



## ALBERTVILLE CITY COUNCIL

March 1, 2010

### MINUTES

ALBERTVILLE CITY HALL

7:00 PM

#### **PLEDGE OF ALLEGIANCE – CALL TO ORDER**

The Monday, March 1, 2010 regular City Council meeting was called to order at 7:02 p.m. All individuals were asked to stand for the Pledge of Allegiance.

#### **ROLL CALL**

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

**OTHERS PRESENT:** City Administrator Larry Kruse, Finance Director Tina Lannes, City Clerk Bridget Miller, City Engineer Adam Nafstad, City Planner Al Brixius, and City Attorney Mike Couri

**ABSENT:** none

#### **RECOGNITIONS – PRESENTATIONS – INTRODUCTIONS**

Mayor Klecker introduced Maple Grove Finance Director Jim Knutson. Mr. Knutson is a Board member of the Minnesota Government Finance Officers Association and serves as the State of Minnesota liaison to the National Government Finance Officers Association.

Jim Knutson stated the Certificate of Achievement for Financial Reporting (CAFR) is the highest form of recognition in the area of governmental accounting and financial reporting. The CAFR's attainment represents a significant accomplishment by a government and its management.

Knutson went on to explain that the financial report was judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate the City's financial story and motivate potential users and user groups to read the document. The recognition is also viewed as a positive factor by credit rating agencies and acknowledges that top-quality financial reporting is essential for governments to be fully accountable to their citizens and investors.

Knutson reported there were a total of 94 cities in the State of Minnesota that received this award. Mayor Klecker, the City Council and City Administrator Kruse proceeded to compliment Finance Director Lannes and staff on such a great accomplishment for the City.

**CITIZEN FORUM** – no comments

**AMENDMENTS TO THE AGENDA**

The Monday, March 1, 2010 agenda was amended as follows:

Council member Vetsch added: Administration – Railroad Crossing street maintenance

**MOTION BY** Council member Sorensen, seconded by Council member Fay to approve the Monday, March 1, 2010 regular Albertville City Council agenda as amended: adding 8.K.2. Administration – Railroad Crossing street maintenance. Motion carried unanimously.

**MINUTES**

*February 16, 2010 regular City Council minutes*

**MOTION BY** Council member Vetsch, seconded by Council member Sorensen to approve the Tuesday, February 16, 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 was one (1) item listed on the Consent Agenda that is: 8.E.1. Finance - Authorize the Monday, March 1, 2010 Payment of Claims (bills) for check numbers **028071** to **028114** as presented except the bills specifically pulled, which are passed by separate motion.

**MOTION BY** Council member Vetsch, seconded by Council member Sorensen to approve the Monday, March 1, 2010 Consent Agenda as presented, which includes 8.E.1. Finance -

Authorize the Monday, March 1, 2010 Payment of Claims (bills) for check numbers **028071** to **028114** as presented except the bills specifically pulled, which are passed by separate motion. Motion carried unanimously.

## **DEPARTMENT BUSINESS**

### **FINANCE DEPARTMENT**

☛ *Authorize the Monday, March 1, 2010 Payment of Claims (bills) for check numbers **028071** to **028114** as presented except the bills specifically pulled, which are passed by separate motion*

**MOTION BY** Council member Vetsch, seconded by Council member Sorensen authorizing the Monday, March 1, 2010 Payment of Claims (bills) for check numbers **028071** to **028114**. 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.

### **CITY CLERK**

*Update on the Approval of the New Application for a 2010-2011 On-Sale Intoxicating Liquor License, Sunday Liquor License, and a 2:00 am Closing Liquor License to TC Generations LLC for Major's Sports Café CONTINGENT upon a Bureau of Criminal Apprehension Background Check, Wright County Sheriff Department Background Check, and approval from the Minnesota State Alcohol and Gambling Department, at which time the City Clerk will issue the licenses*

City Attorney Couri noted that at the last meeting the Council approved the liquor license applications for TC Generations LLC contingent upon a BCA background check. Since then Albertville staff has received the report from the BCA, in which one of the applicants had a prior arrest. The prior arrest was approximately 15 years ago.

Couri went on to refer to the 2009 Minnesota Statutes – Section 340A.412 License Restrictions; Intoxicating Liquor Licenses - Subdivision 1 - Subd. 2. Investigation of on-sale licenses, which states:

(a) The city or county having jurisdiction over on-sale licenses to sell intoxicating liquor shall on initial application for an on-sale license or on application for a transfer of an existing license conduct a preliminary background and financial investigation of the applicant. The application . . . license requires. If the governing body of the city or county having jurisdiction determines or if the commissioner on the commissioner's own initiative determines that a comprehensive background and investigation of the applicant is necessary, the governing body may conduct the investigation itself or contract with the commissioner for the investigation.

(b) No license may be issued, transferred, or renewed if the results of the investigation show, to the satisfaction of the governing body, that issuance, transfer, or renewal would not be in the public interest.

Couri continued reciting another section of the 2009 Minnesota Statutes - 340A.402 Persons Eligible. No retail license may be issued to:

In addition, no new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.

Couri reiterated that the arrest happened 15 years ago and was not a felony, it was not related to manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage; therefore, would not hinder the Council from allowing the liquor license applications to be submitted to the State of Minnesota Alcohol and Gambling Division for approval.

The following motions were made by the Council:

**MOTION BY** Council member Sorensen, seconded by Council member Wagner to accept the Report from the Bureau of Criminal Apprehension (BCA) Background Check on the three (3) individuals that are listed on the application for a New/Transfer of an 'On-Sale' Intoxicating Liquor License, a 'Special Sunday' Liquor License, and a 2:00 a.m. Closing Liquor License. Motion carried unanimously.

**MOTION BY** Council member Sorensen, seconded by Council member Wagner to approve the New/Transfer Application for a 2010-2011 On-Sale Intoxicating Liquor License, Sunday Liquor License, and a 2:00 am Closing Liquor License to TC Generations LLC for Major's Sports Café contingent upon the approval from the Minnesota State Alcohol and Gambling Department, at which time the City Clerk will issue the licenses. Motion carried unanimously.

## **CITY COUNCIL**

*Oral update on STMA Ice Arena Board meeting (February 8, 2010)*

Council member Sorensen reported on the February 8, 2010 the arena will be shutting down for the months of April and May as usage is less during this time with hopes that those hours will be shifted to the remaining months.

**ADMINISTRATION**

*Approve **Resolution No. 2010-007** entitled a Resolution for Agency Agreement for Right-Of-Way Purchase for Albertville Interchange Agency Agreement Amendment 1 for No. 90552 {MnDOT-Sp 242-010-02, HPPH H121 (001)}*

City Administrator Kruse noted that he was absent at the February 16, 2010 regular Council meeting, in which City Engineer Nafstad and City Attorney Couri reported on the completed preliminary design or layout of stormwater ponds for the Westbound I-94 Collector Distributor Road Project on the Lamar Sign Company property located north of the Interstate and abutting Hunter's Lake on 63<sup>rd</sup> Street NE.

City Engineer Nafstad reported that at the February 16, 2010 Council meeting it was upon authorization by the State for the City to use Federal funds for the purchase. It is the City's intent to use Federal Funds for a major portion of the purchase price and to follow the Federal guidelines for land acquisition. The City received the State's official authorization to use the remaining Federal funds for the purchase of the Lamar Sign Company property located north of the Interstate and abutting Hunter's Lake on 63<sup>rd</sup> Street NE for the purpose of the Westbound I-94 Collector Distributor Project stormwater ponds.

**MOTION BY** Council member Wagner, seconded by Council member Sorensen approve **Resolution No. 2010-007** entitled a Resolution for Agency Agreement for Right-Of-Way Purchase for Albertville Interchange Agency Agreement Amendment 1 for No. 90552 {MnDOT-Sp 242-010-02, HPPH H121 (001)}. Council member Vetsch opposed the motion. Motion carried.

*Railroad Crossing Street Maintenance*

Council member Vetsch brought up the Main Avenue NE railroad crossing noting that it could use some maintenance. The asphalt near the tracks has cracks or potholes. Vetsch would like to know who is responsible for repairing or filling the cracks.

City Engineer Nafstad informed Council member Vetsch that City staff has attempted to repair the potholes and or cracks near the railroad tracks in previous years. Burlington Northern SantaFe (BNSF) caught the PW employees performing the repair(s) and were not happy with the City. BNSF's main concern was the safety of the public. BNSF noticed the PW employees working within 20-feet of the railroad tracks and did not have sufficient employees to watch for oncoming trains. Main Avenue is the responsibility of the City to maintain, in which the City must obtain railroad permission and authorization to repair the street.

**ANNOUNCEMENTS and or UPCOMING MEETINGS**

It was brought to the Council's attention the addition of the joint meeting with the Otsego City Council that will be held on Thursday, March 25 beginning at 7:00 p.m. and most likely held at the Albertville City Hall. The meeting is still tentative but a good beginning date.

**March 2010**

- 8 6:00 p.m. STMA Ice Arena Board meeting**
- 9 7:00 p.m. Planning and Zoning Commission meeting**
- 14 2:00 a.m. Daylight Savings Begins (Sunday)**
- 15 7:00 p.m. City Council meeting TUESDAY**
- 22 6:00 p.m. Joint Powers Water Board meeting**
- 29 6:00 p.m. Albertville-St. Michael City Council and STMA School Board  
Joint meeting (to be held at the Albertville City Hall)**

**April 2010**

- 5 7:00 p.m. City Council meeting**
- 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**

**ADJOURNMENT**

**MOTION BY** Council member Sorensen, seconded by Mayor Klecker to adjourn the Monday, March 1, 2010 regular City Council meeting at 7:50 p.m. Motion carried unanimously.

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Bridget Miller, City Clerk (recording secretary)