



ALBERTVILLE CITY COUNCIL

March 15, 2010

MINUTES

ALBERTVILLE CITY HALL

7:00 PM

PLEDGE OF ALLEGIANCE – CALL TO ORDER

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 Larry Sorensen, Tom Fay, John Vetsch, and Dan Wagner

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

ABSENT: none

RECOGNITIONS – PRESENTATIONS – INTRODUCTIONS

David Bartholomew and Melissa Davis are requesting on behalf of the STMA Cancer Society for Council to allow the 2010 ‘Relay for Life’ to be held at the Albertville Lions/Central-City Park that would begin at 9:00 a.m. August 13th and continue until 9:00 a.m. August 14th

David Bartholomew representing the STMA Cancer Society presented a proposal for a 2010 ‘Relay for Life’ event that would be held on August 13th and run through August 14th. The STMA Cancer Society was requesting permission from the City Council to hold this event in the Central-City Park with the anticipation it would obtain more visibility to the public. The ‘Relay for Life’ has been held at the formerly known STMA High School located off of 50th Street NE along the Albertville-St. Michael border for the past nine (9) years. The momentum, enthusiasm, and participation for the event has calmed down over the last few years. Mr. Bartholomew informed the Council that there are approximately 12-15 teams that take turns throughout the event to have at least one team member walking the track.

Council acknowledged the STMA Cancer Society's request to hold the 2010 'Relay for Life' event in the Central-City Park. Council noted that the attendance may have dropped over the past couple of years due to the economy or the fact that other communities have initiated their own 'Relay for Life' walk-a-thons. To the best of Council member Fay's knowledge, there have been no complaints regarding the event. Fay felt the STMA Middle School West (formerly STMA High School) track appeared to be sufficient amount of space for the 'Relay for Life' event.

Mayor Klecker expressed concern with regards to the hours of operation, in which Klecker noted that city parks close at 10 p.m. and the event will run through the night. Klecker also inquired what the association would do in the event that it rains. The City hears about other events that are held in the Central-City Park that are not positive comments. The City even hears about the establishments along Main Avenue that have summer event activity.

MOTION BY Council member Sorensen, seconded by Council member Wagner to authorize a one-time use of Central-City Park for a "Relay for Life" walk-a-thon provided the STMA Cancer Organization give written notice to the surrounding Central-City Park property owners informing them as to what will be taking place on August 13th through August 14th. Council members Sorensen and Wagner voted aye. Mayor Klecker, Council members Fay and Vetsch voted nay. Motion denied.

Tom Dawson – informed the Council what the STMA Soccer Club will be doing with the Soccer Fields that the City has created

Tom Dawson of St. Michael and Roger Derham of Albertville representing the STMA Soccer Club gave a presentation and update to the Council regarding what the Soccer Board was proposing for the 2010 Soccer Season.

Mr. Dawson reported that the Board consists of eight (8) members from the Albertville and St. Michael area. The Albertville City website has a link to the STMA Soccer website.

Dawson went on to inform the Council that there has been about a 10% growth over the past years. Minnesota ranks in the top 10% for the number of registrations. The city parks where soccer fields are located are: Villas Park, Towne Lakes Park, and Winter Park. The Soccer Club is very appreciative of the City's support and providing this green space to accommodate a soccer field for the youth in the area. The age range of students is 11-12 years of age that participate in the sport. The soccer organization has scheduled approximately 690 games for the 2010 season.

Dawson made the comment that should soccer become more popular in the future and there appears to be a potential to add more soccer fields that the compost site might be a possibility for expansion.

In closing, Tom Dawson and Roger Derham presented the City of Albertville with a check in the amount of \$1,200 to show their support for the soccer fields and the funds be applied towards the maintenance and upkeep of the Albertville Soccer Fields.

CITIZEN FORUM – no comments

AMENDMENTS TO THE AGENDA

The Monday, March 15, 2010 agenda was amended as follows:

City Clerk Miller asked to remove item 8.F.3. 2010-2011 Off-Sale Intoxicating Liquor License to Hackenmueller's Inc. for Hack's Liquor from the agenda

Council member Wagner added under Planning 8.H.1. Franklin Building located on Barthel Industrial Drive NE.

Council member Wagner added under Administration 8.K.1. Update on Tinklenberg Group

City Administrator Kruse added under Administration 8.K.2. City Administrator's Report

MOTION BY Council member Wagner, seconded by Council member Sorensen to approve the Monday, March 15, 2010 regular Albertville City Council agenda as amended: removing item 8.F.3. 2010-2011 Off-Sale Intoxicating Liquor License to Hackenmueller's Inc. for Hack's Liquor; adding 8.H.1. Franklin Building located on Barthel Industrial Drive NE; 8.K.1. Update on Tinklenberg Group; and, 8.K.2. City Administrator's Report. Motion carried unanimously.

MINUTES

March 1, 2010 regular City Council minutes

MOTION BY Council member Vetsch, seconded by Council member Fay to approve the Monday, March 1, 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 were three (3) items listed on the Consent Agenda that are: 8.E.1. Finance – Authorize the Monday, March 15, 2010 Payment of Claims (bills) for check numbers **028120** to **028178** 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 a Pork Chop Dinner to be held at St. Albert Parish Center on Saturday, April 24, 2010 from 4:00 p.m. to 8:00 p.m.; 8.F.2. City Clerk – Approve the St. Albert Catholic Church Minnesota Lawful Gambling LG220 Application for Exempt Permit to conduct Excluded Bingo, Raffles, Paddlewheels, Pull-tabs, and Tipboards Activity to be held at the St. Albert Parish Center located at 5700 Lander Avenue NE within the Albertville city limits for an event that will take place on July 17 and July 18, 2010 with a drawing for raffle on July 18, 2010, which a signed copy of the gambling permit will be kept on file in the office of the City Clerk.

MOTION BY Council member Sorensen, seconded by Council member Vetsch to approve the Monday, March 15, 2010 Consent Agenda as presented, which includes 8.E.1. Finance – Authorize the Monday, March 15, 2010 Payment of Claims (bills) for check numbers **028120** to **028178** 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 a Pork Chop Dinner to be held at St. Albert Parish Center on Saturday, April 24, 2010 from 4:00 p.m. to 8:00 p.m.; 8.F.2. City Clerk – Approve the St. Albert Catholic Church Minnesota Lawful Gambling LG220 Application for Exempt Permit to conduct Excluded Bingo, Raffles, Paddlewheels, Pull-tabs, and Tipboards Activity to be held at the St. Albert Parish Center located at 5700 Lander Avenue NE within the Albertville city limits for an event that will take place on July 17 and July 18, 2010 with a drawing for raffle on July 18, 2010, which a signed copy of the gambling permit will be kept on file in the office of the City Clerk. Motion carried unanimously.

DEPARTMENT BUSINESS

BUILDING DEPARTMENT

Accept the Building Official's Report dated March 9, 2010

MOTION BY Council member Vetsch, seconded by Council member Sorensen to accept the Building Official's Report dated March 9, 2010. Motion carried unanimously.

FINANCE DEPARTMENT

☛ *Authorize the Monday, March 15, 2010 Payment of Claims (bills) for check numbers **028120** to **028178** as presented except the bills specifically pulled, which are passed by separate motion*

MOTION BY Council Sorensen, seconded by Council member Vetsch authorizing the Monday, March 15, 2010 Payment of Claims (bills) for check numbers **028120** to **028178**. 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

☛ *Approve a One-Day 3.2% Malt Liquor License application that has been submitted by the Albertville Lions for a Pork Chop Dinner to be held at St. Albert Parish Center on Saturday, April 24, 2010 from 4:00 p.m. to 8:00 p.m.*

MOTION BY Council member Sorensen, seconded by Council member Vetsch to approve a One-Day 3.2% Malt Liquor License application that has been submitted by the Albertville Lions for a Pork Chop Dinner to be held at St. Albert Parish Center on Saturday, April 24, 2010 from 4:00 p.m. to 8:00 p.m. Motion carried unanimously.

☛ *Approve the St. Albert Catholic Church Minnesota Lawful Gambling LG220 Application for Exempt Permit to conduct Excluded Bingo, Raffles, Paddlewheels, Pull-tabs, and Tipboards Activity to be held at the St. Albert Parish Center located at 5700 Lander Avenue NE within the Albertville city limits for an event that will take place on July 17 and July 18, 2010 with a drawing for raffle on July 18, 2010, which a signed copy of the gambling permit will be kept on file in the office of the City Clerk*

MOTION BY Council member Sorensen, seconded by Council member Vetsch to approve the St. Albert Catholic Church Minnesota Lawful Gambling LG220 Application for Exempt Permit to conduct Excluded Bingo, Raffles, Paddlewheels, Pull-tabs, and Tipboards Activity to be held at the St. Albert Parish Center located at 5700 Lander Avenue NE within the Albertville city limits for an event that will take place on July 17 and July 18, 2010 with a drawing for raffle on July 18, 2010, which a signed copy of the gambling permit will be kept on file in the office of the City Clerk. Motion carried unanimously.

Approve the following list of Annual Liquor License Renewal Applications:

- *2010-2011 Off-Sale 3.2% Malt Beverage Liquor License to Coborn's Grocery Store*
- *2010-2011 Off-Sale Intoxicating Liquor License to Westside Liquor, Inc. for Westside Liquor Store*

- 2010-2011 Off-Sale Intoxicating Liquor License to Coborn's Liquor Store
- 2010-2011 Off-Sale Intoxicating Liquor License to C.L. Gentile Inc. for Geez Sports Bar & Grill; and, 2010-2011 On-Sale Intoxicating Liquor License to C.L. Gentile Inc. or Geez Sports Bar & Grill; and, 2010-2011 Special Sunday Liquor License to C.L. Gentile Inc. for Geez Sports Bar & Grill
- 2010-2011 On-Sale Intoxicating Liquor License to D. Michael B's II Inc. for D. Michael B's; and, 2010-2011 Special Sunday Liquor License to D. Michael B's II Inc. for D. Michael B's
- 2010-2011 On-Sale Intoxicating Liquor License to Cosmic Foods for Space Aliens Bar & Grill; and, 2010-2011 Special Sunday Liquor License to Cosmic Foods for Space Aliens Bar & Grill
- 2010-2011 On-Sale Intoxicating Liquor License to Cedar Creek Golf Course LLC for Cedar Creek Golf Course; and, 2010-2011 Special Sunday Liquor License to Cedar Creek Golf Course LLC for Cedar Creek Golf Course
- 2010-2011 On-Sale Wine License to Hong Thai Inc. for Hong Thai; and, 2010-2011 On-Sale 3.2% Malt Beverage License to Hong Thai Inc. for Hong Thai
- 2009-2010 On-Sale 3.2% Malt Beverage Liquor License to MLB Restaurants Investment for Carbone's Pizza

Mayor Klecker reiterated that Hack's Liquor Store was removed for the license approval list until the two parties come to an agreement. Hack's and or Heidi's liquor license approval will be on the April 5, 2010 regular Council agenda.

Council noted that there were a couple establishments not listed such as the 152 Club and Emma Krumbees. Staff reported the 152 Club has not turned in their application as of today. Emma Krumbees was an oversight and will be added to the motion for approval. Another concern of the Council regarding the establishments was being up to Fire Code Inspection, which staff was working on the inspections in 2009.

Council made the following motion removing Hack's Off-Sale Liquor License and adding Emma Krumbees On-Sale and Sunday Liquor License.

MOTION BY Council member Sorensen, seconded by Council member Wagner to approve the following list of Annual Liquor License Renewal Applications:

- 2010-2011 Off-Sale Intoxicating Liquor License to C.L. Gentile Inc. for Geez Sports Bar & Grill; and, 2010-2011 On-Sale Intoxicating Liquor License to C.L. Gentile Inc. or Geez Sports Bar & Grill; and, 2010-2011 Special Sunday Liquor License to C.L. Gentile Inc. for Geez Sports Bar & Grill
- 2010-2011 On-Sale Intoxicating Liquor License to D. Michael B's II Inc. for D. Michael B's; and, 2010-2011 Special Sunday Liquor License to D. Michael B's II Inc. for D. Michael B's
- 2010-2011 On-Sale Intoxicating Liquor License to Cedar Creek Golf Course LLC for Cedar Creek Golf Course; and, 2010-2011 Special Sunday Liquor License to Cedar Creek Golf Course LLC for Cedar Creek Golf Course

- 2010-2011 On-Sale Intoxicating Liquor License to Cosmic Foods for Space Aliens Bar & Grill; and, 2010-2011 Special Sunday Liquor License to Cosmic Foods for Space Aliens Bar & Grill
- 2010-2011 On-Sale Intoxicating Liquor License to Morris Walker LTD for Emma Krumbees Albertville; and, 2010-2011 Special Sunday Liquor License to Morris Walker LTD for Emma Krumbees Albertville
- 2010-2011 On-Sale Wine License to Hong Thai Inc. for Hong Thai; and, 2010-2011 On-Sale 3.2% Malt Beverage License to Hong Thai Inc. for Hong Thai
- 2009-2010 On-Sale 3.2% Malt Beverage Liquor License to MLB Restaurants Investment for Carbone's Pizza
- 2010-2011 Off-Sale Intoxicating Liquor License to Westside Liquor, Inc. for Westside Liquor Store
- 2010-2011 Off-Sale Intoxicating Liquor License to Coborn's Liquor Store
- 2010-2011 Off-Sale 3.2% Malt Beverage Liquor License to Coborn's Grocery Store

Motion carried unanimously.

CITY COUNCIL

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

Council reported on the STMA Ice Arena Board meeting stating that the Board has worked out the 'Learn to Skate' hours of operation. The other main item on the STMA Ice Board agenda was to allow member(s) of the community to hold a 'Cancer Benefit' for a hockey player. At first the Board was going to reduce the hourly rate. As the meeting progressed and there was more discussion on the rate, the Board ended up offering to donate or do a one-time no charge to hold the 'Hockey-Cancer Benefit – skate-a-thon.'

Other topic that was discussed was FYCC and allowing them to use the Ice Arena. The Ice Arena will be down for about 4-6 weeks from approximately sometime in April until about June 2010. During this downtime the STMA Ice Arena Manager will be doing some general maintenance. Staff was encouraged to get the message out to the general public informing them that the STMA Ice Arena will not have ice from April 2010 until June 2010.

Oral update on Planning and Zoning Commission meeting (March 9, 2010)

Council member Fay reported on the outcome of the Planning and Zoning Commission as he attended in Wagner's absence. Fay noted that the Lamar Company had an Administrative Permit for a couple variances. The Planning Commission denied the approval, so it will be presented to Council in April.

The Planning Commission approved the Greenhouse that will be located in the overflow parking lot of the Albertville Premium Outlets Second Addition.

The last item that was on the agenda was interviewing a candidate to fill the vacancy on the Commission. There is another resident interested that was unable to attend; therefore, the Commission did not make a recommendation to fill the vacancy at this time.

PLANNING

Franklin Property located on Barthel Industrial Drive

Council wanted an update on the Franklin building located off of Barthel Industrial Drive NE. The Council noticed Pro-Tech Marine appears to have relocated across the freeway.

City Planner Brixius reported that staff is aware of the situation and that Building Official Sutherland has been in contact with the new tenants, which happens to be Pro-Tech Marine. Staff is working with Pro-Tech Marine in obtaining an application for a CUP because the use is I-1 Industrial not B-3 Business Highway.

Staff informed the Council of another property business near the Niemeyer Trailer Sales Development where there appears to be an Auto Repair Shop. The property is not zoned for this type of business.

ADMINISTRATION

Tinklenberg Group – update or status

Council noticed a payment from the City to the Tinklenberg Group on the March 15, 2010 Claims and wanted to know if there is any progress being made regarding the I-94 Ramps.

Council member Sorensen brought up whether the City should renew the Contract with the Tinklenberg Group. Council was hoping and anticipating there would be a project closer in sight.

City Administrator Kruse commented that money is tight right now, which could be due to the economy. Kruse continued by stating the Tinklenberg Group has done a good job for the City. Kruse made a suggestion that maybe the contract could be scaled back some.

The majority of the Council was in consensus with the City Administrator's recommendation to renew a scaled back contract with the Tinklenberg Group to a cost not to exceed \$20,000 plus expenses.

City Administrator's Written Report

City Administrator Kruse handed out a written report that was an update on the various topics included and are not limited to:

- Town Hall meeting set for Saturday, April 10 beginning around 8:00 a.m.
- Pro-Tech Marine that was discussed earlier
- Fieldstone Elementary School flooding concern
- Automatic External Defibrillator that has been received and placed in the main corridor at City Hall and employees received training
- 2010 Overlay and Seal coat project(s)
- Stormwater Pipe burst in the basement at City Hall
- 5975 Main Avenue NE city facility – lookers but no renters as of today
- Mn State Jobs in Training Program – City is fortunate to have youth to assist with some of the daily tasks
- The Albertville Newsletter was recently mailed to the residents and business owners
- Albertville Wastewater Treatment Plant entering into a potential Electric Off-Peak Rate Program
- Guardian Angels – Senior Project – developer is anxiously waiting to hear from HUD
- Social Host Ordinance – staff is looking for direction from the Council as to how to proceed

ANNOUNCEMENTS and or UPCOMING MEETINGS

Council member Sorensen reminded the City Clerk that the 2010 Board of Equalization meeting was re-scheduled to the first meeting in May 2010. City Clerk Miller thanked Sorensen for noting the error.

March 2010

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| 22 | 6:00 p.m. | Joint Powers Water Board meeting |
| 25 | 7:00 p.m. | Albertville/Otsego City Council joint meeting (Albertville) |
| 29 | 6:00 p.m. | Albertville-St. Michael City Council and STMA School Board joint meeting (Albertville City Hall – Council Chamber) |

April 2010

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| 5 | 5:30 p.m. | 2010 Board of Equalization (Board of Review) |
| 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 |

MOTION TO CLOSE THE REGULAR CITY COUNCIL MEETING TO GO INTO A CLOSED SESSION (allow 5 minutes to clear Council Chamber if necessary)

MOTION BY Council member Wagner, seconded by Council member Sorensen to close the regular City Council meeting at 7:50 p.m. to go into a closed session to be updated and discuss the Lamar Advertising Company vs. City of Albertville Litigation.

CLOSED SESSION

DISCUSS THE LAMAR ADVERTISING COMPANY VS. CITY OF ALBERTVILLE LITIGATION

MOTION TO RECONVENE THE REGULAR CITY COUNCIL MEETING

MOTION BY Council member Wagner, seconded by Council member Sorensen to reconvene the regular City Council meeting at 8:09 p.m. to take action, if necessary, on the update and discussion of the Lamar Advertising Company vs. City of Albertville Litigation.

MOTION IF NECESSARY TO TAKE ACTION ON THE CLOSED SESSION DISCUSSION

MOTION BY Council member Sorensen, seconded by Council member Fay to authorize the Mayor to sign off on the Final Settlement and Mutual Release Agreement by and among Lamar Advertising Company and Lamar OCI North Corporation d/b/a Lamar Advertising of St. Cloud, Minnesota, Inc. (collectively "Lamar"), City of Albertville ("City"), Dayton Holding, Inc. ("Dayton"), and Stephen Nelson ("Nelson"), once Dayton Holding, Inc. has reviewed and agreed to the settlement. Motion carried unanimously.

ADJOURNMENT

Council member Vetsch wanted to acknowledge that an Albertville student will be going to Washington, DC representing Albertville in a Spelling Bee Competition. Vetsch would like to recognize other Albertville-St. Michael students who represent our community as they compete in various state and or higher events.

MOTION BY Council member Sorensen, seconded by Council member Fay to adjourn the Monday, March 15, 2010 regular City Council meeting at 8:44 p.m. Motion carried unanimously.

Bridget Miller, City Clerk (recording secretary)