



ALBERTVILLE CITY COUNCIL

March 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, Jillian Schommer, Larry Sorensen, and Dan Wagner

STAFF MEMBERS PRESENT: City Planner Alan Brixius, Public Works Supervisor Tim Guimont, City Attorney Mike Couri, City Administrator Larry Kruse, Finance Director Tina Lannes, City Clerk Bridget Miller, City Engineer Adam Nafstad, and Building Official/Zoning Administrator Jon Sutherland

ABSENT: none

RECOGNITIONS – PRESENTATIONS – INTRODUCTIONS – no comments

CITIZEN FORUM

Robert Schwiesow of 5432 Kali Court NE informed the Council that he signed the waiver per the Council's direction to hold the city harmless for any future problems my dog may encounter. Another form I was asked to sign was one that notes the installation of the fence. Staff would like the fence to be installed by April 15. As I explained to the City Administrator, it is unknown if the frost will be out of the ground by that date. Schwiesow explained that he has rented an auger to dig holes and wore out the blade. Kruse commented that he discussed with Mr. Schwiesow that it was not necessary to go to any extreme measures to bore holes in the frozen ground and that the City would work with him on a time extension, but the intent is to get the fence up as soon as possible.

As Schwiesow continued he wanted clarification from the Council what the interpretation is on City Code 6-2-17 E.1. that relates to Private Kennels requirements. According to the City Code the language reads as follows: Maximum Number of Dogs: The maximum number of dogs that may be contained in any duly licensed private dog kennel is six (6), provided the following conditions are met: When the dogs remain outside and not on a leash, they shall remain confined in a fenced area where the fence acts as a physical barrier (not an electronic fence) that reasonably restrains the dogs to a confined area.

Mr. Schwiesow explained that he has received conflicting information from staff. One member stated a fence is required; while the next one feels a fence is not required. Schwiesow wants to know how the Council interprets the language as to whether a fence is required or not.

City Attorney Couri stated that the initial reading of the language it was understood that a fence is required. As staff continued to discuss the language, the way the ordinance currently reads I do not believe that a fence is required if the dogs are kept inside or on a leash in the backyard.

As the discussion continued Council member Vetsch expressed his concern with the date, which Vetsch agreed that the frost may not be out of the ground to install the fence. Council had concern with the way the information was dispersed to Mr. Schwiesow with an Affidavit of Service. City Attorney Couri said the affidavit simply affirms that Mr. Schwiesow received the information. Mr. Schwiesow then stated he had originally identified the April 15th date.

To conclude with Mr. Schwiesow's request of the interpretation of the City Code, it is clarified that a fence is required to contain the dogs at any time one or more are outside and not on a leash and Mr. Schwiesow is encouraged to get the fence in as soon as possible.

AMENDMENTS TO THE AGENDA

Mayor Meehan asked if there were any amendments to the agenda, which there were no amendments.

CMs Wagner/Sorensen **motioned** to approve the Monday, March 7, 2011 agenda as presented. Motion carried.

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 two (2) items listed on the Consent Agenda: 7.F.3. Finance - Approve **Resolution No. 2011-005** entitled a Resolution Approving the Issuance of General Obligation Utility Revenue Bonds, Series 2011A authorize sale of the 2011A; and, **Resolution No. 2011-006**

entitled a Resolution approving the issuance of General Obligation Improvement Refunding Bonds; Series 2011B; and, 7.K.2. Administration - Amend the Carlson Building Services Maintenance Contract as presented.

CMs Wagner/Sorensen **motioned** to approve the two (2) items listed on the Consent Agenda: 8.F.3. Finance - Approve **Resolution No. 2011-005** entitled a Resolution Approving the Issuance of General Obligation Utility Revenue Bonds, Series 2011A authorize sale of the 2011A; and, **Resolution No. 2011-006** entitled a Resolution approving the issuance of General Obligation Improvement Refunding Bonds; Series 2011B; and, 7.K.2. Administration - Amend the Carlson Building Services Maintenance Contract as presented. Motion carried.

DEPARTMENT BUSINESS

BUILDING DEPARTMENT

Accept the Building Official's January 2011 Report

Building Official/Zoning Administrator Sutherland began by reporting the City Hall skylight has been repaired. It took some coordination of inspections and a number of meetings/ correspondence to figure out what or where the problem was. Staff wanted to keep the City Attorney in the loop of the problems should an issue or additional problems occur. Sutherland awaits the March and April weather to pass for a true test.

Sutherland continued by reporting that construction activity in January was normal other than no new dwellings. Planning and Zoning – December was a busy month with various issues such as assisting a resident and a contractor resolve a dispute, working with realtors on vacant property registration or code enforcement issues, guiding the owner of Space Alien's with additional signage for the building, among other commercial tenant projects throughout Albertville.

Sutherland concluded by asking the Council if they had any questions or comments for him. There were no additional comments from the Council members.

CITY COUNCIL

Oral Update on the Joint Powers Water Board meeting

Council member Vetsch reported that Joint Powers, Veolia, is testing Well No. 9 at this time to make sure things are working or functioning appropriately. Veolia will need to test for a minimum of 6 months up to a year. Joint Powers (Veolia) is tentatively scheduled to begin using Well No. 9 in 2012.

FINANCE DEPARTMENT

Authorize the Monday, March 7, 2011 Payment of Claims (bills)

CMs Vetsch/Sorensen **motioned** to authorize the Monday, March 7, 2011 Payment of Claims (bills) for check numbers **029482** to **029532** in the total amount of \$94,682.25 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 Report

Finance Director Lannes reported the outstanding accounts receivable as of February 28 total \$171,314. The percentage breakdown is: 0-30 days 43.36%; 30-60 days 1.28%; and, over 90 days 55.36%. Lannes stated the majority of accounts receivable over 90 days are due to Great West Casualty and the Schuett Group.

Lannes asked if there were any questions or concerns regarding the accounts receivable.

☛ *Approve **Resolution No. 2011-005** entitled a Resolution Approving the Issuance of General Obligation Utility Revenue Bonds, Series 2011A authorize sale of the 2011A; and, **Resolution No. 2011-006** entitled a Resolution approving the issuance of General Obligation Improvement Refunding Bonds; Series 2011B (these items were on the Consent Agenda)*

CMs Wagner/Sorensen **motioned Resolution No. 2011-005** entitled a Resolution Approving the Issuance of General Obligation Utility Revenue Bonds, Series 2011A authorize sale of the 2011A.

CMs Wagner/Sorensen **motioned Resolution No. 2011-006** entitled a Resolution approving the issuance of General Obligation Improvement Refunding Bonds; Series 2011B.

CITY CLERK

Approve the Tuesday, February 22, 2011 regular City Council minutes

Council member Sorensen asked if the Council will see the minutes from the February 28, 2011 Special Council meeting and the February 28, 2011 joint City of Otsego and City of Albertville Council meeting. Administrator Kruse reported the City of Otsego will prepare the minutes and Kruse will have the Special minutes ready for the next meeting.

CMs Sorensen/Wagner **motioned** to approve the Monday, February 7, 2011 regular Council minutes as amended changing it from Council member Wagner to Council member Sorensen

who asked about check no. 029417 of the minutes, the signed copy will be scanned and retained as the official City record. Motion carried unanimously.

PLANNING

*Approve **Ordinance No. 2011-005** and **Resolution No. 2011-008** for the Particle Control to consider rezoning their property at 6062 Lambert Avenue NE Albertville, MN from B-3, Highway Commercial District to Planned Unit Development (PUD) and to consider site and building plans for the placement of silos on this site*

City Planner Brixius reported that Bill and Carol Arns met with staff regarding constructing two (2) silos on the property. Staff reviewed the site and building plan recommending Mr. & Mrs. Arns proceed by submitting a Development Review Application requesting to rezone the property and ask for site and building plan approval that would identify where the silos would be placed.

A Public Hearing Notice was published and at the February 8, 2011 Planning and Zoning Commission meeting staff presented the request to rezone the property from B-3, Highway Commercial District to a Planned Unit Development (PUD) to define the range of appropriate land uses and development performance standards unique to the proposed property. In addition to rezoning, the Commission reviewed the site and building plan that included the construction of up to two (2) dry storage silos within the site to accommodate a new customer that requires the handling of bulk materials. The Planning and Zoning Commission held the public hearing and heard public comment.

Brixius pointed out that Particle Control exists as a legal non-conforming industrial use within the current B-3, Highway Commercial Zoning. Without the zoning change, the placement of two (2) storage silos on the site cannot be permitted. The proposed zoning change to a PUD, allows the City and the owner the ability to preserve the long range commercial redevelopment goals, while making accommodations to continue operation and growth on the site.

Following the public comment and review, the Planning and Zoning Commission is recommending approval of the rezoning request for the Particle Control property from B-3, Highway Commercial District to a PUD subject to the conditions outlined in Ordinance No. 2001-005:

SECTION 1. The Albertville Zoning Map shall be amended, relating to property legally described as:

Lots 1, 2, 3, 4, and 5 in Block D; Lots 5, 6, 7, 8, and 9 in Block B; all in the Townsite of Hamburg (now Albertville), according to the plat on file and of record in the office of the Register of Deeds, in and for the County of Wright, State of Minnesota, subject to highway easements including extinguishment of access from Lots 1, 2, 3, 4, and 5 in Block D to and from Interstate Highway No. 94. Also vacated Second Street lying between said Blocks B & D, except that

part of the south half of vacated Second Street lying north of and adjacent to Lot 10 of said Block B.

And

Lot 10 of Block "B" in the Townsite of Hamburg, (now Albertville), according to the plat on file and of record in the Office of the County Recorder, in and for the County of Wright, State of Minnesota. Also that part of the vacated Second Street lying between Blocks B and D, being the South Half thereof, adjoining Lot 10, Block B, in the Town site of Albertville on the north side.

SECTION 2. The lot shall be rezoned from B-3, Highway Commercial District, to PUD, Planned Unit Development District, in order for the City to define the range of appropriate land uses and development performance standards unique to the property, subject to the following conditions:

1. Land uses shall be limited to all permitted, conditional, and accessory uses allowed within the B-3 Zoning District. Any change of use from existing conditions shall be processed through the appropriate development applications called for by the Albertville Zoning Ordinance.
2. Land uses shall be limited to industrial processing of dry food ingredients limited to milling, blending, air classifying, screening, packaging, warehousing, and storage per the approved site plan received December 2010 (see Exhibit A) shall be allowed on the site.
3. All new development and any further expansion of the existing building shall comply with the following setbacks:
 - a. Front Yard: 35 feet.
 - b. Side Yard: 20 feet or 35 feet where abutting an "R" District.
 - c. Rear Yard: 20 feet or 35 feet where abutting an "R" District.
4. All buildings shall not exceed 35 feet in height. This will limit the silo height to existing standards.
5. Any and all permitted, conditional, and accessory uses allowed within the B-3 Zoning District shall meet the architectural standards of Section 4400.8 of the Albertville Zoning Ordinance.
6. Industrial processing of dry food ingredients buildings may have a metal exterior finish provided the color of any new building or structure matches the color and design of the principal building.

Council member Schommer commented that the silo(s) will be 35-feet in height, Schommer wanted to know what other structures on the site are the same height. Brixius demonstrated to Schommer other parts of the building that is 35-feet in height to give her a better idea of the height limit.

Brixius/Sutherland shared the second portion of the approval process is the site and building plan review. The Planning and Zoning Commission members expressed a concern with the hours of operation. Bill Arns informed the commission that the hours of operation will remain the same.

There will be no additional noise or odor from the process of the dry storage containers. Arns stated that there have been minimal amounts of dust coming from the plant into the surrounding areas.

To summarize, Brixius stated that the Planning and Zoning Commission members reviewed the request, took public comment, and are recommending approval of Ordinance No. 2011-005 to Rezone the property to a Planned Unit Development and approving Resolution No. 2011-008 for the placement of up to two (2) silos on the property with a height restriction of 35-feet with no additional signage on the silos.

CMs Schommer/Sorensen **motioned** to approve **Ordinance No. 2011-005** entitled an Ordinance Amending the Official Zoning Map of the City of Albertville Relating to the Particle Control Property located at 6062 Lambert Street NE in the City of Albertville. Motion carried.

M Meehan/CM Schommer **motioned** to approve **Resolution No. 2011-008** entitled a Resolution Approving a Site and Building Plan Review for Particle Control located at 6062 Lambert Street NE within the City of Albertville. Motion carried.

ENGINEERING

City Engineer Presenting an I-94 Ramp Schedule

City Engineer Nafstad gave a brief presentation on the I-94 Ramp Schedule. Included in the schedule it appeared ordering the improvement and awarding the bid would take place sometime in June 2011 with construction or beginning on the project in July-August 2011.

Council member Sorensen thought that is rather late in the season to begin road construction and would encourage the City and staff to do their best to move the dates up or approve/award the bids as soon as possible.

*Adopt **Resolution No. 2011-007** entitled a Resolution Ordering Preparation of a Report on Improvement of Interstate 94 Access at CSAH19 by the Addition of a Westbound Collector-Distributor Interchange Connection Between CSAH 37 and CSAH 19 and to contract with Bolton and Menk, Inc. to complete the Feasibility Study on an hourly basis not to exceed \$3,800 with funds account for in the I-94 Capital Project Account*

Mayor Meehan allowed an additional moment for Council members to express their comments regarding the I-94 Ramp Improvement. Then entertained a motion to approve Resolution No. 2011-007 relating to Ordering Preparation of a Report and to contact with Bolton and Menk, inc. to complete a Feasibility Study at a cost not to exceed \$3,800.

CMs Schommer/Sorensen **motioned** to approve **Resolution No. 2011-007** entitled a Resolution Ordering Preparation of a Report on Improvement of Interstate 94 Access at CSAH19 by the Addition of a Westbound Collector-Distributor Interchange Connection Between CSAH 37 and

CSAH 19 and to contract with Bolton and Menk, Inc. to complete the Feasibility Study on an hourly basis not to exceed \$3,800 with funds account for in the I-94 Capital Project Account as presented. Motion carried.

Approve to amend the professional service contract amount with SRF Consulting from \$369,066 to \$398,766 for the final design of the I-94 WB CD Road and to include preparing the bidding documents, preparing a design memorandum, and miscellaneous plan revisions to accommodate different funding sources

City Engineer Nafstad reported that over the course of the I-94 Project SEH created a number of designs. The Council reviewed the various options and finalized the I-94 Ramp Project Design that was approved by the City Council. Per the March 16, 2009 minutes Kruse shared the following comments: MnDOT and the Federal Highway Department recently approved the layout. In an effort to move forward, the next step would be to hire an Engineering Firm to complete the final design in preparation for bidding. Council asked to invite four (4) firms to submit proposals to complete the I-94 Collector Distributor Road Final Design. WSB, SRF, and SEH were the three (3) entities that submitted proposals to complete the I-94 Collector Distributor Road Final Design.

City Administrator Kruse touched on the history of the financing for the I-94 Project, which staff anticipates funding the I-94 Final Design via an Inter-Loan Fund. In the past, the City was Levying \$100,000 towards I-94 Ramp Improvements, which the amount was lowered to \$80,000 in 2009. Approximately \$40,000 of the \$80,000 in 2009 dollars were dedicated towards lobbying our Congressional Delegation to fund the I-94 Project. The balance of unused funds can be dedicated towards repaying the Inter-Loan Fund for final design. In the future, staff recommends the City dedicate up to \$100,000 per year for repayment of the I-94 Final Design Inter-Loan Fund.

City Engineer Nafstad continued by stating SRF was the Engineering Firm that was awarded the bid to complete the Final I-94 Westbound Collector Distributor Road Design. It has been a couple of years since the approval and the State of Minnesota Standards have been amended; therefore, alterations need to be made to the I-94 Designs in order to meet the current regulation standards.

Nafstad added that in accordance with Minnesota State Statute Chapter 429 dealing with Assessment requirements, the City Engineer is required to complete a Feasibility Study. Information to gather to complete the Feasibility Study is: proposed improvement, the cost of those improvements, a possible assessment and project schedule, the necessity and feasibility of the project, and the method by which the project can be accomplished. The Feasibility Study will include exhibits depicting the proposed improvements and benefiting properties, an itemized engineer's estimate of the project costs, and will describe the funding sources available to the project.

Council member Vetsch and Wagner commented in regards to the increase in the amount it will cost for the project. Will any of the current funds for the project be allocated towards the amended plans that will be submitted to the State.

Staff noted the amounts that have been paid will be applied towards the revised will be included in the capital project expenses.

CMs Sorensen/Schommer **motioned** to approve the amendment to the professional service contract amount with SRF Consulting from \$369,066 to \$398,766 for the final design of the I-94 WB CD Road and to include preparing the bidding documents, preparing a design memorandum, and miscellaneous plan revisions to accommodate different funding sources per staff's recommendation. Motion carried.

LEGAL

Accept the City Attorney's Report

City Attorney Couri did not have any updates on the items; therefore, asked the Council if they had any questions or concerns regarding the report.

ADMINISTRATION

Administrator's Oral Update

City Administrator Kruse gave a brief oral update on the status of projects, which the I-94 was already discussed earlier.

Amend the Carlson Building Services Maintenance Contract (this item was on the Consent Agenda)

CMs Sorensen/Wagner **motioned** to approve amending the 2011 Carlson Building Services Maintenance Agreement from \$520 per month to \$562 per month (+\$42) reflecting additional cleaning of the Fire Hall garage floor effective March 1, 2011. Motion carried.

ANNOUNCEMENTS and or UPCOMING MEETINGS

Council member Sorensen noticed the March 10 Law Enforcement item was not listed. It is something the Council is supposed to attend. Staff shared it was an ongoing monthly meeting that is held at the new Wright County Sheriff's Dept., which the Albertville City Council was invited to attend.

March 2011

- 8 7:00 p.m. Planning and Zoning Commission meeting (canceled)
- 10 5:00 p.m. Live Wright Grant Open House
- 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

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

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

April 2011

- 4 7:00 p.m. City Council meeting
- 9 8:00 a.m. 2011 Albertville Spring Town Hall Open House
- 11 6:00 p.m. STMA Ice Arena Board meeting
- 12 7:00 p.m. Planning and Zoning Commission meeting
- 18 7:00 p.m. City Council meeting
- 21 tbd p.m. Joint Cities of Albertville/St. Michael with Wright County Commissioners meeting (St. Michael City Hall)
- 25 6:00 p.m. Joint Powers Water Board meeting
- 30 7:00 a.m. Joint Albertville-St. Michael Spring Clean-up Day (held at the St. Michael PW Facility)
- 28 6:00 p.m. Joint Powers Water Board meeting

ADJOURNMENT

CMs Sorensen/Wagner **motioned** to adjourn the Monday, March 7, 2011 regular City Council meeting at 8:24 p.m. Motion carried unanimously.

Bridget Miller, City Clerk (recording secretary)