



**ALBERTVILLE CITY COUNCIL**

**July 6, 2010**

**MINUTES**

**ALBERTVILLE CITY HALL**

**7:00 PM**

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

The meeting was called to order followed by the Pledge of Allegiance.

**ROLL CALL**

**PRESENT:** Mayor Ron Klecker, Council members John Vetsch, Tom Fay, and Larry Sorensen; Council member Dan Wagner arrived around 7:15 p.m.

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

**ABSENT:** City Attorney Mike Couri and City Planner Al Brixius

**AMENDMENTS TO THE AGENDA**

The Tuesday, July 6, 2010 agenda was amended as follows:

Mayor Klecker added: 7.G.2. City Council – Oral update on LMC Conference in St. Cloud

CMsVetsch/ Sorensen **motioned** to approve the Tuesday, July 6, 2010 agenda adding 7.G.2. City Council – Oral Update on the LMC Conference held in St. Cloud. 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 or citizen so requests. In such event, the item will be removed from the Consent Agenda; and, will be discussed in the General Order of Business and considered in its normal sequence on the agenda.

There are two items on the July 6, 2010 Consent Agenda, which Finance Director Lannes and Council member Fay pulled the Payment of Claims and Council member Sorensen pulled the June 21, 2010 Council minutes.

No motion was necessary as both items were pulled from the Consent for further discussion that will take place during the normal order of business on the agenda.

## **DEPARTMENT BUSINESS**

### **FINANCE DEPARTMENT**

*Authorize the Tuesday, July 6, 2010 Payment of Claims (bills) (pulled from consent)*

Finance Director Lannes requested that check number 28617 be added to the July 6, 2010 Payment of Claims. It is a check made payable to C & H Sports Surfaces, Inc. in the amount of \$7,785.00. This is to repair the tennis courts and basket ball courts for hail damage with funds from the insurance claim that has been submitted.

Council member Fay inquired about check number 28594 made payable to Northern Tool & Equipment in the amount of \$544.93. The equipment purchased was a lockweld SWV caster and a 13 hp Generator for the Wastewater Treatment Plant.

CMs Sorensen/Fay **motioned** to authorize the Tuesday, July 6, 2010 Payment of Claims (bills) for check numbers **28558** to **28615** and **28617** as presented, that will be scanned with supporting documents; the electronically scanned version will be kept on file in the office of the Finance Director that will serve as the City's official record. Motion carried unanimously.

*Approve **Resolution No. 2010-021** amending the Official Depositories*

Finance Director Lannes began with the statement that at the beginning of each year the Council approves a Resolution appointing members to serve on various Boards and Committees. Included in the resolution are the appointments of Official Depositories. Lannes informed the Council that she had been monitoring a prior depository, BNC National Bank that Lannes was reviewing their financing and was not happy with the reports. Lannes researched and monitored Venture Bank and noticed positive financial reports; therefore, has prepared a Resolution Amending the Official Depositories removing BNC National Bank and adding Venture Bank.

CMs Fay/Vetsch **motioned** to approve **Resolution No. 2010-021** entitled a Resolution Amending the Official Depositories removing BNC National Bank and adding Venture Bank, the signed copy will be scanned and retained as the official City record. Motion carried unanimously.

*Set dates for 2010 Budget Workshop(s) (discussion)*

Finance Director Lannes encouraged the Council to look over the calendar for the next two months to set a date for the 2010 Budget Workshop.

Council member Sorensen throughout the idea of holding the first one following the August 2 regular Council meeting, which other Council members were opposed to.

Mayor Klecker looked over the calendar and wanted to avoid other dates that had meetings or activities being held at the City Hall. It was the consensus of the Council to set Monday, July 26 beginning at 7:00 p.m. or soon thereafter for the First 2010 Budget Workshop. Another date will be set following the July 26, 2010 meeting if necessary.

#### **CITY CLERK**

*Approve June 21, 2010 regular City Council minutes (pulled from consent)*

Council member Sorensen inquired about putting a summary of the discussion on the Friendly City Day parade in the minutes, which City Clerk Miller agreed to amend the June 21, 2010 minutes to reflect the comment from parade attendees that were not happy about the 'Stop Abortion' float.

Council member Sorensen wanted clarification on Council member Vetsch's vote on the Single-sort Recycling consideration, which Council member noted he voted aye for the single-sort portion of the proposal but was not in favor of the city getting involved in collecting garbage. As an outcome of the discussion or clarification Council member Vetsch retracted his initial vote of 'yes' to recycling/'no' to garbage; to be 100% nay for the entire proposal. City Clerk Miller will amend the minutes to reflect Council member Vetsch's request to change his vote to 'nay' for the single-sort recycling proposal.

CMs Sorensen/Fay **motioned** to approve the June 21, 2010 regular Council minutes as presented, the signed copy will be scanned and retained as the official City record. Motion carried unanimously.

## **CITY COUNCIL**

### *Joint Powers Water Board*

Mayor Klecker gave a update on the June 28<sup>th</sup> Joint Powers Water Board meeting. The meeting was held at the JP Well No. 9, which included a tour of the well. Klecker noted there is more involved that an individual would generally think. Klecker was impressed with the quietness of the site considering the pieces of equipment being run. Klecker encouraged the remaining Council members to contact Kelly Browning with Veola (Joint Powers Water Board) for a tour.

### *LMC Conference*

Mayor Klecker informed the Council members that he recently attended a conference in St. Cloud that was put on by the League of Minnesota Cities. It was an informative meeting that focused on Foreclosures. The presenter gave examples of how to help individuals with financing. Another part of the conference was a tour of the St. Cloud Library, which has a RainGarden. Klecker was impressed with the fact that the storm water that runs off the parking lot goes underneath to a storage tank. Later in the season should there be a need to water the grass or plants, the library recycles the water stored underneath to water.

## **PLANNING**

### *Approve Planned Unit Development (PUD) amendment for Emma's Express*

Assistant City Planner Fuhrman explained that when Phillip Morris originally presented the Albertville Marketplace PUD Preliminary Plat four (4) commercial lots were created in the master plan. The initial size of the building where Emma's Express is located was proposed at 4,700 square feet. In March 2009, when a development application was submitted the request to increase the building to 6,208 square feet was included. The City approved the Planned Unit Development (PUD) amendment to expand the size of the building to house a Gas Station/Convenience Store/Fast Food Service and a Car Wash.

Assistant City Planner Fuhrman continued by noting that Emma's Express installed a propane tank on the site, that at the time did not have City approval or a permit application. Staff brought this to the owner's attention, in which a permit application was completed that included basic plans. As staff reviewed the plans there were a number of safety concerns and planning issues identified that dealt with the propane tank.

When staff met with the applicant to discuss the concerns with the propane tank, it was brought forward that the owner would like to add a car vacuum area and outdoor dining-seating area. Neither of these areas were anticipated with the original PUD approval that was received in 2007 or with the Albert and Emma's Express PUD that was submitted in 2009.

Below is a list of key issues that staff has relating to the propane tank:

1. The propane tank was installed without permits or City approvals contrary to the approved site plan.
2. In the planning report dated June 2, 2010, staff recommended that the propane tank be relocated to the parking lot south of the convenience store. The applicant indicated that the staff location would not be accessible to large recreational vehicles needing to refill their propane tanks. The applicant suggested locating north of the gas pumps to make it more accessible. The Planning and Zoning Commission found this site to be acceptable provided the following conditions are met:
  - a. The propane tank meets the following setbacks:
    - 10 feet from County Road 37 right-of-way
    - 20 feet from the gas pumps
    - 25 feet from the principal building
  - b. The propane tank be screened from County Road 37 using a berm and coniferous shrubs to establish a screen that is four or more feet in height.
  - c. The propane tank will not interfere with inside circulation.

The revised site plan dated May 17, 2010, revised June 17, 2010 shows compliance with setbacks. Landscaping is provided along the northern edge of the propane tank. The combination of berm and landscaping must provide screening of 4+ feet in height at time of installation. The City Engineer has examined the on-site vehicle circulation and has determined that site access for large tanker trucks will be tight but is workable.
3. The applicant has provided a revised landscape plan for the vacuums that replace deciduous shrubs with coniferous shrubs to provide year round screening. At time of planting, these coniferous shrubs must be 4+ feet in height.
4. The resolution addresses the conditions for the balance of the site.

Both the Council and staff came to the consensus that the owner/applicant has gotten themselves in quite the situation by installing the propane tank. Council did not agree with the applicant as the current location of the tank realizing that it was along CSAH 37; and, taking into account the potential speed of the cars traveling on the road. Council is in favor of preventing an accident, approving the location of the tank along CSAH 37 did not appear to be the answer. Council would like to see the tank relocated to the southern part of the site. Staff explained that the applicant felt moving the tank to the southern part of the parking lot would not work with the recreational vehicles filling up or blocking the exit.

Council member Vetsch brought up the fee for the SAC and WAC that was re-calculated with the recent addition of the outdoor dining. Vetsch could not understand how the outdoor dining could have such an increased effect on the SAC and WAC. City Engineer Nafstad did his best at informing the Council that it is a complex calculation that is set by the Met Council, which a number of cities across the board use. Estimating the maximum possible usage for the site is a hard one to calculate. After receiving better clarification from Nafstad, Vetsch realized the calculation was reasonable.

There was a fair amount of discussion that dealt with the extra signage that is on the propane tank. Council member Fay would like the signage removed, as did one of the Planning and Zoning Commission members. After reviewing and hearing from the Architect Neil Weber, Fay was okay with the signage provided the landscaping will screen it from CSAH 37.

After the presentation and the discussion Council made the following motion:

CMs Vetsch/Wagner **motioned** to approve Resolution No. 2010-020 entitled a Resolution Approving a Planned Unit Development (PUD) Amendment for Albertville Marketplace - Emma's (Albert and Emma's) Express located at 11966 – 59<sup>th</sup> Place NE within the Albertville city limits as presented with the City Attorney amending the Albertville Marketplace Developer's Agreement, the signed copy will be scanned and retained as the official City record. Mayor Klecker, Council members Wagner, and Vetsch voted aye. Council members Sorensen and Fay voted nay. Motion carried 3:2.

*Approve **Ordinance No. 2010-002** related to the Height of Temporary Outdoor Seasonal Sales Signage*

Assistant City Planner Fuhrman reported that with the recent request by Dan and Jerry's Nursery for a Seasonal Sales, the City approved a sign height variance to allow them to place their business sign on their shade structure, which is approximately 12 feet in height. According to Section 1000.22 of the 2005 Albertville Municipal City Code Appendix A (Zoning Ordinance), temporary outdoor seasonal sales are limited to one sign not to exceed 24 feet in area and not more than six feet in height.

Staff presented a public hearing to the Planning and Zoning Commission at the May meeting, which the Commission felt amending Section 1000.22 of Appendix A (Zoning Ordinance) to allow for Temporary Outdoor Seasonal Sales to have a sign over the six foot recommended height.

Council discussed the potential of amending the 2005 Albertville Municipal City Code, which the outcome was to table the Ordinance until City Planner Brixius could be in attendance.

Mayor Klecker **TABLED** Ordinance No. 2010-002 entitled an Ordinance amending Section 1000.22 (Temporary Outdoor Seasonal Sales) of Appendix A (Albertville Zoning Ordinance) of

the 2005 Albertville Municipal City Code relating to Sign Height for Temporary Outdoor Seasonal Sales events until the July 19, 2010 regular Council meeting or a meeting soon thereafter that City Planner Brixius would be present to give additional background to the reason for the change.

*Approve **Ordinance No. 2010-003** related to the regulations for Hot Tubs*

Assistant City Planner Fuhrman brought forward another amendment to the City Code that dealt with hot tub regulations. Building Official Sutherland received a comment regarding how are hot tub regulated within Albertville. Researching the City Code, there is nothing in the Code that deals with hot tubs. Staff reported to the Planning and Zoning Commission the situation, which the Commission directed staff to prepare an ordinance amending the 2005 Albertville Municipal City Code to include language that would regulate the location and securing of the hot tubs in residential yards.

Council's main concern was the height of the fence, which staff stated it would follow the swimming pool fence height regulations. Council directed staff to amend the ordinance presented to include the specific language regarding the height of the fence that would be required in the event the hot tub is not locked or secured.

CMs Fay/Sorensen **motioned** to approve **Ordinance No. 2010-003** entitled an Ordinance amending Section 1000.5 (Swimming Pools) of Appendix A (Albertville Zoning Ordinance) of the 2005 Albertville Municipal City Code relating to Hot Tub Regulations changing Section 2.e. to include swimming pool language that details the height of the fence, the signed copy will be scanned and retained as the official City record. Motion carried unanimously.

#### **ADMINISTRATION**

City Administrator Kruse informed the Council that staff has sent notification to the waste haulers to give their input on the single-sort recycling-garbage collection service.

#### **ANNOUNCEMENTS and or UPCOMING MEETINGS**

##### **July 2010**

- 8 7:00 p.m. Election Judge Training (Thursday)**
- 12 6:00 p.m. STMA Ice Arena Board meeting**
- 13 7:00 p.m. Planning and Zoning Commission meeting**
- 19 7:00 p.m. City Council meeting**
- 26 6:00 p.m. Joint Powers Water Board meeting**

**August 2010**

- 2 7:00 p.m. City Council meeting**
- 3 8:00 a.m. Filing for City Council OPENS**
- 9 6:00 p.m. STMA Ice Arena Board meeting (upper level City Hall)**
- 10 7:00 a.m. Primary Election**
- 11 7:00 p.m. Planning and Zoning Commission meeting**
- 16 7:00 p.m. City Council meeting**
- 17 5:00 p.m. Filing for City Council CLOSES**
- 23 6:00 p.m. Joint Powers Water Board meeting**

**September 2010**

- 6 all day Labor Day observed – City offices closed**
- 7 7:00 p.m. City Council meeting TUESDAY**
- 13 6:00 p.m. STMA Ice Arena Board meeting**
- 14 7:00 p.m. Planning and Zoning Commission meeting**
- 20 7:00 p.m. City Council meeting**
- 27 6:00 p.m. Joint Powers Water Board meeting**

**ADJOURNMENT**

CMs Sorensen/Fay **motioned** to adjourn the Tuesday, July 6, 2010 regular City Council meeting at 8:53 p.m. Motion carried unanimously.

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Bridget Miller, City Clerk (recording secretary)