks); 3900.5 (*Lot Requirements and Setbacks*); and 4000.5 (*Lot Requirements and Setbacks*) of the Albertville Zoning Ordinance (Appendix A) of the 2005 Albertville Municipal Code relating to reducing the required front yard setbacks in the residential zoning districts; Adopt **Ordinance No. 2009-018 (Amendment #2)** entitled an Ordinance amending Section 1100.5 (Yards) of the Albertville Zoning Ordinance (Appendix A) of the 2005 Albertville Municipal City Code, relating to allowed yard encroachments; Adopt **Ordinance No. 2009-019 (Amendment #3)** entitled an Ordinance amending Section 1000.23 (Two-Family, Townhouse, Quadraminium, Multiple-Family Uses) of the Albertville Zoning Ordinance (Appendix A) of the 2005 Albertville Municipal City Code, relating to remodeling, renovating, and improving existing structures

City Planner Brixius began by stating on August 3, 2009 the City Council was notified that a resident applied for a building permit to construct 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. As an outcome of the August 3, 2009 Council meeting, staff was directed 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.

Brixius informed the Council that during staff discussion it spurred comments among staff concerning the possibility of providing greater flexibility for building renovations or expansions in older neighborhoods of the community. Staff is interested in offering an opportunity to expand the building envelope, while maintaining a continuity of design throughout Albertville neighborhoods. Therefore, the following Ordinance amendments are being proposed:

- I) Front and side yard setback reductions for residential districts;
- II) Entryway encroachments into setbacks; and
- III) Townhome redevelopment standards.

Brixius continued by explaining that reducing the front yard setback FROM 35 feet to 30 feet (for single and two-family units) still allows adequate room for two vehicles to be parked in tandem in the driveway and still remain about 10 feet from the curb. And applying a 35 foot setback to all multiple-family dwelling units would help these buildings minimize their impact on the views from the rights-of-way and surrounding neighborhood.

Brixius went on to comment that adding the following language would add accessibility ramps and decks to the list of items that are not considered encroachments on yard setbacks; changes “ground floor level” to “first-floor entry” for clarification purposes; clarifies the language regarding homes versus add-on entryways built prior to January 1, 1989.

The last section to be amended deals with adding standards for maintaining continuity in architectural design finishes and features for existing two-family, townhouse, and multiple-family dwellings

Council expressed concerns with the amendments as it appears it will affect all of Albertville. The initial thought dealt with the homes along 54th Street NE between Barthel Industrial Drive NE and Main Avenue NE.

Staff commented that it reviewed the potential of updating the 2005 Albertville City Code so that it would be uniform throughout the City.

MOTION BY Council member Wagner, seconded by Council member Sorensen to adopt (approve) **Ordinance No. 2009-017 (Amendment #1)** entitled an Ordinance amending the following Sections: 3250.6 (Lot Requirements and Setbacks); 3300.6 (Lot Requirements and Setbacks); 3400.5 (Lot Requirements and Setbacks); 3500.5 (Lot Requirements and Setbacks); 3600.5 (Lot Requirements and Setbacks); 3700.5 (Lot Requirements and Setbacks); 3800.5 (Lot Requirements and Setbacks); 3900.5 (Lot Requirements and Setbacks); and 4000.5 (Lot Requirements and Setbacks) of the Albertville Zoning Ordinance (Appendix A) of the 2005 Albertville Municipal Code relating to reducing the required front yard setbacks in the residential zoning districts. Council members Wagner, Sorensen, and Fay voted aye. Mayor Klecker and Council member Vetsch voted nay. Motion carried.

MOTION BY Council member Wagner, seconded by Council member Sorensen to adopt (approve) **Ordinance No. 2009-018 (Amendment #2)** entitled an Ordinance amending Section 1100.5 (Yards) of the Albertville Zoning Ordinance (Appendix A) of the 2005 Albertville Municipal City Code, relating to allowed yard encroachments. Council members Wagner, Sorensen, and Fay voted aye. Mayor Klecker and Council member Vetsch voted nay. Motion carried.

MOTION BY Council member Wagner, seconded by Council member Sorensen to adopt (approve) **Ordinance No. 2009-019 (Amendment #3)** entitled an Ordinance amending Section 1000.23 (Two-Family, Townhouse, Quadraminium, Multiple-Family Uses) of the Albertville Zoning Ordinance (Appendix A) of the 2005 Albertville Municipal City Code, relating to remodeling, renovating, and improving existing structures. Motion carried unanimously.

*Adopt **Ordinance No. 2009-020** entitled an Ordinance Amending Chapter 1800 (Land Filling Operations) and Section 1900 (Land Excavation/Grading) of the Albertville Municipal City Code, Relating to Land Filling and Excavation/Grading Regulations (continued from October 5, 2009)*

City Planner Brixius reminded the Council that staff prepared and presented a draft Ordinance amending for the October 5, 2009 regular Council meeting. Staff was directed to revise the Ordinance to allow smaller landfilling – land excavating jobs to be approved via an Administrative Permit.

Brixius then reported that before the Council this evening was a revised Ordinance amendment dealing with the discussion from a few years ago reducing the cubic yards of landfilling and or land excavating amount from 50-cubic yards to 20-cubic yards. In the interim the Building Official and City Engineer reviewed the Chapters in further detail and made additional recommendations.

Staff has taken the Building Official and City Engineer's additional comments and included them in the revised Ordinance amendment to Chapters 1800 and 1900 of Appendix A (Zoning Ordinance) of the 2005 Albertville Municipal City Code.

There were no additional comments from the Council.

MOTION BY Council member Wagner, seconded by Council member Sorensen to adopt (approve) **Ordinance No. 2009-020** entitled an Ordinance Amending Chapter 1800 (Land Filling Operations) and Section 1900 (Land Excavation/Grading) of the Albertville Municipal City Code, Relating to Land Filling and Excavation/Grading Regulations (continued from October 5, 2009). Motion carried unanimously.

*Adopt **Ordinance No. 2009-024** entitled an Ordinance amending Section 10-7-6 (Advertising Devices) of the Sign Regulations (Chapter 7) of the 2005 Albertville Municipal City Code, relating to prohibiting advertising devices on roofs*

City Planner Brixius stated that at a previous Council meeting staff was directed to amend the 2005 Albertville City Code relating to signage. Brixius went on to explain that during the recent I-94 Land Acquisition Study, a discussion ensued regarding the possibility of billboards being placed on rooftops.

City Attorney Couri thought the discussed addressed having signage protruding from the side of a building also.

Council encouraged staff to amend the Ordinance to address signage that might protrude from other areas of a building.

MOTION BY Council member Sorensen, seconded by Council member Wagner to adopt (approve) **Ordinance No. 2009-024** entitled an Ordinance amending Section 10-7-6 (Advertising Devices) of the Sign Regulations (Chapter 7) of the 2005 Albertville Municipal City Code, relating to prohibiting advertising devices on roofs including the City Planner's comments regarding billboards jetting out from other areas besides the roof. Mayor Klecker, Council members Sorensen, Wagner, and Fay voted aye. Council member Vetsch voted nay.

Adopt the **Comprehensive Plan Amendments (Exhibits I-1 through I-5)** to the 1996-1997 Albertville Comprehensive Plan, relating to the Northwest Land Use Study

City Planner Brixius reported that Albertville adopted its Comprehensive Plan in 1996 as a land use and investment guide for future development. This plan serves as the blueprint for Albertville's community development. As the City has grown, it has processed a number of Comprehensive Plan amendments reflective of the changing economy, available markets, as well as physical changes within the City.

Brixius went on to explain that the intent of the Northwest Land Use Study/Comprehensive Plan Amendment is to re-examine the land uses, transportation, and utility components to identify the best land use patterns and highest return on public investment within northwestern Albertville. The Comprehensive Plan amendments involve the I-94 Project, expanding CSAH 19 North from the Albertville Premium Outlets to 70th Street NE and beyond.

Brixius pointed out that in 1996, the City favored industrial land uses northwest of the outlet mall, questioning whether the City had an oversupply of commercially-guided land to address market demand. With the success and expansion of the outlet mall, along with anticipated future transportation improvements, suggests that Albertville may wish to provide some flexibility in land uses within the vacant properties of northwestern Albertville to take advantage of improved access to this area of the City. The City wants to re-examine its long range land use planning for the areas and re-guide the area that will provide the strongest land uses and greatest economic return on public investment.

The following changes are proposed for the Comprehensive Plan:

- Amendment to the City-wide Proposed Land Use Plan, dated 3-24-04 – Addition of Amendments to Planning District Seven Text – Addresses the land use and planning recommendations for the northwest corner of Albertville (Exhibit I-1)
- Amendment to Planning District Map – Adjustment of boundary between Planning District 1 and 7 (Exhibit I-2)
- Addition of a Transportation Plan – Proposed Roads and Intersections (Exhibit I-3)
- Amendment to City-wide Proposed Land Use Plan, dated 03-24-04 – Addition of *Business Park* land use designation and removal of *Industrial* land use designation in the Northwest Land Use Study area (Exhibit I-4)
- Amendment to Planning District Seven Map (Exhibit I-5)

Council member Vetsch expressed concerns with changing the NW corner from what the guided zoning of industrial to a proposed amended land use of business.

MOTION BY Council member Wagner, seconded by Council member Sorensen to adopt (approve) the **Comprehensive Plan Amendments** that includes **Exhibits I-1 through I-5** to the 1996-1997 Albertville Comprehensive Plan, relating to the Northwest Land Use Study with the recommendation that staff will prepare a resolution adopting or approving the exhibits. Mayor

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Klecker, Council members Wagner, Sorensen, and Fay voted aye. Council member Vetsch voted nay. Motion carried.

ENGINEERING

Accept the City Engineer's Project Status Report dated October 29, 2009

Council accepted the City Engineer's project status report dated October 29, 2009 as presented.

LEGAL

Approve Addendum to Standard General Conditions of the Construction Contract and Petition to Complete Water Line Installation, Towne Lakes 6th Addition

City Attorney Couri informed that Council that the City has previously approved contract documents for the installation of a watermain in Towne Lakes Sixth Addition, as well as an Agreement with M&I Bank to reimburse the City for these costs. Subsequent to that approval, M&I has requested an Addendum to the construction contract and a different form of agreement with the City than that approved at the last meeting.

MOTION BY Council member Vetsch, seconded by Council member Fay approve Addendum to Standard General Conditions of the Construction Contract, Petition to Complete Water Line Installation, Towne Lakes 6th Addition, and Contractor Property Developers Co.-Towne Lakes 6th Addition Letter of Credit 6512-117. Motion carried unanimously.

ADMINISTRATION

Accept the City Administrator's Written Report dated October 29, 2009

Council accepted the City Administrator's written report dated October 29, 2009 as presented in the November 2, 2009 Council packet.

ANNOUNCEMENTS and or UPCOMING MEETINGS

Mayor Klecker acknowledged the upcoming meetings and calendar of events, noting that the Joint Powers Water Board meeting for December should be changed from the 26th to the 28th.

November 2009

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**

MOTION TO CLOSE THE REGULAR CITY COUNCIL MEETING TO GO INTO A CLOSED SESSION (allow 5 minutes to clear Council Chamber)

MOTION BY Council member Sorensen, seconded by Council member Fay to close the November 2, 2009 regular City Council meeting at 9:35 p.m. to go into a closed session to discuss the CSAH 19 Assessment – City of Albertville vs. Psyk case, in which the City Attorney will update the City Council on the Court Ruling.

MOTION TO RECONVENE THE REGULAR CITY COUNCIL MEETING

MOTION BY Council member Vetsch, seconded by Council member Sorensen to reconvene the Monday, November 2, 2009 regular City Council meeting at 10:12 p.m.

MOTION IF NECESSARY TO TAKE ACTION ON CLOSED SESSION DISCUSSION

MOTION BY Council member Sorensen, seconded by Council member Wagner to prepare and submit a request to the court for the City's cost and expenses associated with the CSAH 19 Assessment Appeal on the Psyk property. Mayor Klecker, Council members Sorensen, and Wagner voted aye. Council members Vetsch and Fay voted nay. Motion carries.

ADJOURNMENT

MOTION BY Council member Sorensen, seconded by Council member Fay to adjourn the Monday, November 2, 2009 regular City Council meeting at 10:13 p.m. Motion carried unanimously.

Bridget Miller, City Clerk (recording secretary)