



ALBERTVILLE CITY COUNCIL

April 19, 2010

MINUTES

ALBERTVILLE CITY HALL

7:00 PM

PLEDGE OF ALLEGIANCE – CALL TO ORDER

Mayor Klecker called the meeting to order at 7:01 p.m. The pledge of allegiance was said.

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 Clerk Bridget Miller, City Attorney Mike Couri, and Kern, DeWenter, Viere CPA Matt Mayer

ABSENT: none

CITIZEN FORUM

Kurt Kill, Manager of the Albertville Burger King establishment located off of CSAH 19/LaBeaux Avenue NE, began by informing the Council that Burger King received correspondence from the City instructing them to remove the sidewalk that went from the outdoor seating area to the roadway the runs in front of the establishment as it is in violation of the Zoning Ordinance and the Planned Unit Development (PUD) Developer's Agreement.

In 2006, Burger King created an outdoor seating area for the patrons that visited the establishment. Mr. Kill went on to explain that included with the outdoor seating area was the installation of a sidewalk with the intention that the pedestrians would have a place to cross the road connecting the Albertville Mall and the Burger King restaurant. Mr. Kill was under the impression that the contractor had obtained the necessary permits but it was an oversight on Burger King's assumption that the contractor had the necessary permits.

After further review, Burger King was encouraged to submit a Development Application to allow a sidewalk from the Mall to Burger King, which required the Albertville Premium Outlets owner's signature. The application was considered incomplete because it did not have the owner's approval or the required traffic study. Mr. Kill did receive the Traffic Study Report; however, did not submit a copy to the City as it did not appear as if the Development Application was going to be approved.

City Attorney Couri brought to the Council's attention that in 1999 the City approved a Planned Unit Development (PUD) Developer's Agreement when the Albertville Premium Outlets originally went through the development stages. The parcel that Dolphin Real Estate purchased from the JMJ Properties, developers of the Albertville Premium Outlets, was included in the PUD Developer's Agreement. According to the PUD Agreement, Dolphin Real Estate (Burger King) must obtain the signature of the owner on the application.

As the discussion continued, it appeared that Burger King would most likely be looking at removing the sidewalk. Mr. Kill acknowledged that Burger King received previous notification to remove the sidewalk.

PRESENTATION OF THE 2009 AUDIT – KDV

Matt Mayer representing Kern, DeWenter, Viere, Ltd. (KDV) informed the Council that included with the Council packet were three (3) financial documents. An Independent Auditor's Report, a Management Letter, and a Comprehensive Annual Financial Report that would be referred to throughout the presentation.

Mayer continued by acknowledging the fact that in 2008, Albertville submitted for the first time a Comprehensive Annual Financial Report otherwise known as a CAFR. This document is reviewed by the State of Minnesota Government Finance Officers Association. There are a minimum number of government entities that submit a CAFR for the Achievement Award. It is fortunate that Albertville was awarded this Certificate of Financial Reporting Achievement upon their first submittal. Albertville City Council should take pride in receiving such an award. A 2009 CAFR has been completed and will be submitted for the potential of receiving the award for the second time. Achieving such an award is beneficial when obtaining Government Obligation Bonds or other financial aids the City may look for assistance in obtaining.

As Mayer proceeded with the review of the 2009 Audit, Mayer noted that the General Fund Budget appeared to be in fairly good standing; however, the Council may want to consider replenishing the Inter-fund Loan Activity. There are a few Inter-fund Loans that are supporting other areas in the budget. KDV is recommending the Council re-review whether this is temporary or if these inter-fund loans (sewer enterprise revenue) are going to be supporting the City's financing for more than two (2) years. Mayer expressed a concern with the inter-fund loans and the financial welfare of the City of Albertville.

Council member Fay/Mayor Klecker **motioned** to accept the 2009 Comprehensive Annual Financial Report, 2009 Annual Audit and 2009 Management Letter as presented.

AMENDMENTS TO THE AGENDA

The Monday, April 19, 2010 agenda was amended as follows:

Add: 8.J.1. Legal – Towne Lakes 6th Addition discussing the potential Amendment to the Developer’s Agreement

Council members Sorensen/Fay **motioned** to approve the Monday, April 19, 2010 regular Albertville City Council agenda as amended: adding item 8.J.1. Legal – Towne Lakes 6th Addition discussing the potential of an Amendment to the Developer’s Agreement. Motion carried unanimously.

MINUTES

April 5, 2010 regular City Council minutes

Council members Fay/Vetsch **motioned** to approve the Monday, April 5, 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 four (4) items listed on the April 19, 2010 Consent Agenda that include: 8.E.1. Authorize the Monday, April 19, 2010 Payment of Claims (bills) for check numbers **028265** to **028318** as presented except the bills specifically pulled, which are passed by separate motion; 8.F.1. 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 for 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.; and, 8.F.2. City Clerk –

Approve the St. Michael Lions Minnesota Lawful Gambling LG220 Application for Exempt Permit to conduct-sell Raffles tickets for an event that will be held at the STMA Ice Arena located at 5898 Lachman Avenue NE within the Albertville city limits for an event that will take place on May 22, 2010, in which a signed copy of the gambling permit will be kept on file in the office of the City Clerk; and, 8.F.3. City Clerk - Approve three (3) One-Day 3.2% Malt Liquor License applications that have been submitted by Wayne Becker Committee Chair of the Knights of Columbus Council 4174 for the annual Friendly City Days event that will be held at Central-City Park located at 5801 Lander Avenue NE with the specified times and dates as follows: 4:00 p.m. to 1:00 a.m. on June 11; 10:00 a.m. to 1:00 a.m. on June 12; and, 10:00 a.m. to 8:00 p.m. on June 13

No items were removed from the Consent Agenda; therefore, was approved as submitted. Exception was correcting the dates of the Geez Sports Bar & Grill two (2) One-Day 3.2% Malt Liquor License dates from 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. to a Kickball for Life benefit that will be held at Central-City Park located at 5801 Lander Avenue NE for Saturday, May 22 from 8:00 a.m.-10:00 p.m.; Sunday, May 23 from 8:00 a.m.-10:00 p.m.

Council members Vetsch/Sorensen **motioned** to approve the Monday, April 19, 2010 Consent Agenda as presented that including 8.E.1.; 8.F.1.; 8.F.2.; and, 8.F.3. Motion carried unanimously.

DEPARTMENT BUSINESS

FINANCE DEPARTMENT

☛ *Authorize the Monday, April 19, 2010 Payment of Claims (bills) for check numbers **028265** to **028318** as presented except the bills specifically pulled, which are passed by separate motion*

Council members Vetsch/Sorensen **motioned** to authorize the Monday, April 19, 2010 Payment of Claims (bills) for check numbers **028265** to **028318** as presented; 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 two (2) One-Day 3.2% Malt Liquor License applications that have been submitted by Curt Gentile of Geez Sports Bar & Grill during a Kickball for Life benefit that will be held at Central-City Park located at 5801 Lander Avenue NE for Saturday, May 22 from 8:00 a.m.-10:00 p.m.; Sunday, May 23 from 8:00 a.m.-10:00 p.m.*

Council members Vetsch/Sorensen **motioned** to approve two (2) One-Day 3.2% Malt Liquor License submitted by Curt Gentile. Motion carried unanimously.

☛ *Approve the St. Michael Lions Minnesota Lawful Gambling LG220 Application for Exempt Permit to conduct-sell Raffles tickets for an event that will be held at the STMA Ice Arena located at 5898 Lachman Avenue NE within the Albertville city limits for an event that will take place on May 22, 2010, in which a signed copy of the gambling permit will be kept on file in the office of the City Clerk*

Council members Vetsch/Sorensen **motioned** to approve the St. Michael Lions Minnesota Lawful Gambling LG220 Application for Exempt Permit as submitted. Motion carried unanimously.

☛ Approve three (3) One-Day 3.2% Malt Liquor License applications that have been submitted by Wayne Becker Committee Chair of the Knights of Columbus Council 4174 for the annual Friendly City Days event that will be held at Central-City Park located at 5801 Lander Avenue NE with the specified times and dates as follows: 4:00 p.m. to 1:00 a.m. on June 11; 10:00 a.m. to 1:00 a.m. on June 12; and, 10:00 a.m. to 8:00 p.m. on June 13

Council members Vetsch/Sorensen **motioned** to approve three (3) One-Day 3.2% Malt Liquor License applications submitted by Wayne Becker, Committee Chair of the Knights of Columbus Council 4174. Motion carried unanimously.

LEGAL

Towne Lakes 6th Addition Developer's Agreement

City Attorney Couri reported that M & I Bank was hopeful of a potential buyer for the Towne Lakes 6th Addition. M & I Bank is aware of the implementation or installations of improvements for the development to be completed by the end of 2010. M & I Bank is looking for the Council to extend the completion until 2011 or even 2012. With the current status of the economy, selling property is not as fast as it had been in previous years. Couri noted that staff would respond back to M & I Bank whether the Council would be flexible in regards to the extension of the improvements that dealt with the second lift on a portion of 68th Street NE, Linwood Avenue NE, planting of boulevard trees, and the construction of the roadway through the townhouse proposed development.

Council appeared to be positive in the consideration to extend the improvements until 2011; however, they would not go so far as 2012. Council would like staff to direct M & I Bank to

clean up the site for ongoing maintenance, which would include and not be limited to the mowing of the property.

ADMINISTRATION

Authorize the City Attorney to draft a Lease Agreement between the City of Albertville and Acting Out Group for the 5975 Main Avenue NE City facility that will become effective July 1, 2010 and allowing the gals access to the facility prior to the date to prepare the building

City Administrator Kruse brought up the proposed Lease Agreement at the Monday, April 5, 2010 regular Council meeting. Staff is looking for Council approval to move forward with drafting a Lease Agreement for the Acting Out to lease the 5975 Main Avenue NE City building.

It was noted that Acting Out would like to install wood flooring in the main portion of the building known as the Council Chamber. Either Acting Out Group would absorb the costs associated with the improvement; otherwise, the City would pay for it and include the \$1,400 in the monthly rent for at least twelve (12) months to reimburse the expense involved with the building improvements.

Council members Wagner/Sorensen **motioned** to authorize the City Attorney to draft a Lease Agreement between the City of Albertville and the Acting Out; authorizing the Mayor and City Clerk to sign a Building Lease with Kristin Gordon and Amy Nelson doing business as the Acting Out Group. The terms of the lease shall be a month-to-month lease with a ninety (90) day written notice to terminate at a rate of \$1,546.57 per month plus \$50 per month for building insurance and \$60 per month for Monument signage on CSAH 37 and Main Avenue NE for a total of \$1,656.57. A \$750 monthly property tax payment shall be waived thru May, 2011. In June 2011, the monthly rent will continue at \$1,546.57 per month, along with the \$50 per month building insurance, \$750 per month for property taxes and \$60 per month for Monument signage for a total of \$2,406.67 per month. The Acting Out Group is authorized to occupy the building just as soon as they sign the lease, show proof of insurance and make a one month security deposit of \$1,656.57. July's rent and succeeding month's rent shall be due by the 25th of the preceding month July 1, 2010 and allowing the Acting Out Group access to the facility prior to the date to prepare the building; and, allowing the installation of wood flooring in the main portion of the building that either the Acting Out Group absorb the cost estimate of \$1,400 to complete the improvement or the \$1,400 will be included in the monthly rent by approximately \$100 for the minimum of 1-year.

Otsego came back with the date of Thursday, April 29th beginning at 8:00 p.m. and held at the Otsego City Hall for the Albertville-Otsego joint meeting

Albertville City Council accepted the revised/re-scheduled date, time, and location of the Albertville-Otsego joint meeting for the main purpose of discussing the CSAH 19 North and I-94 Improvement Project to be held on Thursday, April 29, 2010 beginning at 8:00 p.m. and will be held at the Otsego City Hall. Mayor Klecker encouraged the Council members that would like to carpool to remain at a minimum of two (2) members per vehicle to avoid the 'Open Meeting Law'.

ANNOUNCEMENTS and or UPCOMING MEETINGS

April 2010

- 26 6:00 p.m. Joint Powers Water Board meeting**
- 29 8:00 p.m. Albertville-Otsego joint meeting (Otsego City Hall)**

May 2010

- 3 5:30 p.m. 2010 Board of Equalization (Board of Review)**
- 3 7:00 p.m. City Council meeting**
- 10 6:00 p.m. STMA Ice Arena Board meeting**
- 11 7:00 p.m. Planning and Zoning Commission meeting**
- 17 7:00 p.m. City Council meeting**
- 25 6:00 p.m. Joint Powers Water Board meeting**
- 31 all day Memorial Day observed – City offices closed**

- 1). Primary Election has been moved up to Tuesday, August 10, 2010 (per the Minnesota Secretary of State Office)
- 2). General Election remains the first Tuesday in November (November 2, 2010) - seats open on Council for the General Election are:
 - a. Mayor (Klecker) – filing for candidacy opens at 8:00 a.m. August 3, 2010
 - b. Council member (Wagner) – filing for candidacy opens at 8:00 a.m. August 3, 2010
 - c. Council member (Fay) – filing for candidacy opens at 8:00 a.m. August 3, 2010

ADJOURNMENT

Mayor Klecker asked if there was any other business for discussion. Upon hearing no other business invited the Council to make a motion to adjourn the April 19, 2010 regular City Council meeting.

Council members Sorensen/Wagner **motioned** to adjourn the Monday, April 19, 2010 regular City Council meeting at 9:00 p.m. Motion carried unanimously.

Bridget Miller, City Clerk (recording secretary)