



**ALBERTVILLE CITY COUNCIL**

**May 3, 2010**

**MINUTES**

**ALBERTVILLE CITY HALL**

**7:00 PM**

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

Mayor Klecker called the meeting to order and led in 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 Clerk Bridget Miller, City Attorney Mike Couri, Utilities Department Superintendent John Middendorf, Finance Director Tina Lannes, and League of Minnesota Cities Attorney Jason Kuboushek

**ABSENT:** none

**AMENDMENTS TO THE AGENDA**

The Monday, May 3, 2010 agenda was amended as follows:

City Attorney Couri requested to add item 10.B. under Closed Session – Lamar Litigation Update

CMs Sorensen/Wagner **motioned** to approve amendments made to the May 3, 2010 agenda adding 10.B. Lamar Litigation Update under the Closed Session. Motion carried unanimously.

## **MINUTES**

*Consider the following April 19, 2010 regular City Council minutes*

CMs Wagner/Vetsch **motioned** to approve the April 19, 2010 regular Council minutes as presented, the signed copy will be scanned and retained as the official City record. 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 is one (1) item listed on the May 3, 2010 Consent Agenda that includes: 8.E.1. Authorize the Monday, May 3, 2010 Payment of Claims (bills) for check numbers **028323** to **028375** as presented except the bills specifically pulled, which are passed by separate motion.

CMs Vetsch/Fay **motioned** to approve the May 3, 2010 Consent Agenda item 8.E.1. Payment of Claims as presented. Motion carried unanimously.

## **DEPARTMENT BUSINESS**

### **PUBLIC WORKS DEPARTMENT**

*Acknowledge the upcoming "Explore Your Parks" event that will take place on Friday, May 14<sup>th</sup> from 6 p.m. to 8 p.m. – five (5) local parks will be featured throughout the evening: Winter Park, Westwind Park, Four Seasons Park, Oakside Park, and Villas Park*

Council member Sorensen informed the Council that the Parks and Recreation Committee is hosting an 'Explore Your Parks' event. There will be a member at each of the parks listed above with possible games or activities during the evening. It is an attempt to get the community out to explore the parks within Albertville.

**UTILITIES DEPARTMENT**

*Approve the purchase of a new control panel, pumps, and check valves for the upgrade of Industrial Park Lift Station*

Utilities Department Superintendent Middendorf gave a PowerPoint presentation on the Industrial Park Lift Station pump replacement project. Middendorf displayed photos of the control panel and other equipment that was in a confined space below the ground and is outdated. Middendorf pointed out what equipment would be removed or replaced noting that the check valves would remain.

Middendorf estimated that the control panel, pumps, and check valve were about 25-30 years old and is becoming more and more of a challenge to find parts to repair the equipment.

Middendorf listed the benefits of updating the pieces of equipment and the potential cost savings to the City. A couple of the points Middendorf shared with the Council were new pumps will be more efficient and updated technology will benefit the City along with less maintenance lowering the amount of labor in half. Middendorf stated that the department has been budgeting for the upgrade for the past few years, so there is money to purchase the panel, pumps, and check valves.

CMs Wagner/Sorensen **motioned** to authorize the purchase of a new control panel, pumps, and check valves for the upgrade of the Industrial Park Lift Station with designated funds in the Budget, costs associated are listed below:

**Control Panel:**

Sweeney Panel built to Albertville specifications with allowances for modifications to existing telemetry system.....\$27,100

**Pumps:**

Two Flygt CT3127.....\$15,800

**Check Valves:**

Two new check valves, two 45 bends, gaskets, nuts bolts, four filler flanges.....\$3,011

Motion carried unanimously.

**BUILDING DEPARTMENT**

*Monthly Written Reports*

City Council accepted the Building Official's Report for the months of January, February, and March 2010.

## **FINANCE DEPARTMENT**

■ *Authorize the Monday, May 3, 2010 Payment of Claims (bills)*

CMs Vetsch/Fay **motioned** to authorize the Monday, May 3, 2010 Payment of Claims (bills) for check numbers **028323** to **028375** 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.

### *Finance 1<sup>st</sup> Quarterly Update*

Finance Director Lannes gave a very brief overview of the financial status of the City's funds.

## **CITY CLERK**

City Clerk Miller updated the Council on the status of the liquor licenses that are held by various establishments throughout Albertville. Miller noted that all licenses have been approved by the City and the State. There are three (3) establishments with a 2 AM Closing that include Geez Sports Bar & Grill, the 152 Club who applied recently, and Major's Sports Café that was currently operating under the previous licensee. Miller brought to the Council's attention the simple fact that the 2 AM licenses don't expire at the same time as the On-Sale or Sunday liquor license.

## **PLANNING**

*Adopt (approve) **Resolution No. 2010-009 (1)** entitled a Resolution approving a variance to allow a billboard be placed closer than 1,000 feet to another such advertising device and approving a variance to the required 20 foot side and rear yard setbacks, located at 5701 Mackenzie Avenue NE within the City of Albertville*

**OR**

*Adopt (approve) **Resolution No. 2010-009 (2)** entitled a Resolution denying a variance to allow a billboard be placed closer than 1,000 feet to another such advertising device and denying a variance to the required 20 foot side and rear yard setbacks, located at 5701 Mackenzie Avenue NE within the City of Albertville*

City Planner Brixius did not go into as much background with the variances related to the Lamar Advertising billboard. Brixius stated an error of issuing permits for two (2) billboards for the same location were disbursed.

Brixius continued by reviewing the difference between the two (2) resolutions for Council to consider. One resolution is adopting or approving the variance to allow a billboard to be placed

closer than 1,000 feet from another such advertising device; and, allowing a variance to the required 20 foot side and rear yard setbacks. The second resolution is to DENY both the 1000-foot variance and the 20-foot side and rear yard setback variance.

Jessica Rivas representing Lamar Advertising informed the Council that Lamar staff has done their best to communicate and work out the location of a billboard with Mr. Morris. What Lamar presented to Morris did not meet Mr. Morris' expectations. Mark Devore was present to speak on Lamar Advertising's behalf. Mr. Devore noted that Lamar demonstrated to Mr. Morris the potential of moving the billboard as far north and east as possible to still make it visible from I-94.

In summary, Lamar Advertising reported they are looking to the Council for any other reasonable location within the site to place the billboard. Lamar wants to retain the customer-client relationship between Mr. Morris and Lamar Advertising.

Ms. Rivas then asked if the Council had any other suggestions for settling the current litigation with Lamar. Staff made a suggestion to go into a closed session for the purpose of discussing other possible settlement options related to the Lamar Litigation.

**Motion** made by Mayor Klecker to table this topic until the next City Council meeting and discuss the new information on the Lamar Litigation during a closed session later this evening. No second to the motion was made; therefore, the motion died.

**Motion** made by CM Vetsch to adopt (approve) **Resolution No. 2010-009 (1)** entitled a Resolution approving a variance to allow a billboard be placed closer than 1,000 feet to another such advertising device and approving a variance to the required 20 foot side and rear yard setbacks located on MacKenzie Avenue NE within the Albertville city offices OMITTING the 5701 property address. No second to the motion was made; therefore, the motion died.

CMs Sorensen/Wagner **motioned** at 8:06 p.m. to close the regular City Council meeting for the purpose of the Attorney-Client Information updating the Council on the City vs. Lamar Advertisement. Motion carried unanimously.

CMs Wagner/Sorensen **motioned** at 8:20 p.m. to reconvene the regular May 3, 2010 City Council meeting. Motion carried unanimously.

CMs Wagner/Sorensen **motioned** to adopt (approve) **Resolution No. 2010-009 (2)** to DENY a variance to allow a billboard be placed closer than 1,000 feet to another such advertising device and DENY a variance to the required 20 foot side and rear yard setbacks located on MacKenzie Avenue NE within the Albertville city limits OMITTING the 5701 property address. Roll call: Wagner, Klecker, and Sorensen voted aye; Fay and Vetsch voted nay. Motion carried.

## **ENGINEERING**

### *Pavement Management Plan Update (PowerPoint presentation followed by discussion)*

City Engineer Nafstad gave a PowerPoint presentation that informed the Council the condition of the streets throughout Albertville. A few of the bullet points Nafstad reported in relationship to the Pavement Management Plan were: Prolong the Pavement or Life of a Road; Minimize or Lower Maintenance Cost; and Development of a Five (5) Year Plan to Budget for Future Road Improvements.

Currently, the City is working with budget constraints for road improvement costs and expenses. Staff realized there appears to be a more apparent need for street repairs than expected. Putting together a Strategic Pavement Management Plan is being proposed by the City Engineer and the Public Works Supervisor. Over the past couple of months, staff has conducted an extensive inventory of all the roads throughout Albertville. Time has been taken to evaluate the condition of the individual streets, the length or time the street was constructed, when the last a sealcoat or overlay was completed. As an outcome of the information collected by staff, a form was created to document future maintenance of roads-streets within Albertville.

### *2010 Street Improvement Project (discussion relating to proposed Street Overlay and Sealcoat planning)*

In conjunction with the above presentation on the Pavement Management Plan, staff continued with the 2010 Street Improvement Project. A motion was made.

CMs Sorensen/Fay **motioned** to direct staff to prepare Plans and Specifications for the 2010 Street Improvements and Authorized the Advertisement of the Project for Bids that will be presented to the Council at a future meeting. Motion carried unanimously.

**LEGAL**

*Accept the City Attorney's Report dated April 22, 2010*

City Attorney Couri noted that since the report was written, staff has received updated information regarding the closed session item regarding the Leuer-Munsterteiger and Crow 95 Assessment Appeal.

*Request Don Barthel return \$14,521.24 in TIF payments from the City that have not been substantiated with qualifying receipts*

CMs Wagner/Sorensen **motioned** to request City Attorney Mike Couri write Don's Bus a letter requesting he return \$14,521.24 in TIF No. 9 payments that were paid to him by the City of Albertville but lacked the required documentation and qualifying receipts. Documentation of qualifying expenditures must be provided to the City or funds paid within 30 days. Motion carried unanimously.

**ADMINISTRATION**

*Set Monday, May 17, 2010 at 7:00 p.m. or soon thereafter to hold a Public Hearing with Respect to the Issuance of Revenue Bonds Under Minnesota Statutes, Chapter 462c, as Amended, for the Financing of a Multifamily Housing Development at Albertville City Hall located at 5959 Main Avenue NE*

City Administrator Kruse reported the City is being asked to issue conduit debt to facilitate the purchase and remodeling of Albertville Meadows Apartments.

CMs Sorensen/Wagner **motioned** to set Monday, May 17, 2010 as a Public Hearing for the purpose to hear public comments regarding the Issuance of Revenue Bonds Under Mn Statutes, Chapter 462c for the Financing of a Multi-family House Development. Motion carried unanimously.

**ANNOUNCEMENTS and or UPCOMING MEETINGS**

**May 2010**

- 8 7:00 a.m. Annual Spring Clean-up Day (St. Michael)**
- 10 6:00 p.m. STMA Ice Arena Board meeting**
- 11 7:00 p.m. Planning and Zoning Commission meeting**
- 14 6:00 p.m. "Explore Your Parks" event**
- 17 7:00 p.m. City Council meeting**

- 24 all day**      **Memorial Day observed – City offices closed**
- 25 6:00 p.m.**   **Joint Powers Water Board meeting TUESDAY**

**June 2010**

- 7 7:00 p.m.**      **City Council meeting**
- 8 7:00 p.m.**      **Planning and Zoning Commission meeting**
- 9-13 varies**      **Friendly City Days**
- 11**                      **Albertville-St. Michael softball tournament**
- 14 6:00 p.m.**      **STMA Ice Arena Board meeting**
- 21 7:00 p.m.**      **City Council meeting**
- 28 6:00 p.m.**      **Joint Powers Water Board meeting**

**July 2010**

- 5 all day**            **Independence Day observed – City offices closed**
- 6 7:00 p.m.**        **City Council meeting TUESDAY**
- 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**

- 1). Primary Election could be moved up to August 10, 2010
  - a. Filing opens August 3, for the following seats open on Council:
    - (1) Mayor
    - (2) Council member Wagner
    - (3) Council member Fay

**MOTION TO CLOSE THE REGULAR CITY COUNCIL MEETING FOR THE PURPOSE OF GOING INTO A CLOSED SESSION TO DISCUSS and UPDATE THE COUNCIL ON THE TWO (2) ITEMS LISTED BELOW** (allow time to clear the Council Chamber)

- A.** Alpine Homes – relating to the Prairie Run Litigation
- B.** Leuer-Munsterteiger and Crow 95 Properties – Court Decision on the Litigation
- C.** Lamar Advertising Litigation Update (added and discussed earlier during the meeting)

CMs Vetsch/Sorensen **motioned** at 9:37 p.m. to close the regular City Council meeting for the purpose of the Attorney-Client Information updating the Council on the City vs. Alpine Homes as it pertains to the Prairie Run Development; the City vs. Leuer-Munsterteiger and City vs. Crow 95 Properties regarding the Court decision on the Litigation as it relates to the CSAH Special Assessment Appeal. Motion carried unanimously.

**MOTION TO RECONVENE THE REGULAR CITY COUNCIL MEETING**

CMs Sorensen/Wagner **motioned** at 10:28 p.m. to reconvene the regular May 3, 2010 City Council meeting. Motion carried unanimously.

**ADJOURNMENT**

CMs Vetsch/Sorensen **motioned** to adjourn the Monday, May 3, 2010 regular City Council meeting at 10:30 p.m. Motion carried unanimously.

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Bridget Miller, City Clerk (recording secretary)