



**ALBERTVILLE CITY COUNCIL
DECEMBER 7, 2009
MINUTES**

ALBERTVILLE CITY HALL

7:00 PM

PLEDGE OF ALLEGIANCE – CALL TO ORDER

The December 7, 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

ABSENT: City Clerk Bridget Miller

RECOGNITIONS – PRESENTATIONS – INTRODUCTIONS – no comments

MINUTES

November 10, 2009 regular City Council minutes

MOTION BY Council member Vetsch, seconded by Council member Sorensen to approve the Monday, November 10, 2009 Special 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.

November 16, 2009 regular City Council minutes

MOTION BY Council member Sorensen, seconded by Council member Fay to approve the Monday, November 16th, 2009 Special 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

None

AMENDMENTS TO THE AGENDA

The following amendments were made to the agenda:

Closed Session – City Attorney Mike Couri requested to add a closed Council session to discuss the Lamar Billboard litigation following the end of tonight’s meeting.

MOTION BY Council member Sorensen, seconded by Council member Vetsch to approve the Monday, December 7, 2009 regular City Council agenda adding a closed meeting following tonight’s regular business to discuss Lamar Billboard litigation. 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 that are: 8.B.1 Public Works – Accept Resignation from Laura Kastner from the Parks Committee 8.B.2. Pubic Works – Appoint Andy Swanson to the Park Committee; 8.E.1. Finance – Approve Semi-monthly Payment of Claims (bills); 8.E.2; Finance – Approve a Resolution accepting STMA Youth Baseball \$500 Donation 8.E.3. Finance – Adopt a Resolution Setting Various Fees; 8.F.1. City Clerk – Approve a Resolution Setting 2010 Official Holidays.

MOTION BY Council member Wagner, seconded by Council member Fay to approve the

December 7, 2009 Consent Agenda that includes the three (3) following items: 8.B.1 Public Works – Accept Resignation from Laura Kastner from the Parks Committee with regrets 8.B.2. Pubic Works – Appoint Andy Swanson to the Parks Committee; 8.E.1. Finance – Approve Semi-monthly Payment of Claims (bills); and removing the following three (3) items from the Consent Agenda: 8.E.2. Finance – Resolution accepting STMA Youth Baseball \$500 Donation 8.E.3. Finance – Resolution Setting Various Fees; 8.F.1. City Clerk – Resolution Setting 2010 Official Holidays, which will be discussed during the general order of business and a separate motion will be made. Motion carried unanimously.

DEPARTMENT BUSINESS

FIRE DEPARTMENT – none

PUBLIC WORKS DEPARTMENT –

☛ *Accept Lauren Kastners' resignation from the Parks and Recreation Committee*

MOTION BY Council member Wagner, seconded by Council member Fay to accept with regrets Lauren Kastner's resignation from the Parks and Recreation Committee effective December 2009.

☛ *Appoint Andy Swanson to serve on the Parks and Recreation Committee*

MOTION BY Council member Wagner, seconded by Council member Fay to accept the Parks and Recreation Committee's recommendation to appoint Andy Swanson who resides at 10503 64th Lane NE in Albertville to fill the vacancy on the Albertville Parks and Recreation Committee position previous held by Lauren Kastner effective December 2009.

UTILITIES DEPARTMENT (WWTP) – none

BUILDING DEPARTMENT

Accept the Building Official's Report dated December 2, 2009

Council accepted the Building Officials Report dated December 2, 2009 as presented.

FINANCE DEPARTMENT

☛ *Authorize the Monday, December 8, 2009 Payment of Claims (bills) for check numbers **027711 to 027765***

MOTION BY Council member Sorensen, seconded by Mayor Klecker to approve the Monday, December 7, 2009 Payment of Claims (bills) for check numbers **027711 to 027765** as presented except the bills specifically pulled, which are passed by separate motion. Motion carried unanimously.

*Approve **Resolution No. 2009-045** entitled a Resolution Acknowledging Donation from the STMA Youth Baseball.*

Council member Wagner pulled this item from the Consent Agenda wanting to know more about the \$500 donation, wondering if it was dedicated towards anything specific. City Administrator Kruse stated the money was a check lost last year and recently found by the Youth Baseball Association. The money is not dedicated towards anything specific, and funds will be used to fund the maintenance of the fields. Wagner asked if Finance Director Lannes could report back with ball field maintenance cost as he is curious about how much is spent on this. Lannes agreed to bring back those amounts. Kruse reported the Association is finalizing their 2009 year end and anticipates making similar donation for 2009.

MOTION BY Council member Vetsch, seconded by Fay to adopt **Resolution Number 2009-45** entitled A resolution acknowledging a \$500 donation from STMA Youth Baseball Organization for 2008. Motion carried unanimously.

*Approve **Resolution No. 2009-046** entitled a Resolution Setting Various Fees for Services*

A list of fees and charges for municipal services was presented to the City Council. Other than a Utility increase, no other fees have been increased.

MOTION BY Council Member Wagner, seconded by Council member Fay to approve Resolution No. 2009-046 entitled a Resolution Setting Various fees for Services. Motion carried unanimously.

Mayor Klecker stated the required Public Hearing on the budget and levy was completed and asked for other comments. Hearing none asked for a motion on the 2010 Final Budget and Levy.

2010 FINAL BUDGET

MOTION BY Council member Wagner, seconded by Council member Sorensen to approve a resolution entitled A Resolution Adopting the 2010 Final Budget in the amount of \$2,979,997 as on file in the office of the City Clerk. Motion carried with Council member Vetsch voting nay.

2010 FINAL LEVY

MOTION BY Council member Wagner, seconded by Council member Sorensen to approve a resolution entitled A Resolution Adopting the 2009 Final Property Tax Levy, taxes payable 2010, in the amount of \$2,939,755. Motion carried with Council member Vetsch voting nay.

CITY CLERK

2010 OFFICIAL HOLIDAY SCHEDULE

The Council reviewed the 2010 Holiday schedule. Council member Vetsch questioned the 10 hour Holiday schedule and requested a further explanation. City Administrator Kruse stated employees working four (4) 10-hour day workweeks will now get 10 hours of holiday instead of the normal 8 hour holiday; however, those employees will get two (2) fewer holidays. Columbus Day and the Day after Thanksgiving are now allocated to the other holidays. Kruse stated the total number of holiday hours has not changed.

MOTION BY Council member Wagner, seconded by Council member Fay to approve a resolution entitled A Resolution Setting the 2010 Official Holidays Observed. Motion carried unanimously.

CITY COUNCIL

JOINT WATER BOARD REPORT

Mayor Klecker and Tom Fay reported things are going well at Joint Powers. They mentioned one unhappy customer challenged his water usage. Staff investigated and reported the usage appeared to be accurate. The Board stated the bill must be paid or assessed to the residence.

FIRE DEPARTMENT

Council member Sorensen and Fire Department liaison reported things are going well at the fire department and complimented the Department for their recent actions regarding a severe car accident on CSAH 35. St. Michael fire department members made a big deal about what a good

job Albertville did assisting at the scene. Sorensen stated he appreciates their efforts and wanted to share that story with the Council and public.

CITY COUNCIL MINUTES

Council member Sorensen commented that the minutes seem to have gotten more generic lately and requested going back to how they were done a while back. City Administrator Kruse said there was no intent to change, and Staff will make an effort to include Council comments, etc.

DECEMBER 21ST COUNCIL MEETING

At the last meeting it was suggested to cancel the December 21st meeting. It was the consensus of the Council to meet on December 21st and keep it a short meeting.

PLANNING AND ZONING

*Adopt **Ordinance No. 2009-025 entitled an Ordinance Placing a Moratorium on Tattoo Parlors***

At the Council's request from the previous meeting, City Planner Alan Brixius presented to the Council an Ordinance placing a moratorium on Tattoo Parlors/Body Piercing within the City as follows:

**CITY OF ALBERTVILLE
COUNTY OF WRIGHT
STATE OF MINNESOTA**

ORDINANCE NO. 2009 – 025

**AN ORDINANCE ESTABLISHING A MORATORIUM ON
TATTOO PARLORS/BODY PIERCING WITHIN
THE CITY OF ALBERTVILLE**

THE CITY COUNCIL OF THE CITY OF ALBERTVILLE, MINNESOTA ORDAINS:

SECTION 1. The Albertville Municipal City Code is hereby amended to read as follows:

Pursuant to the authority of Minnesota Statute 462.355(4), a total prohibition is hereby imposed on the location of all businesses engaged in tattoos and body piercing anywhere within the City

of Albertville limits. Said prohibition shall be effective for twelve months from the date of this ordinance approval. Any application for issuance of building or occupancy permits under Title 10 of the Albertville Municipal City Code and text changes, variances, conditional use permits and rezoning requests under Appendix A of the Albertville Municipal City Code for any new use, construction, or development for a business engaged in tattooing or body piercing shall be denied until twelve months from the date of this ordinance approval.

SECTION 2. The City Council hereby directs city staff to study the siting and operation of tattoo parlors/body piercing uses and establishments to determine appropriate zoning and business licensing regulations. Staff shall also schedule a public hearing, at which time public comment will be accepted and received regarding the placement, location, and operation of tattoo parlors/body piercing establishments within the City.

MOTION BY Mayor Klecker, seconded by Council member Fay to adopt Ordinance No. 2009-025 entitled an Ordinance Establishing a Moratorium on Tattoo Parlors/Body Piercing within the City of Albertville. Motion carried unanimously.

ENGINEERING

I-94 Collector Distributor and CSAH 19 Project Review

City Engineer Nafstad presented a revised project development schedule and implementation flow chart for the first phase of the I-94 Improvement and the CSAH 19 North project. Nafstad reported that the revised schedule is needed to account for the additional time needed by the appraisers and staff to thoroughly prepare the assessment or benefit appraisals, also because the acquisition appraisals of the land needed for stormwater ponds from Lamar is taking longer than expected.. Nafstad said staff felt that the revised schedule would provide for additional QA and QC of the appraisals by the appraiser and staff. From the recent experience litigating CSAH 19 South Improvements, staff recommends making sure the appraiser has adequate time to do a thorough job on his assignment. Further, the original schedule to complete the project was very tight. Staff is proposing that the City Council consider a two year construction schedule, with interim completion dates in 2010 and final completion in the fall of 2011 whereby the Contractor would have the ability to 1) apply a lot of resources and get the project completed in shortened period of time, 2) or phase the project and finish by the required 2011 completion date. Allowing two years to complete the project will not cause any more disruption to I-94 traffic or our businesses.

Further, revising the schedule, will give staff more time to meet with the County and our affected businesses and garner their support for the project. The proposed schedule has a number of stopping points in it where if for a number of reasons the Council wants to stop or delay the project they may do so. For example, if bids come in too high, the project can be rebid and still

maintain a similar schedule. Nafstad said the revised schedule also allows for additional council meeting opportunities to discuss the project and to finalize the finance plan.

Nafstad reported the project is complex and not everything is in our control. Working with other agencies such as the State can cause delays beyond our control. The proposed schedule will better accommodate those potential delays and yet keep us on track.

CSAH 19 Bolton and Menk Engineering Proposal for Construction Plans

City Engineer Nafstad presented the Council with a proposal to complete the construction plans for CSAH 19. The general scope of this project includes reconstruction of CSAH 19 between the Outlet Mall intersection and 70th Street from a two lane to a four lane divided highway. The project also includes a transition to a two lane in the City of Otsego. Bolton and Menk proposes to complete the design on an hourly basis not to exceed \$121,500.

MOTION BY Council member Wagner, seconded by Council member Sorensen approving Bolton and Menk completing the Final Design of CSAH 19 North of the Outlet Mall through 70th Street at a cost not to exceed \$121,500. Motion carried with Council member Vetsch voting nay.

LEGAL

Approve a Joint Agreement between the City of Albertville and St. Michael entitled Agreement for Construction and Maintenance of a New Branch Library.

City Attorney Couri reviewed the Agreement stating St. Michael is building a New Library Building in conjunction with there City Hall and Senior Center. In 2009, the Cities of St. Michael, Hanover, and Albertville worked cooperatively to plan the construction of a 10,000 square foot public library dedicated for adult, teen and children's services, service counter, staff work space and a flexible meeting room; and approximately 2,800 square feet for lobby, bathrooms, storage, and mechanical space, which is the library's pro rata portion of the space based on the overall building size.

St. Michael is also building a New City Hall and Senior Center, which provides the opportunity to have a larger project that ultimately puts forward the synergy to lower the costs for the library project. St. Michael received a \$400,000 library grant, which will be used to offset the cost to the cities.

City Attorney Couri reviewed the following aspects of the agreement:

- Fairness in distribution of operating expenses and bond payments is handled by annually allocating costs based on the population and market value as it changes each year.

- Fair equity distribution should the library be discontinued or sold is handled by St. Michael refunding Albertville's pro-rata share of ownership, based on a depreciated cost approach appraisal for the library portion of the building appraisal.
- Term of Agreement has been structured such that Albertville will be responsible for its share of the bond payments over the life of the bond, but can opt out of the maintenance obligations with a one year notice. However, if Albertville opts out of the maintenance obligations, St. Michael will not have to pay Albertville back its share of the building cost if it is no longer used as a library.
- The City of Hanover has not approved signing an agreement, which does not affect Albertville, as that is St. Michael's responsibility to gain their participation or bear Hanover's share of the costs. Hanover, has agreed to contribute in 2010, but may only consider an annual appropriation, year by year.
- Albertville's participation will be recognized on the library's sign.

City Attorney Couri stated he had not yet learned from the City of St. Michael if Bond Council would consider this not to be a debt instrument. Couri advised the Council that he would recommend that be a condition of approval.

Council member Vetch inquired as to what the name of the library would be. City Administrator Kruse stated the exact name is not certain; however, it was reported that the two and or three Cities would be given equal representation in the name.

MOTION BY Council member Vetsch, seconded by Council member Sorensen to approve the Joint Agreement between the City of Albertville and City of St. Michael entitled Agreement for Construction and Maintenance of a New Branch Library as on file in the Office of the City Clerk subject to obtaining a positive opinion from the City's Bond Council that the Agreement complies with state statutes regarding debt obligations; further, conditioned on the City of St. Michael's approval of this Agreement; further, that the City of Albertville be given equal recognition as St. Michael in the name of the Library if any city's name is included in the library's name. Motion carried unanimously.

Full Moon Saloon Neighborhood Complaints

City Attorney Couri reported back on the Council request that he prepare a report on the complaints recently received against the operations of the Full Moon Saloon. Couri stated that since August 2009, the Wright County Sheriff's Office has received 25 calls to the Full Moon. There have been six (6) calls for noise complaints, six (6) calls for fights, six (6) calls for disorderly/drunk/unwanted persons, two (2) calls for property damage, one (1) for indecent exposure, and four (4) others. There have been several specific complaints brought forth by residents of Albertville. Those complaints will be addressed individually with an assessment of the applicable law and the facts we have been notified of.

I. CONSTRUCTION OF A DECK WITHOUT A BUILDING PERMIT

A deck has been constructed at the rear of the building and no building permit was obtained for the deck. Albertville Ordinance 10-2-1 adopts the State Building Code. The State Building Code 1300.0120 requires a building permit to “construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure.” The Full Moon has been informed of the problem via letter from the City Attorney and has been given ten days to remedy it, and has failed to take any action to remedy it within the ten day period per Jon Sutherland.

The City has two options to enforce the requirement of a building permit. The City can continue with civil enforcement actions, taking the issue to District Court if necessary, or the City can pursue criminal charges, as the State Building Code 1300.0150 makes a violation of the code a misdemeanor.

Full Moon also has a problem with stairs at one of its exits, which do not meet the building code. If the City pursues any enforcement action on the deck issue, it should also pursue the stair issue

II. DRINKING ON DECK/OUTSIDE OF BAR

There have been complaints that patrons of the Full Moon Saloon have been drinking (consuming alcohol) outside on the deck. Diane Shettel, a neighbor, indicated that there are often people out on the deck behind the Full Moon Saloon smoking and drinking. She reported that at times there have been crowds of up to 30 people. A complaint to the Sheriff on October 24, 2009 resulted in two people being cited for drinking outside.

Pursuant to Minn. Stat. 340A.410 a City is allowed to include an outdoor space in a liquor license but the space must be compact and contiguous. The statute further notes that a license is only effective for the premises specified in the license, unless the compact and contiguous space is clearly noted on the liquor application. Albertville City Code 4-1-9 (Person and Premises Licensed; Transfer of License) reiterates the same standards. The City has the authority to permit the Full Moon Saloon to allow drinking on the deck but only if it is included in the Full Moon Saloon’s liquor license, which the City Clerk sent written notification to the owner twice explaining the compact and contiguous outdoor space. When the owner/applicant turned in their application the City Clerk specifically asked the owner in person if he had any outdoor compact and contiguous space to include, in which the informed the Clerk “no”. At this point it has still not been included.

The outdoor space behind the Full Moon Saloon is not included in its liquor license; therefore, any alcohol sale there is a violation of the license. For any violation of an ordinance relating to alcoholic beverages, Albertville City Code 4-1-15 (Suspension or

Revocation of License; Civil Fine) Section A allows the Council to impose a fine of up to \$2,000, suspend the license for up to sixty (60) days, or revoke the license. However, because the Full Moon Saloon also has an "Off-Sale" liquor license, it is unclear whether our ordinance prohibits customers from purchasing alcohol inside the bar and taking it outside to drink. This may be difficult to show a violation of the City's ordinance given the current language of the ordinance.

III. URINATING/THROWING BEER BOTTLES OFF OF DECK

Residents have also complained that patrons of the Full Moon Saloon have been urinating off of the deck and have been throwing things including beer bottles off of the deck and onto nearby residential property.

Though these issues are not covered under the liquor license ordinance, they can be dealt with as public nuisances under Title 5; Chapter 1 of the Albertville Code. The urinating could be addressed under Albertville City Code 5-1-3 (Public Nuisances Affecting Health) either as unlawful sewage disposal under Section F or as an odor under Section L. Though these sections were probably not drafted for such a complaint they are broad enough to cover it. The throwing of beer bottles could be addressed under Albertville City Code 5-1-5 (Public Nuisances Affecting Peace and Safety) Section J for junk accumulations, Section O for throwing dangerous objects on public ways (if the streets and sidewalks are affected by the thrown bottles), or Section P for garbage and refuse.

The limitation with this enforcement is that the action can only be taken against the persons causing the problem, not against the Full Moon Saloon. If the nuisance ordinance is used, Albertville City Code 5-1-13 (Violation; Penalties; Remedies) allows it to be enforced through an administrative fine, as a misdemeanor, or through civil processes in district court.

IV. NOISE COMPLAINTS

There have been many noise complaints about the Full Moon Saloon. Most complaints have been in connection with loud music, especially the Full Moon Saloon keeping doors and windows open when live music is being played, but Diane Shettel also indicated that there have been problems with the patrons on the deck yelling. There have been six (6) noise complaints filed with the Sheriff's Office. In several of the complaints, dated October 10, 2009 and November 7, 2009 the responding officer specifically noted that the music was excessively loud. In the complaint dated November 7, 2009, the owner told the officer that the back door was closed and there was a security guard there, but when the officer checked, the door was open and there was no guard.

Albertville City Code 4-1-11 (Conditions of License), part of the liquor license ordinance, prohibits an establishment from leaving doors or windows open when live music is playing. This can be enforced via the liquor ordinance. Albertville Code Section 4-1-15 (Suspension or Revocation of License; Civil Fine) Section A allows the Council to impose a fine of up to \$2,000, suspend the license for up to sixty (60) days, or revoke the license.

The other noise complaints are best dealt with under the Albertville City Code 5-5-1 (Public Nuisances Affecting Peace and Safety) prohibits noises that unreasonably annoy or disturb others. Further, under City Code 5-5-4 (Public Nuisances Affecting Morals and Decency) the Full Moon Saloon can be held accountable for any noise violations. It is also noted under Albertville City Code 5-5-4 (Public Nuisances Affecting Morals and Decency) states that any violation of 5-5-1 (Public Nuisances Affecting Peace and Safety) is considered to be a violation by the person who committed the act as well as by the person in control of the premises who permits the violation to take place. The owner of the premises must “make every reasonable effort to see that the violation ceases.” Any noise violation can be enforced through administrative fines, criminal or civil procedures and can be enforced against not only the patrons involved but also against the Full Moon Saloon.

V. CHIPPENDALE DANCERS

The other main complaint against the Full Moon Saloon is that there were Chippendale Dancers there on Sunday, November 8, 2009. We have not seen any first hand accounts of this nor was there a complaint to the Sheriff’s Office. Before taking any action on this complaint the City should obtain first hand accounts of what occurred. Although one citizen stated at the last City Council meeting that he knew of a person willing to come forward who was present at the Full Moon Saloon when the Chippendale Dancers were present, this person has since confirmed that the witness does not want to come forward and give a statement as to what she witnessed in the Full Moon Saloon when the Chippendale Dancers were present. Without an eye-witness account, the City would have no basis for determining that a violation of the City’s Liquor Code occurred due to the actions of the Chippendale Dancers.

If such evidence can be obtained, there are several actions the City can take. Albertville City Code 4-1-11 (Conditions of License) prohibits Nudity and Sexual Conduct in any premises licensed for “On-Sale” liquor.

If the actions of the Chippendale Dancers constitute Nudity or Sexual Conduct, Albertville City Code 4-1-11 (Conditions of License) Section 2 allows the City to suspend or revoke the Full Moon Saloon’s liquor license. Violations of this section are also considered a misdemeanor so the City could take criminal action against the owner of the Full Moon Saloon.

The City could also address this issue under the State Criminal Statutes. Minn. Stat. 617.242 which prohibits any adult uses on Sunday and prohibits any “adult entertainment establishment” within 500 feet of residential property. Again, depending on what occurred the activity of the Chippendale Dancers at the Full Moon Saloon may fall into either of these categories.

VI. ENFORCEMENT OPTIONS

Many of the complaints against the Full Moon Saloon report activity that can be addressed by the City. In general, pursuant to Minn. Stat. 340A.415 and Albertville City Code 4-1-15 (Suspension or Revocation of License; Civil Fine), any violation of a “statute, rule, or ordinance relating to alcoholic beverages” allows the City to issue a fine of up to \$2,000, suspend for up to 60 days or revoke a liquor license. If the City chooses to suspend or revoke a license, a hearing must first be held. If the Council preliminarily believes that these issues are serious enough to revoke a liquor license, the City Attorney recommends sending the matter to the Office of Administrative Hearings in St. Paul for a full-blown hearing. If the City Council preliminarily believes that these matters more likely warrant a fine or suspension, the hearing can be conducted before the City Council. License revocations are generally rare, and typically involve rather serious ordinance violations. Suspensions are typically employed where repeat offenses of a lesser nature continue to occur, and fines are typically employed for first or second minor offenses.

The City Attorney anticipates that items to be considered at such a hearing would include the allegation that the doors to the business were opened when a band was playing, and the allegations of drinking out on the deck. Because there are no substantiated allegations of illegal activity involving the Chippendale Dancers, he does not recommend bringing this issue to a hearing unless actual evidence in the form of eyewitness testimony or photographs come forward. If the City wants to pursue this, Couri recommended setting a hearing date and inviting the Owners of the Full Moon Saloon to present their side.

To complicate things more, the Full Moon Saloon has presented an unsigned agreement between it and the bank stating that the property will be taken back by the Bank on Wednesday, January 7, 2010.

Mayor Klecker opened the floor up for public comment.

A number of neighbors including Kurt Neidermeier, Diane Shettel expressed concern about a plethora of problems including noise, vandalism and general disturbance to the neighborhood. Shettel stated the complaints are not just on any one night of the week, but all nights.

MOTION BY Council member Vetsch, seconded by Council member Fay to direct the City Attorney to send the owners of the Full Moon Saloon notice of the noise violation and schedule a hearing on the matter for Tuesday, January 19, 2010 at the regular City Council meeting. If the

bank has taken over ownership of the Full Moon Saloon property as of January 7th and the current owners are no longer involved in the operation after January 7th until the date of the hearing, then the hearing will be cancelled. Motion carried unanimously.

Liquor Related Ordinances

City Attorney Couri presented a number of liquor licensing related ordinances in response to some of the problems the City is experiencing in neighborhoods where bars and neighboring residents are having problems. Problems include:

- Doors open when a live music is performing inside the building in violation of the City's existing liquor ordinance;
- Patrons drinking alcohol on the outside deck;
- Patrons urinating and littering from the outside deck;
- Patrons throwing bottles and cans at neighboring property, causing damage to neighboring properties and littering neighboring properties;
- Multiple calls to the Sheriff's department for loud noise, fights, and other disturbances.
- Bottles, cans and other litter in the street and bushes adjacent to the street.

It was the consensus of the Council to host a workshop after the first of the year to discuss this more with the liquor license holders in the City. The neighbors in attendance suggested they too be invited to attend. Staff will schedule this for a workshop in 2010.

ADMINISTRATION

Community Cabinet/Bulletin Board in the City Hall Lobby

City Administrator Kruse reviewed the Request for Council Action stating donated funds are recommended to purchase a 4' x 8' glassed cabinet and two bulleting boards 3' x 4' on each end to be used by the City and non-profit organization to display items of interest.

Mayor Klecker expressed concern that the cabinet would not enhance the appearance of the City Hall, saying bulletin boards can look cluttered and fourteen feet is too much. Council member Vetsch wondered why the need to spend so much money when everything is going wireless and can be displayed on the internet. Council member Wagner wondered if the money could just not be spent and used to reduce taxes, as finances are so difficult. Wagner expressed concern that it may collect business cards and the like. Fay questioned if they could just install the glassed cabinet and not the billboards, as that would eliminate unwanted items. Kruse stated he thought the glass cabinet may already have been constructed. After much discussion, the Council agreed to allow the glassed cabinet, but decided against the bulletin boards as follows:

MOTION BY Council member Fay, seconded by Mayor Klecker to approve spending approximately \$1,600 of donated funds to purchase and install a 4' x 8' glassed in cabinet/billboard in the lobby of City Hall to display City and non-profit organization awards, notices, banners and other information. Organization are to submit information and items to City Staff at the front desk who will manage the display. Items are to be installed and rotated by staff on monthly or bi-monthly bases as necessary giving all organizations equal opportunity. Motion carried unanimously.

Accept the City Administrator's Written Report dated December 4, 2009

Council accepted the City Administrator's written report dated December 4, 2009 as presented.

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.

December 2009

- 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 (cancelled)**
- 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 December 7, 2009 regular City Council meeting at 9:20 p.m. to go into a closed session to discuss pending litigation regarding the Lamar Billboard – Lamar vs. City of Albertville case, in which the City Attorney will update the City Council on the status of the case.

MOTION TO RECONVENE THE REGULAR CITY COUNCIL MEETING

MOTION BY Council member Vetsch, seconded by Council member Sorensen to reconvene the Monday, December 7, 2009 regular City Council meeting at 10:00 p.m.

MOTION IF NECESSARY TO TAKE ACTION ON CLOSED SESSION DISCUSSION

No Action necessary or taken

ADJOURNMENT

MOTION BY Council member Wagner, seconded by Council member Fay to adjourn the Monday, December 7, 2009 regular City Council meeting at 10:05 p.m. Motion carried unanimously.

Larry R. Kruse, City Administrator (recording secretary)