



**ALBERTVILLE CITY COUNCIL  
NOVEMBER 16, 2009  
MINUTES**

**ALBERTVILLE CITY HALL**

**7:00 PM**

**PLEDGE OF ALLEGIANCE – CALL TO ORDER**

The November 16, 2009 regular City Council meeting was called to order by Mayor Klecker at 7:00 p.m. who led the public 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 Attorney Mike Couri, City Engineer Adam Nafstad, Assistant City Planner Carie Fuhrman, City Administrator Larry Kruse, Public Works Supervisor Tim Guimont, and City Clerk Bridget Miller

**ABSENT:** none

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

**CITIZEN FORUM**

Mayor Klecker acknowledged there were a few members in the audience that had topics to discuss that were not on the agenda.

First up were Cecelia Shettel and Renee Bartholome who were 17-year old residents commenting on the Full Moon Saloon. The girls pointed out that the establishment holds Karaoke on Thursday evenings, in which the back-door is prompted open. The rather loud sound carries from the establishment to their homes where they are trying to sleep so that they can get up for school in the morning.

Other comments the girls shared was the deck or ramp that was constructed. The girls wanted to know if the owner was allowed to have the deck/ramp? Was a permit required to construct the structure? If yes, was a permit submitted and approved by the City? Were inspections done? Are the customers allowed to bring their alcoholic beverage onto the deck/ramp? The girls have both witnessed a rather large crowd congregating on the deck/ramp, which makes you wonder how many people can the deck/ramp hold.

Ms. Shettel went on to inform the Council that she has noticed beer bottles and other paraphernalia on their property that is most likely from the customers that visit the Full Moon Saloon. Ms. Shettel and Ms. Bartholome wanted to know if the Council was going to do anything about the establishment. It was noted that this was not the first time residents have come before the Council complaining about the Full Moon Saloon establishment.

James Lang of 11571 57<sup>th</sup> Street NE was invited to the podium to speak to the Mayor and Council members. Mr. Lang wanted to bring to the Council's attention the fact that the Full Moon Saloon and Bar had Chippendale Dancers on Sunday, November 8. Mr. Lang provided paper copies of the Minnesota State Statute that such events shall not take place on Sundays.

City Council directed City Attorney Couri to prepare and send a letter to Full Moon Saloon and Bar informing Mr. Mabusth of the violation(s) that have been occurring within his establishment. It will include the handicap-deck that was constructed without a building permit. City Attorney Couri was not certain how to go about the liquor aspect of the comments, in which customers go outdoors for a cigarette because of the 'Clean Air Act' that went into effect in October 2008. Couri was unable to figure out how to go about monitoring the customers that would purchase an alcohol beverage within the Full Moon Saloon then exit the rear door to have a cigarette. Couri came to the conclusion that there appears to be causable evidence that the City could deny the approval of the Renewal of the Liquor License when it comes before the Council in March 2010.

Council then directed staff in addition to sending a letter to work with the residents to review and put together a written notice and a plan as to how to proceed with the recent and prior complaints against the Full Moon Saloon.

Residents inquired as to how long the process will take, which Couri commented it could be January 2010 before the City would have to retrieve the data and then to allow for a public hearing that would allow the owner sufficient notice. Couri reiterated what will take place. Staff will collect and put together the list of violation that will include backup documentation or evidence that will be presented to the Council. Upon reviewing the information the Council will then set a date to hold a public hearing.

**AMENDMENTS TO THE AGENDA**

The following amendments were made to the agenda:

Add: 8.B.2. Public Works – Treatment Plant Ponds (odor)  
8.J.2. Acquisition Appraisals for CSAH 19 and Assessment Appraisals  
8.K.1 Tattoo Parlors

Remove: 8.J.1. I-94 Nagell Final Appraisal

**MOTION BY** Council member Wagner, seconded by Council member Sorensen to approve the Monday, November 16, 2009 regular City Council agenda to include the following amendments:

Add: 8.B.2. Public Works – Treatment Plant Ponds (odor)  
8.J.2. Acquisition Appraisals for CSAH 19 and Assessment Appraisals  
8.K.1 Tattoo Parlors

Remove: 8.J.1. I-94 Nagell Final Appraisal

Motion carried unanimously.

**MINUTES**

*November 2, 2009 regular City Council minutes*

The following motion was mis-interpreted:

**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. Council members Sorensen and Wagner voted aye. Mayor Klecker, Council members Vetsch and Fay voted nay. Motion dies.

Mayor Klecker confirmed that he voted aye. Therefore, the Motion carried.

**MOTION BY** Council member Sorensen, seconded by Council member Fay to approve the Monday, November 2, 2009 regular City Council minutes as amended, 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 six (6) items listed on the Consent Agenda, in which the following were pulled for further discussion.

- 8.B.1. Approve the purchase of a second hockey rink in the amount of \$11,621
- 8.E.2. Authorizing the purchase of two defibrillators for the City Hall Kitchen with funds from a previous donation from the Lion's and CenterPoint Energy Grant
- 8.E.4. Authorizing the purchase of two commercial microwaves for the City Hall Kitchen with funds from a previous donation from the Lion's
- 8.E.5. Authorizing to designate \$2,000 City Hall table replacement with funds from a previous donation from the Lion's

**MOTION BY** Council member Fay, seconded by Council member Sorensen to approve the two (2) remaining items on the November 16, 2009 Consent Agenda that included: 8.E.1. Authorize the Monday, November 16, 2009 Payment of Claims (bills) for check numbers **027655** to **027704**; and 8.E.3. Approve Resolution No. 2009-043 entitled a Resolution Accepting a Policy to Allow Payment Before Council Authorization. Motion carried unanimously.

## **DEPARTMENT BUSINESS**

**FIRE DEPARTMENT** – no comments

### **PUBLIC WORKS DEPARTMENT**

*Approve the purchase of a second hockey rink in the amount of \$11,621 (item pulled from Consent Agenda)*

Public Works Supervisor Guimont reported that the Youth Hockey Association is willing to pay or donate \$3,000 and the Lions' are willing to donate \$5,000 towards the purchase of an additional Outdoor Hockey Rink. The second outdoor hockey rink will be half the size of the current rink and will be location near the open area. The boards will be the same height as the current structure.

**MOTION BY** Council member Wagner, seconded by Council member Vetsch to approve the purchase of a second hockey rink with a cost not to exceed \$11,621 with the Albertville Lions requested to cash the Certificate of Deposit so a portion could be donated towards the purchase and construction of a second outside hockey rink (\$5,000); the remaining balance would come from the funded by the General Fund that has an estimated balance of \$20,000. Motion carried unanimously.

*Public Works – Treatment Plant Ponds (odor)*

Council member Wagner asked for a brief update on the ponds, which there was not too much to report except for the ponds are okay.

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

**BUILDING DEPARTMENT – no comments**

**FINANCE DEPARTMENT**

■ *Authorize the Monday, November 16, 2009 Payment of Claims (bills) for check numbers 027655 to 027704*

**MOTION BY** Council member Fay, seconded by Council member Sorensen to authorize the Monday, November 2, 2009 Payment of Claims (bills) for check numbers Monday, November 16, 2009 Payment of Claims (bills) for check numbers **027655** to **027704** except the bills specifically pulled, which are passed by separate motion. Motion carried unanimously.

*Authorizing the purchase of two defibrillators for the City Hall Kitchen with funds from a previous donation from the Lion's and CenterPoint Energy Grant (item pulled from Consent Agenda)*

City Administrator Kruse noted that the City of Albertville received a matching grant from Centerpoint energy in the amount of \$2,500 to purchase defibrillators for City Hall. Staff has not purchased them due to the need of the matching \$2,500. The Lions donated \$10,000 to the City of Albertville a number of years ago for a Community Center. The \$10,000 has been invested in a Certificate of Deposit until October 31, 2009. Recently, the Albertville Lions has requested that the CD be cashed and applying \$2,500 designated towards the purchase of the defibrillators.

**MOTION BY** Council member Wagner, seconded by Council member Sorensen to authorize the purchase of one (1) defibrillator for City Hall with funds from a previous donation from the

Albertville Lions and CenterPoint Energy Grant with the remaining balanced reserved for the purchase of a second defibrillator in the future. Motion carried unanimously.

■ *Approve Resolution No. 2009-044 entitled a Resolution Accepting a Policy to Allow Payment Before Council Authorization*

**MOTION BY** Council member Fay, seconded by Council member Sorensen to approve Resolution No. 2009-044 entitled a Resolution Accepting a Policy to Allow Payment Before Council Authorization. Motion carried unanimously.

(Resolution No. 2009-043 was previously used; therefore, the Resolution Accepting a Policy to Allow Payment Before Council Authorization was renumbered Resolution No. 2009-044.)

*Authorizing the purchase of two commercial microwaves for the City Hall Kitchen with funds from a previous donation from the Lion's (item pulled from Consent Agenda)*

City Administrator Kruse brought up the fact that the Lions donated \$10,000 to the City of Albertville a number of years ago for a Community Center. The \$10,000 has been invested in a Certificate of Deposit until October 31, 2009. The Lions requested the Certificate of Deposit be cashed in so they could donate some of the funds to the outside hockey rink (\$5,000). The cost for two commercial microwaves is an estimated \$2,000; replace the damaged coffee pot for \$100, a commercial serving/utility cart for \$1,000.

Kruse went on to note that there has been a need for a microwave since 2007 and the perk-o-later coffee pots and various other smaller kitchen equipment were donated by non-profit organizations.

**MOTION BY** Council member Fay, seconded by Council member Vetsch to authorize the purchase of one (1) commercial microwave for the City Hall Kitchen with fund from a previous donation for the Albertville Lion's and reserve the fund for the purchase of a second microwave at a later date. Motion carried unanimously.

*Authorizing to designate \$2,000 City Hall table replacement with funds from a previous donation from the Lion's (item pulled from Consent Agenda)*

City Administrator Kruse shared the last items with the comments once again about the fact that the Lions donated \$10,000 to the City of Albertville a number of years ago for a community center. The \$10,000 has been invested in a Certificate of Deposit until October 31, 2009. The Lions requested the Certificate of Deposit be cashed in so they could donate some of the funds to the outside hockey rink (\$5,000). The currently is not a fund to replace the tables at as needed, the \$2,000 designation would help with future capital replacement of the tables.

**MOTION BY** Council member Wagner, seconded by Council member Sorensen to authorize to designate \$2,000 from previous funds donated from the Albertville Lion's towards the purchase of replacement tables for City Hall with the slightly damaged tables being used to replace damaged ones within Central-City Park. Motion carried unanimously.

**CITY CLERK** – no comments

#### **CITY COUNCIL**

*Discuss whether to hold the December 21 regular Council meeting*

Council wanted to table the potential of cancelling the December 21, 2009 until the December 7, 2009.

**PLANNING AND ZONING** – no comments

#### **ENGINEERING**

*I-94 Interchange / CASH 19 Project (discussion outline attached)*

City Engineer Nafstad noted that the City has an acquisition appraisal in hand for property located along I-94 that would be used for the I-94 Ramp Improvement. Staff is asking the Council to place the review of the Appraisal to the Monday, December 7, 2009 City Council agenda.

Nafstad brought up the fact that the strategic area is the funding of the project. 'How does the City proceed with the I-94 Improvement?' and 'Where does the funding come from?'

Nafstad reported that staff is aware that the City is not going to be able to fund the entire project by itself. It is apparent that the County is not able to fund the CSAH 19 Project either. It is unknown if the combination of both the City and County will be able to fund the Project.

Staff is recommending holding the Improvement Hearing is a necessary step in the process. Putting together the Plans and Specifications and Ordering the Improvement is beneficial. Staff noted that even though the process is being conducted or planned; when it comes down to it the Council could decide not to proceed with the project because of the cost or other concerns. It was noted that with the outcome of the appraisals, the City will have a better idea of what the benefit will be for the property or properties north of 70th Street NE located in Otsego.

Staff looked to the Council for direction to acquire survey fees for the Land Acquisition for right-of-way. City Attorney Couri demonstrated the properties the City would need to acquire for right-of-way, which were select properties along CSAH 19. There were twelve properties staff noted, which included Albertville Premium Outlets Phase Two and Three, Albertville Crossing (Major's), Parkside Commercial (near Casey's), Albertville (Culvers), Knecht/City property, Field Plaza (Space Aliens), Shoppes at Town Lakes One, Shoppes at Town Lakes Two, Shoppes at Town Lakes Three, Fay property, and Darkenwald property. (see list included in the motion)

Couri reviewed how staff prepared the CSAH 19 South Assessment Roll. The City appraised various properties and based on the appraisal set the Tier Level, in which staff was able to base the values and calculate the Assessments accordingly. With the CSAH 19 Assessment Appeals, the Court System felt the way the City reviewed the appraisals and set the assessment amounts was fair. Staff brought up the fact that this project or projects will be a little more complicated or difficult to work with but staff will do their best.

Wally O'Dell asked to speak before the Council regarding the proposed I-94 Project, in which Mr. O'Dell informed the Council that he spoke before the Wright County Board letting them know that the Cities need the County's help. O'Dell has lived in the area for 25-years, he feels Otsego would be supportive.

O'Dell recommended adding item D. Organize Community Support to the outline along with adding - Take the initiative to get or obtain Community Support.

Next to speak on the I-94 Project was John Darkenwald who has a feeling that the bids should come through positively. Darkenwald shared with the Council that he is support to do whatever he may be able to do to assist the City in proceeding.

Council expressed concern with the fact that if the City proceeds with a combination project when obtaining the appraisals at some point along the way would the City or staff be able to separate the amounts to calculate the assessments for each project.

**MOTION BY** Council member Wagner, seconded by Council member Sorensen to move forward with the acquisition appraisals and assessment appraisals as follows:

<u>Assessment Appraisals</u>	<u>Cost</u>
Darkenwald Property	\$1,500
Fay Property	\$1,500
West Outlet Mall	\$4,500
East Outlet Mall	\$3,500
Knechtl Property	\$1,500
D. Michael B's	\$2,500
Perkins	\$2,500

SE Corner of 70 <sup>th</sup> St. and CSAH 19	\$1,500
Culvers Property	\$2,500
Sherwin Williams Property	\$2,500
Beaudry Property	\$1,500
Space Aliens	\$2,500

<u>Acquisition Appraisals</u>	<u>Cost</u>
Fay Property	\$1,500
Omann Brothers Property	\$1,500
Voight Property	\$1,500
Stangler Property	\$1,500

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

**MOTION BY** Council member Wagner, seconded by Council member Sorensen to approve the cost not to exceed \$9,500 to hire a surveyor for the right-of-way acquisition. Mayor Klecker, Council members Wagner, Sorensen, and Fay voted aye. Council member Vetsch opposed. Motion carried.

#### **LEGAL**

*I-94 Nagell Final Appraisal (discussion and possibly distributed)*

City Attorney Couri asked to have the item removed from the agenda.

#### **ADMINISTRATION**

*Tattoo Parlors*

There was discussion and concern from the Council about the potential of a Tattoo Parlor opening up in Albertville. Council directed staff to prepare an Ordinance placing a moratorium on Tattoo Parlors.

**MOTION BY** Mayor Klecker, seconded by Council member Fay to have staff prepare an ordinance for a moratorium on tattoo parlors.

**ANNOUNCEMENTS and or UPCOMING MEETINGS**

Mayor Klecker acknowledged the upcoming meetings and calendar of events, noting that the joint Cities and School Board meeting set for Monday, November 30 was cancelled.

**November 2009**

- 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**
- 28 6:00 p.m. Joint Powers Water Board meeting**
- 31 1:30 p.m. New Year’s Day observed – City offices closing early**

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**January 2010**

- 1 all day New Year’s Day observed – City–PW offices closed**
- 4 7:00 p.m. City Council meeting**
- 11 6:00 p.m. STMA Ice Arena Board meeting**
- 12 7:00 p.m. Planning and Zoning Commission meeting**
- 18 all day Martin Luther King Day observed – City–PW offices closed**
- 19 7:00 p.m. City Council meeting TUESDAY**
- 25 6:00 p.m. Joint Powers Water Board meeting**
- 25 7:00 p.m. Committee of the Whole Workshop (tentative)**

**ADJOURNMENT**

**MOTION BY** Council member Sorensen, seconded by Council member Wagner to adjourn the Monday, November 16, 2009 regular City Council meeting at 8:48 p.m. Motion carried unanimously.

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Bridget Miller, City Clerk (recording secretary)