



**ALBERTVILLE CITY COUNCIL
JANUARY 19, 2010 (Tuesday)
MINUTES**

ALBERTVILLE CITY HALL

7:00 PM

PLEDGE OF ALLEGIANCE – CALL TO ORDER

The Albertville City Council meeting was called to order by Mayor Klecker at 7:00 p.m. followed by the Pledge of Allegiance.

ROLL CALL

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

OTHERS PRESENT: City Administrator Larry Kruse, City Clerk Bridget Miller, City Planner Al Brixius, Assistant City Attorney Sarah Schwarzhoff, and Public Works Supervisor Tim Guimont

ABSENT: Council member John Vetsch, City Engineer Adam Nafstad, and City Attorney Mike Couri

RECOGNITIONS – PRESENTATIONS – INTRODUCTIONS

CITIZEN FORUM -- no comments

AMENDMENTS TO THE AGENDA

Tuesday, January 19, 2010 Agenda was amended as follows:

Assistant City Attorney added: Legal -- Update on Psyk's CSAH 19 Special Assessment Appeal

MOTION BY Council member Wagner, seconded by Council member Sorensen to approve the Tuesday, January 19, 2010 regular Albertville City Council agenda as amended adding 8.J.2. Legal – Update on Psyk's CSAH 19 Special Assessment Appeal. Motion carried unanimously.

MINUTES

January 4, 2010 regular City Council minutes

MOTION BY Council member Wagner, seconded by Council member Sorensen to approve the Monday, January 4, 2010 regular City Council minutes as presented, which will be printed and signed; then the signed copy 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 or citizen so requests. In such event, the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

There are three (3) items listed on the Consent Agenda that are: 8.E.1. Finance - Authorize the Tuesday, January 19, 2010 Payment of Claims (bills) for check numbers **027884** to **027945** as presented except the bills specifically pulled, which are passed by separate motion; 8.F.1. City Clerk - Approve a One-Day 3.2% Malt Liquor License application that has been submitted by the Albertville Lions for an event that will be held at St. Albert Parish Center located at 5700 Lander Avenue NE on Saturday, February 6, 2010 from 4:00 p.m. to 1:00 a.m.; and, 8.F.2. City Clerk - Approve two (2) One-Day 3.2% Malt Liquor License applications that have been submitted by Curt Gentile of Geez Sports Bar & Grill of the annual Broomball Tournament that will be held at Central-City Park located at 5801 Lander Avenue NE for Friday, January 29, 2010 from 6:00 p.m.-8:00 p.m.; Saturday, January 30, 2010 from 8:00 a.m.-10:00 p.m.; and, Sunday, January 31, 2010 from 10:00 a.m.-5:00 p.m.

MOTION BY Council member Wagner, seconded by Council member Fay to approve the January 19, 2010 Consent Agenda as presented, which includes 8.E.1. Finance - Authorize the Tuesday, January 19, 2010 Payment of Claims (bills) for check numbers **027884** to **027945** as presented except the bills specifically pulled, which are passed by separate motion; 8.F.1. City Clerk - Approve a One-Day 3.2% Malt Liquor License application that has been submitted by the Albertville Lions for an event that will be held at St. Albert Parish Center located at 5700 Lander Avenue NE on Saturday, February 6, 2010 from 4:00 p.m. to 1:00 a.m.; and, 8.F.2. City Clerk - Approve two (2) One-Day 3.2% Malt Liquor License applications that have been submitted by Curt Gentile of Geez Sports Bar & Grill of the annual Broomball Tournament that will be held at Central-City Park located at 5801 Lander Avenue NE for Friday, January 29, 2010 from 6:00 p.m.-8:00 p.m.; Saturday, January 30, 2010 from 8:00 a.m.-10:00 p.m.; and, Sunday, January 31, 2010 from 10:00 a.m.-5:00 p.m. Motion carried unanimously.

DEPARTMENT BUSINESS

FINANCE DEPARTMENT

~~■~~ *Authorize the Tuesday, January 19, 2010 Payment of Claims (bills) for check numbers 027884 to 027945 as presented except the bills specifically pulled, which are passed by separate motion*

MOTION BY Council member Wagner, seconded by Council member Fay authorizing the Tuesday, January 19, 2010 Payment of Claims (bills) for check numbers **027884** to **027945**. The checks will be signed by the authorized personnel and 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.

Authorizing effective January 1, 2010 to bill all stormwater fees for residential customers that do not have water and/or sewer service on an annual basis

City Administrator Kruse reviewed the Request for Council Action noting that in late 2009 the City Council approved passing on a discount for utility customers who sign up for e-billing (\$2.17) and auto-pay (\$2.03). Since that time, staff has identified a small billing group of individuals who have a \$4.00 per month residential stormwater fee. Kruse stated it is not cost effective to bill these accounts on a monthly basis and then grant a \$4.20 discount. Staff recommends billing residential stormwater only accounts on an annual basis and granting any related discounts.

Council member Wagner and Sorensen expressed concern with combining the entire year into one bill. After some discussion both members wanted to make sure that written notification of the change would be sent to these customers informing them of the change.

MOTION BY Council member Wagner, seconded by Council member Sorensen authorizing effective January 1, 2010 to bill all stormwater fees for residential customers that do not have water and/or sewer service on an annual basis; passing on a discount for utility customers who sign up for e-billing (\$2.17) and auto-pay (\$2.03); and directing staff to send written notification to the residential customers informing customers of the change to an annual billing which will allow them to receive a discount should they decide to sign up for auto pay and e-billing. Motion carried unanimously.

CITY CLERK

■ *Approve a One-Day 3.2% Malt Liquor License application that has been submitted by the Albertville Lions for an event that will be held at St. Albert Parish Center located at 5700 Lander Avenue NE on Saturday, February 6, 2010 from 4:00 p.m. to 1:00 a.m.*

MOTION BY Council member Wagner, seconded by Council member Fay to approve a One-Day 3.2% Malt Liquor License application that has been submitted by the Albertville Lions for an event that will be held at St. Albert Parish Center located at 5700 Lander Avenue NE on Saturday, February 6, 2010 from 4:00 p.m. to 1:00 a.m. Motion carried unanimously.

■ *Approve two (2) One-Day 3.2% Malt Liquor License applications that have been submitted by Curt Gentile of Geez Sports Bar & Grill of the annual Broomball Tournament that will be held at Central-City Park located at 5801 Lander Avenue NE for Friday, January 29, 2010 from 6:00 p.m.-8:00 p.m.; Saturday, January 30, 2010 from 8:00 a.m.-10:00 p.m.; and, Sunday, January 31, 2010 from 10:00 a.m.-5:00 p.m.*

MOTION BY Council member Wagner, seconded by Council member Fay to approve three (3) One-Day 3.2% Malt Liquor License applications that have been submitted by Curt Gentile of Geez Sports Bar & Grill of the annual Broomball Tournament that will be held at Central-City Park located at 5801 Lander Avenue NE for Friday, January 29, 2010 from 6:00 p.m.-8:00 p.m.; Saturday, January 30, 2010 from 8:00 a.m.-10:00 p.m.; and, Sunday, January 31, 2010 from 10:00 a.m.-5:00 p.m. Motion carried unanimously.

CITY COUNCIL

2009 City staff Performance Reviews (City Administrator, City Attorney, City Planner, and City Engineer)

MOTION BY Council member Wagner, seconded by Council member Fay to set Wednesday, February 3, 2010 beginning at 7:00 p.m. for the purpose of conducting 2009 Performance Reviews of the following positions: City Administrator, City Attorney, City Planner, and City Engineer.

Oral Update on the State of the Cities event held at the Albertville City Hall on Tuesday, January 19, 2010

Mayor Klecker gave a brief update on the I-94 West Chamber of Commerce State of the Cities event that was held at the Albertville City Hall today. Klecker mentioned that the City Officials from Dayton, Otsego, Hanover, Hassan Township, St. Michael, Rogers and Albertville and all participated in a question and answer session on issues of the day. Mayor Klecker stated that all the cities appear to be dealing with a lot of similar issues. Mayor Klecker also stated that in his opinion all cities work together much better today than in prior years to the benefit of all.

ENGINEERING

Accept the City Engineer's Progress Report

City Administrator Kruse brought attention to the portion of the Engineer's report that dealt with I-94 Ramp to the Council's attention. Kruse stated that the I-94 and CSAH 19 appraisals are taking a little longer than expected. He emphasized the importance of the appraiser taking his time and doing a good job identifying both the improvement benefit and market values. Council member Wagner said it is really important to take the necessary time and not rush the project.

LEGAL

Modify the proposed amendment to the Towne Lakes Sixth Addition Developer's Agreement to require the M&I Bank to provide evidence of marketable title to the property prior to the City entering into the Amendment, and to require that such evidence of title be provided and the Amendment be signed and returned to the City by the close of business on Friday, February 12, 2010

Assistant City Attorney Schwarzhoff summarize staff's proposed amendment to the Towne Lakes Sixth Addition Developer's Agreement to require the M&I Bank to provide evidence of marketable title to the property prior to the City entering into the Amendment, and to require that such evidence of title be provided and the Amendment be signed and returned to the City by the close of business on Friday, February 12, 2010.

MOTION BY Council member Wagner, seconded by Council member Sorensen to modify the proposed amendment to the Towne Lakes Sixth Addition Developer's Agreement to require the M&I Bank to provide evidence of marketable title to the property prior to the City entering into the Amendment, and to require that such evidence of title be provided and the Amendment be signed and returned to the City by the close of business on Friday, February 12, 2010. Motion carried unanimously.

ADMINISTRATION

Directing City Attorney Couri to draft an Agreement, which in essence has the City of Albertville taking over the day-to-day, month-to-month management of the STMA Ice Arena as follows:

- a. Directs the setting up of the STMA Ice Arena operation as an Agency Fund.*
- b. Establishes the STMA Ice Arena Manager as a Department Head level employee under the supervision of the City Administrator.*
- c. Identifies that all arena employees are employees of the City of Albertville.*

- d. *Establishes the Albertville City Personnel Policy as the protocol document for employees.*
- e. *Identifies that Albertville will be responsible for fiscal management and reporting.*
- f. *Identifies that all STMA Ice Arena funds being transferred to City accounts where they are invested and managed together with other City funds, but which at all times are accounted for separately within an Agency Fund.*
- g. *Empowering the Albertville City Council to approve all budgeted bills and unbudgeted bills not to exceed \$5,000. Unbudgeted, unplanned bills above \$5,000 would need to be approved by the STMA Hockey Board.*
- h. *Provides for all building, equipment, and liability insurance being combined under the umbrella of the City of Albertville.*
- i. *Establishes the relationship whereby the Albertville City Administrator reports to the STMA Hockey Board on a regular basis to be determined.*
- j. *Establishes that the Albertville City Administrator acts as the Staff for the STMA Hockey Board.*
- k. *Establishes that the City of Albertville records and maintains all records for the STMA Hockey Board.*
- l. *Identifies that any unknown liabilities for taxes, bills, or fiscal obligations are the ultimate responsibility of the STMA Hockey Board and its parent organizations.*
- m. *Provides for a legal process should disagreements arise.*

Authorizes that in the interim Albertville to assume the temporary management responsibilities of the STMA Ice Arena including collecting revenue and paying bills until the Council either enters into a Management Agreement with the STMA Hockey Board, or decides not to with the understanding that the Arena shall ultimately be responsible for costs should this management change not come to fruition

MOTION BY Council member Wagner, seconded by Council member Sorensen directing City Attorney Couri to draft for Council approval an Agreement, which in essence has the City of Albertville taking over the day-to-day, month-to-month management of the STMA Ice Arena as follows:

- Directs the setting up of the STMA Ice Arena operation as an Agency Fund.
- Establishes the STMA Ice Arena Manager as a Department Head level employee under the supervision of the City Administrator.
- Identifies that all arena employees are employees of the City of Albertville.
- Establishes the Albertville City Personnel Policy as the protocol document for employees.
- Identifies that Albertville will be responsible for fiscal management and reporting.
- Identifies that all STMA Ice Arena funds being transferred to City accounts where they are invested and managed together with other City funds, but which at all times are accounted for separately within an Agency Fund.

- Empowering the Albertville City Council to approve all budgeted bills and unbudgeted bills not to exceed \$5,000. Unbudgeted, unplanned bills above \$5,000 would need to be approved by the STMA Hockey Board.
- Provides for all building, equipment, and liability insurance being combined under the umbrella of the City of Albertville.
- Establishes the relationship whereby the Albertville City Administrator reports to the STMA Hockey Board on a regular basis to be determined.
- Establishes that the Albertville City Administrator acts as the Staff for the STMA Hockey Board.
- Establishes that the City of Albertville records and maintains all records for the STMA Hockey Board.
- Identifies that any unknown liabilities for taxes, bills, or fiscal obligations are the ultimate responsibility of the STMA Hockey Board and its parent organizations.
- Provides for a legal process should disagreements arise and, authorizes that in the interim Albertville to assume the temporary management responsibilities of the STMA Ice Arena including collecting revenue and paying bills until the Council either enters into a Management Agreement with the STMA Hockey Board, or decides not to with the understanding that the Arena shall ultimately be responsible for costs should this management change not come to fruition. Motion carried unanimously.

MOTION BY Council member Wagner, seconded by Council member Sorensen to authorize that in the interim Albertville assume the temporary management responsibilities of the STMA Ice Arena including collecting revenue and paying regular budgeted bills until the Council can pass a Management Agreement with the STMA Arena Board with the understanding that the Arena shall ultimately be responsible for costs should this management change not come to fruition. Motion carried unanimously.

CITIZENS OPEN FORUM – no comments

ANNOUNCEMENTS and or UPCOMING MEETINGS

MOTION BY Council member Wagner, seconded by Council member Fay to set Thursday, February 25, 2010 as a joint meeting with the City of Otsego City Council beginning at 7:00 p.m. at the Albertville City Hall.

January 2010

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| 11 | 6:00 p.m. | STMA Ice Arena Board meeting |
| 12 | 9:00 a.m. | Tour NEW STMA High School |
| 12 | 7:00 p.m. | Planning and Zoning Commission meeting |

- 18 all day Martin Luther King Day observed – City offices closed
- 19 11:30 a.m. Annual State of the Cities – Albertville City Hall
- 19 7:00 p.m. City Council meeting TUESDAY
- 25 6:00 p.m. Joint Powers Water Board meeting

February 2010

- 1 7:00 p.m. City Council meeting
- 2 7:00 p.m. Otsego Joint meeting (tentative)
- 2 7:00 p.m. Performance Reviews
- 8 6:00 p.m. STMA Ice Arena Board meeting
- 9 7:00 p.m. Planning and Zoning Commission meeting
- 10 7:00 p.m. Otsego Joint meeting (tentative)
- 15 all day President's Day observed – City offices closed
- 16 7:00 p.m. City Council meeting TUESDAY
- 22 6:00 p.m. Joint Powers Water Board meeting

MOTION TO CLOSE THE REGULAR CITY COUNCIL MEETING TO GO INTO A CLOSED SESSION

MOTION BY Council member Wagner, seconded by Council member Fay to go into closed session to discuss the I-94 Ramp/Hoey Billboard Relocation Claim. Motion carried unanimously.

Mayor Klecker closed the regular City Council meeting at 7:46 p.m. to go into a Closed Session for the purpose of reviewing the Litigation regarding the I-94 Ramp/Hoey Billboard Relocation Claim.

MOTION TO RECONVENE THE REGULAR CITY COUNCIL MEETING

MOTION BY Council member Fay, seconded by Mayor Klecker to reconvened the regular City Council meeting at 8:06 p.m. Motion carried unanimously.

MOTION, IF NECESSARY, TO TAKE ACTION ON CLOSED SESSION DISCUSSION

There was no action taken in the closed session to report.

MOTION BY Council member Wagner, seconded by Council member Sorensen to accept the Administrative Law Judges decision and not appeal the case and pay Hoey the remaining balance (after a credit to the City for the amount paid to date and for the scrap value of the metal Hoey kept from the prior sign within 30 days of the January 4th decision. Motion carried unamounslly.

ADJOURNMENT

MOTION BY Council member Sorenson, seconded by Council member Fay to adjourn the Tuesday, January 19, 2010 regular City Council meeting at 8.07 p.m. Motion carried unanimously.

Bridget Miller, City Clerk (recording secretary)