



**ALBERTVILLE CITY COUNCIL**  
**February 7, 2011**  
**MINUTES**

**ALBERTVILLE CITY HALL**

**7:00 PM**

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 p.m. followed by the pledge of allegiance.

**ROLL CALL**

**PRESENT:** Mayor Mark Meehan, Council members John Vetsch, Dan Wagner, Jillian Schommer, and Larry Sorensen

**STAFF MEMBERS PRESENT:** City Planner Alan Brixius, City Attorney Mike Couri, City Administrator Larry Kruse, Finance Director Tina Lannes, Utilities Department Superintendent John Middendorf, City Clerk Bridget Miller, City Engineer Adam Nafstad, and Building Official/Zoning Administrator Jon Sutherland

**ABSENT:** none

**CITIZEN FORUM**

Robert Schwiesow of 5234 Kali Court NE informed the Council that he noticed the agenda item to discuss the Prairie Run Residential Development. Mr. Schwiesow resides within the development and wanted to let the Council know that he would be willing to help with the Prairie Run Residential Development.

**AMENDMENTS TO THE AGENDA**

Mayor Meehan asked if there were any amendments to the agenda. City Administrator Kruse requested to add three (3) items under Administration: 6.K.1. Administrator's Oral Update; 6.K.2. Approve a Resolution Requesting State Assistance for a STMA Ice Arena Expansion; and, 6.K.3. Acknowledge the Written Notice from Acting Out Studio terminating the lease.

CMs Sorensen/Wagner **motioned** to approve the Monday, February 7, 2011 agenda as amended the agenda adding the three (3) items under Administration 6.K.1. Administrator's Oral Update; 6.K.2. Approve a Resolution Requesting State Assistance for a STMA Ice Arena Expansion; and, 6.K.3. Acknowledge the Written Notice from Acting Out Studio ending the lease, which necessary action will be taken in the corresponding order on the agenda. Motion carried unanimously.

## **DEPARTMENT BUSINESS**

### **CITY COUNCIL**

*Oral Update on the Joint Powers Water Board meeting – No significant action reported.*

### **Public Works & Parks Maintenance Department**

*PW & PM Supervisor Presentation on Garbage*

City Administrator Kruse informed the Council that PW Supervisor Guimont had a conflict and was unable to attend the meeting to give his presentation on Garbage.

### **Utilities Department (WWTP)**

*Accept the Utilities Department Superintendent Report*

UD Superintendent Middendorf informed the Council the city experienced a water service leak at 11741 – 55<sup>th</sup> Street NE. Middendorf continued with the comment that the radio read water meters are working great and that it takes only four (4) hours to read the entire city.

UD Superintendent Middendorf gave a slide show presentation detailing pump replacement at the Industrial Park lift station. Staff revamped-revised the lift station raising the electrical panel out of the wet well so there would hopefully be minimal complications the next time there is a 100-year flood.

UD Superintendent Middendorf reported on the Wastewater Treatment Plant Reed Beds that are not functioning well. Staff discovered summer of 2010 there's a considerable amount clay on top of the soil that does not allow the water or sludge to seep down to the roots. Reed Bed No. 5 looked the sickest of the seven (7) Reed Beds. Staff removed the reeds, cleared the bed of the clay, and replanted new reeds. Reed Bed No. 5 will be a test pilot to monitor how or where the clay appears to be coming from.

UD Superintendent Middendorf brought to Council's attention staff will be meeting with the Minnesota Pollution Control Agency (MPCA) on Monday to discuss the suggested .06 phosphorus limit.

CMs Vetsch/Wagner **motioned** to accept the Utilities Superintendent's Report. Motion carried.

### **Building Department**

#### *Accept the Building Official's December 2010 Year-end Report*

Building Official/Zoning Administrator Sutherland began by thanking the Council for the opportunity to give an oral report along with the written one. Sutherland gave an overview of construction activity that took place in Albertville noting December is generally a slow month; however, in 2010, it was better than prior years taking the economic crisis into account. As Sutherland continued he informed the Council that the building permit for the Albertville Meadows rehab/renovation project was submitted in December. Staff continues to monitor Vacant Property and ensure that the homes are properly registered with the City.

Building Official/Zoning Administrator Sutherland commented about the amount of revenue that was generated that amounted to \$87,738.21 for the calendar year 2010. Of the \$87,738.21, \$50,000 was from the conduit revenue bonds for Albertville Meadows apartment renovation project. Sutherland concluded with the facts that Albertville reviewed and approved 241 building permits for the year that were for a variety of work from the renovation of the apartment complex to finish basement or business tenant finishes. Staff conducts zoning enforcement inspections as well as helps the Fire Department with Fire Code Inspections.

CMs Wagner/Schommer **motioned** to accept the Building Official's December 2010 Year-end Report. Motion carried.

### **FINANCE DEPARTMENT**

#### *Authorize the Monday, February 7, 2011 Payment of Claims (bills)*

Mayor Meehan asked if the Council had questions regarding any of the checks listed on the payment of claims. Council member Sorensen asked about check no. 029417 that appeared to be higher than the previous garbage bills for the STMA Ice Arena. Finance Director Lannes commented that there were additional events held at the Ice Arena in January so the STMA Arena Manager Fitch ordered an additional removal.

CMs Sorensen/Wagner **motioned** to authorize the Monday, February 7, 2011 Payment of Claims (bills) for check numbers **029373** to **029430** in the total amount of \$139,551.60 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.

*Accept the Finance Director's 4<sup>th</sup> Quarter Report*

Finance Director Lannes stated that the unaudited Fourth Quarter General Fund Summary of Revenues and Expenditures is as follows: Revenues are at 96.3% and Expenditures are at 84.6%. Lannes asked if the Council had any concerns or questions regarding the Fourth Quarter 2010 General Fund Summary Report.

CMs Wagner/Schommer **motioned** to accept the Finance Director's 4<sup>th</sup> Quarter Report. Motion carried.

**CITY CLERK**

*Approve the Tuesday, January 18, 2011 regular City Council minutes*

CMs Sorensen/Wagner **motioned** to approve the Tuesday, January 18, 2011 regular Council minutes as presented, the signed copy will be scanned and retained as the official City record. Motion carried unanimously.

*Approve the Tuesday, January 18, 2011 City Council workshop notes*

Council member Sorensen asked to amend the minutes to reflect his comment regarding the discontinuation of the Fire fighters electing a Fire Chief and officers versus the Council appointing these positions. Sorensen wanted to review the Pros and Cons with hiring a Fire Chief for Albertville.

CMs Sorensen/Wagner **motioned** to approve the Tuesday, January 18, 2011 Council workshop notes as amended noting that Council member Sorensen wanted to look into the pros and cons of hiring a Fire Chief, the signed copy will be scanned and retained as the official City record. Motion carried unanimously.

*Accept the Wright County Assessor's recommendation to set the 2011 Local Board of Appeal and Equalization meeting for April 18, 2011*

CMs Wagner/Sorensen **motioned** to accept the Wright County Assessor's recommendation to set April 18, 2011 beginning at 5:30 p.m. as the 2011 Local Board of Appeal and Equalization meeting that will have two (2) trained and certified Council members per the Counties requirements.

*Approve three (3) One-Day Liquor Licenses for Geez Sports Bar*

CM Vetsch/Mayor Meehan **motioned** to approve three (3) One-Day 3.2% Malt Liquor License applications submitted by Geez Sports Bar & Grill for a Broomball Event that will be held at Central-City Park on Friday, February 11, 2011 to Sunday, February 13, 2011. The times of

operation are: Friday, February 11, 2011 6:00 p.m. to 11:00 p.m.; Saturday, February 12, 2011 8:00 a.m. to 10:00 p.m.; and, Sunday, February 13, 2011 10:00 a.m. to 6:00 p.m.

## PLANNING

Approve **Ordinance No. 2011-002** Amendments to the Fence Regulations, Section 1000.6.A and Section 1006.J. (Temporary Fences) of Chapter 1000 of the Albertville Zoning Ordinance (Appendix A)

City Planner Brixius began with the fact that in 2009-2010 the City received complaints regarding a snow fence that was put up between two (2) residential dwellings. One of the homeowners did not want snowmobilers traveling on their property and for the purpose of blocking the snow from blowing across the yard. Staff presented the potential of amending the 2005 Albertville Municipal City Code-Zoning Ordinance to document temporary fences.

A draft Ordinance was presented to the Planning and Zoning Commission in January 2011, the draft ordinance is included in the February 7, 2011 regular Council packet. The Planning and Zoning Commission made a request for regulations relating to and not limited to: Construction site fences, residential garden fences, and snow fences. Upon review of the Ordinance drafted by staff the Planning and Zoning Commission made a recommendation to approve the ordinance as presented.

Brixius looked to the Council for input as to what they would like to see, if any, regarding the proposed Ordinance Amendment relating to Temporary Fences within the Albertville city limits.

It was brought to Council's attention regarding a fence located on 50<sup>th</sup> Street NE that was installed to prevent snowmobilers from traveling across their driveway or land. Brixius noted that if the fence is within the right-of-way the city would have the authority to remove the fence.

City Attorney Couri made a comment relating to the Construction fences adding item C. Said fence shall be removed upon completion. Couri explained that in prior years the Council and staff had to deal with temporary construction site fences; otherwise known as 'silt fences'.

CMs Schommer/Wagner **motioned** to approve Ordinance No. 2011-002 entitled an Ordinance Amending Section 1000.6 (Fences) of Chapter 1000 (General Building and Performance Requirements) of Appendix A (Zoning Ordinance) of the 2005 Albertville Municipal City Code relating to Temporary Fence Regulations as amended as follows:

- J. Exception to Fence Permits. The following temporary fences may be installed or erected without a fence permit:
  1. Construction fences needed to secure a construction or excavation site, provided:
    - a. The project site has an active building permit, demolition permit, or excavation permit.
    - b. Said fence location is approved by the City Building Official.
    - c. Said construction fence shall be removed upon completion of the project.

Motion carried.

*Approve **Ordinance No. 2011-003** Amendments to Sign Regulations, Title 10, Chapter 7 of the Albertville City Code related to Number of Temporary Signs Permitted*

City Planner Brixius continued with the next ordinance amendment that related to Temporary Signs. It was proposed in 2009 to increase the number of Temporary Signs allowed from four (4) to six (6). Staff is recommending extending the Temporary Sign increase until December 2012.

The proposed ordinance was presented to the Planning and Zoning Commission who reviewed the contents at the January 11, 2011 regular meeting. The Planning and Zoning Commission amended the ordinance by increasing the number from the standard four (4) per year/per building to eight (8) per year/per building.

Mayor Meehan brought up the fact that various establishments are struggling and trying to increase business. One way would be to adopt the extension of the Temporary Signs permits, but also in the future to consider reviewing the off-premise signs.

Council member Schommer commented that she recently visited a business and inquired how things were going and is there anything the city could look at changing. The Store Manager would like the signage to be addressed. Schommer added that it was not clear what specifically the Store Manager wanted to address only that it related to signage.

CMs Vetsch/Wagner **motioned** to approve **Ordinance No. 2011-002** entitled an Ordinance Amending Section 1000.6 (Fences) of Chapter 1000 (General Building and Performance Requirements) of Appendix A (Zoning Ordinance) of the 2005 Albertville Municipal City Code Relating to Temporary Fence Regulations as presented with the Planning and Zoning Commission's recommendation to go to eight (8) per year/per building that would become effective upon publication and will be effective until December 31, 2012 per the Planning and Zoning Commission members recommendation and as presented to the Council at the February 7, 2011 regular Council meeting. Motion carried.

*Approve **Ordinance No. 2011-001** Amendment to Non-Conforming Use Regulations, Section 900.2 of Chapter 900 of the Albertville Zoning Ordinance*

City Planner Brixius commented that a single-family dwelling along 60<sup>th</sup> Street NE recently lost their garage to a fire. The property is zoned B-4, General Business District, where single-family dwelling is a legal non-conforming use. Brixius further explained that the current zoning of B-4 prohibits the re-establishment of a non-conforming use or structure if damaged beyond 50% of its fair market value.

Northwest Associated Consultant (NAC) discussed the situation with the Albertville Building Official and brought to his attention that the Minnesota State Statute 462.357 was amended a few

years ago to allow the reconstruction of a legal non-conforming use or structure lost to fire or peril. Within the Statute language the re-establishment of a structure lost to fire or peril is allowed if the property owner applies for a building permit within 180-days of the damage event.

A second Minnesota State Statute change was to extend the time period for abandoned non-conforming use or occupancy to one year.

City Planner Brixius concluded that an Ordinance was drafted by staff and presented to the Planning and Zoning Commission for review, approval, and recommendation to Council for approval at the January 2011 regular meeting.

CMs Sorensen/Schommer **motioned** to approve **Ordinance No. 2011-001** entitled an Ordinance Amending Section 900.2 (Provisions) of Chapter 900 (Non-Conforming Buildings, Structures and Uses) of the Albertville Zoning Ordinance (Appendix A) of the 2005 Albertville Municipal Code Relating to Non-Conforming Uses per the Planning and Zoning Commission members recommendation and as presented to the Council at the February 7, 2011 regular Council meeting. Motion carried.

*Approve **Ordinance No. 2011-004** Amendment to Sign Regulations, Title 10, Chapter 7 of the Albertville City Code related to Location of Wall Signs*

City Planner Brixius began with the fact that recently Space Aliens inquired about possibility of placing a business sign on the northwest side of the building (the side that faces CSAH 19). As the Albertville City Code Zoning Ordinance reads and is interrupted the wall signage request would not be allowed. After careful review of the Sign Regulations set by the City, staff has prepared and presented the consideration to amend Title 10 (Building and Development Regulations), Chapter 7 (Sign Regulations) to allow greater flexibility in the placement of signs.

Brixius continued by stating amending the 2005 Albertville Municipal City Code allowing greater flexibility in the placement of business wall signs would be beneficial to the business and the city by allowing placement of wall signage on that side of a building or tenant bay not facing a street right-of-way, provided that no sign is located on that side of the building where the lot directly abuts a residential zoning district.

CM Schommer/Mayor Meehan **motioned** to approve **Ordinance No. 2011-004** entitled an Ordinance Amending Section 10-7-8 (Permitted Business Signs) of Chapter 7 (Sign Regulations) of Title 10 (Building and Development Regulations) of the 2005 Albertville Municipal City Code Relating to Allow for Business Wall Signage on Walls not Abutting a Public Right-of-Way per the Planning and Zoning Commission members recommendation and as presented to the Council at the February 7, 2011 regular Council meeting. Motion carried.

**LEGAL**

*Accept the City Attorney's Progress Report*

City Attorney Couri had no additional comments, just left it to Council if they had questions.

Mayor Meehan/CM Sorensen **motioned** to accept the City Attorney's Progress Report as presented. Motion carried.

**ADMINISTRATION**

*Administrator's Oral Update*

City Administrator Kruse stated the Albertville Lions would like to purchase additional kitchen items that came to the amount of \$500-\$600 and in return have the Council waive the rental fee for the facility.

Mayor Meehan/CM Wagner **motioned** to authorize the City purchase of \$500-\$600 worth of additional kitchen items with the City paying for equipment with the idea that revenue from Lions and other rental will ultimately pay for the equipment. Motion carried.

*Resolution Requesting State Assistance for a STMA Ice Arena Expansion*

City Administrator Kruse brought forward a resolution of support requesting State assistance to fund expansion of the STMA Arena. At the Joint meeting of the City of Albertville, St. Michael and the STMA School District it was recommended that the three entities adopt a resolution of support to be personally carried to Senator Koch.

Mayor Meehan/CM Sorensen **motioned** to approve Resolution No. 2011-003 entitled a Resolution Requesting State Assistance for a STMA Ice Arena Expansion. Motion carried.

*Acknowledge Acting Out Studio giving a 90-day notice to vacate the premises*

City Administrator Kruse informed the Council that Amy Nelson with Acting Out Studio has given her 90-day notice that the group will be vacating the city facility located at 5975 Main Avenue NE effective May 1, 2011.

**FAMILY YOUTH COMMUNITY CONNECTIONS**

*Accept the FYCC Coordinator's 2010 Update*

Council member Wagner asked if Sandy Greninger from FYCC could on occasion give an update on programming.

**ANNOUNCEMENTS and or UPCOMING MEETINGS**

**February 2011**

- 8 7:00 p.m. Planning and Zoning Commission meeting**
- 14 6:00 p.m. STMA Ice Arena Board meeting**
- 21 all day Presidents Day observed – City offices closed**
- 22 7:00 p.m. City Council meeting - TUESDAY**
- 28 6:00 p.m. Joint Powers Water Board meeting**
- 28 8:15 p.m. Albertville Council & Otsego Council workshop  
(Otsego City Hall)**

February-11						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	CC 7	PZ 8	9	10	11	12
13	Ice 14	15	16	17	18	19
20	H 21	CC 22	23	24	25	26
27	JP 28					

March-11						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	CC 7	PZ 8	9	10	11	12
13	Ice 14	15	16	17	18	19
20	CC 21	22	23	24	25	26
27	JP 28	29	30	31		

**March 2011**

- 7 7:00 p.m. City Council meeting**
- 8 7:00 p.m. Planning and Zoning Commission meeting**
- 10 7:00 p.m. Law Enforcement Contracting Presentation – Buffalo**
- 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**

**ADJOURNMENT THE REGULAR CITY COUNCIL MEETING TO GO INTO A CLOSED SESSION**

*Alpine Capital Litigation regarding Proposed Settlement Attorney/Client Privileged material enclosed*

*Lamar Land Purchase for the purpose of the I-94 Ramp Project*

CMs Sorensen/Schommer **motioned** to close the regular City Council meeting at 8:25 p.m. to go into a closed session to review the Alpine Capital Litigation regarding the Proposed Settlement that has been prepared and to review the Lamar Land Purchase located off of 62<sup>nd</sup> Street NE for the purpose of the I-94 Ramp Project. Motion carried.

**RECONVENE THE REGULAR CITY COUNCIL MEETING**

Mayor Meehan/CM Schommer **motioned** to reconvene the regular February 8, 2011 City Council meeting at 8:44 p.m.

*Take Action, if applicable, on the Alpine Capital Litigation regarding Proposed Settlement Attorney/Client Privileged*

Mayor Meehan asked the Council if anyone wanted to take action on the Alpine Capital Litigation Proposed Settlement.

CMs Vetsch/Sorensen **motioned** to accept the Alpine Capital, LLC Litigation Proposed Settlement that includes and is not limited to the Defendant (Alpine Capital, LLC) shall deed Lots 3, 4, 5, 6, 8, 9, 10, 11, 12 and 13, Block 2, Plat of Prairie Run, Wright County, Minnesota to the City of Albertville; and, that the Defendant shall pay the delinquent real estate taxes and special assessments on the Property, except for Lots 10 and 11, Block 2, which Plaintiff shall not be required to pay; and, the Defendant shall secure and record the release of all mortgages and other liens and encumbrances from the Property, except that Defendant shall not be required to pay delinquent real estate taxes or current or delinquent special assessments for Lots 10 and 11, Block 2, and other stipulations outlined within the Court File No. 86-CV-09-6850. Motion carried.

*Take Action, if applicable, on the Lamar Land Purchase for the purpose of the I-94 Ramp Project*

Mayor Meehan asked if the City Council wanted to take action on the Lamar Land Purchase for the parcel of land that will be used in the proposed I-94 Ramp Project.

City Attorney Couri stated that the purchase agreement has been a lengthy process and the offer that is before the Council is a fair marketable offer that would be in the City's best interest to accept in accomplishing the task of completing the I-94 Ramp Project.

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CMs Schommer/Sorensen **motioned** to accept the Lamar Land Purchase Agreement in the amount of \$405,000 for the property description: that part of the South 60 rods of Government Lot Nine (9), Section Thirty-six (36), Township One-hundred Twenty-one (121), Randy Twenty-four (24), Wright County, Minnesota, which lies Northwesterly of the public road now lying across said Government Lot Nine (9) and lying North of the Northerly right-of-way of proposed Interstate Highway Number 94, EXCEPT the West one (1) rod thereof and grant an easement for the billboard(s) that are located on the site; this property will be purchased for the I-94 Ramp Project. Mayor Meehan, Council members Schommer, Sorensen, and Wagner voted aye. Council member Vetsch voted nay. Motion carried.

**ADJOURN THE REGULAR COUNCIL MEETING TO GO INTO A WORKSHOP**

CMs Vetsch/Wagner **motioned** to adjourn the Monday, February 7, 2011 regular City Council meeting at 8:48 p.m. Motion carried unanimously.

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Bridget Miller, City Clerk (recording secretary)