



ALBERTVILLE CITY COUNCIL
August 1, 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

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

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

OTHERS PRESENT: Wright County Sheriff Deputy Shawn Bliven

ABSENT: none

CITIZEN FORUM

No comments

RECOGNITION-PRESENTATION-INTRODUCTIONS

AMENDMENTS TO THE AGENDA

Mayor Meehan asked if there were any amendments to the agenda. City Planner Brixius asked to add a Temporary Outdoor Music Permit. City Clerk Miller added the 2011 St. Michael City Council Bowling Challenge for the Daze and Knights celebration.

Meehan proceeded to ask for a motion to approve the agenda as amended adding the two (2) items.

CMs Wagner/Sorensen **motioned** to approve the Monday, August 1, 2011 agenda as amended to include 7.G.2. Accept the 2011 St. Michael Daze and Knights Bowling challenge under City Clerk; and, 7.H.3. Approve a Temporary Outdoor Music Permit for 6115 Kaitlin Avenue NE. Motion carried unanimously.

CONSENT AGENDA

No comments

DEPARTMENT BUSINESS

CITY COUNCIL

Oral Update on the Joint Powers Water Board meeting

Mayor Meehan shared that the test results on Well No. 9 came back positive meaning it is getting closer to production. The next process is to submit the proper applications and have the Minnesota State Health Department inspect the Well No. 9 and the quality of the water. Veolia needs a variance since they are pumping water in and out of the ground, which requires obtaining a variance from the State.

Council member Schommer inquired about Temporary Off-Premise Signs

Council member Schommer wanted to find out the status of Temporary Off-Premise signs that was discussed at the joint workshop with the Planning and Zoning Commission members.

City Planner Brixius reported he had prepared an ordinance amendment but would like staff to take a look prior to presenting it to the Council. It will be on the August 15, 2011 agenda for Council review.

FIRE DEPARTMENT

No comments

PUBLIC WORKS-PARKS DEPARTMENT

No comments

Utilities DEPARTMENT

No comments

BUILDING DEPARTMENT

No comments

FINANCE DEPARTMENT

*Authorize the Monday, August 1, 2011 Payment of Claims (bills) for check numbers **24EFT – 29EFT, 030037 to 030071** as presented*

Mayor Meehan addressed the Council to see if there were any questions or concerns regarding the August 1, 2011 payment of claims.

Council member Wagner requested additional information related to check no. 030058 made payable to Pick Electric in the amount of \$100.00. He wanted to know if this was part of the retro work that was going to be completed.

Finance Director Lannes was unaware of what exactly the work order was for but would contact Grant Fitch the STMA Ice Arena Manager and report back to Wagner.

CMs Sorensen/Wagner **motioned** to authorize the Monday, August 1, 2011 Payment of Claims (bills) for check numbers **24EFT – 29EFT, 030037 to 030071** as presented in the total amount of \$55,913.91 as presented, 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 the Monday, July 18, 2011 regular City Council minutes and the Monday, July 18, 2011 City Council Budget Workshop notes

Mayor Meehan inquired if there were any corrections to be made to the July 18th regular minutes or the July 18th workshop notes.

CMs Sorensen/Vetsch **motioned** to approve the Monday, July 18, 2011 regular City Council minutes and the Monday, July 18, 2011 City Council Budget Workshop notes as presented including the discussion related towards Electrical Inspections during the State of Minnesota Shutdown. Motion carried unanimously.

Accept the 2011 St. Michael Daze and Knights Bowling Challenge

City Clerk Miller stated that the St. Michael Council and staff is once again asking the Albertville City Council and staff to a 2-3 game bowling challenge during the 2011 Daze and Knights celebration.

Mayor Meehan looked to the Council for any thoughts on the challenge. Council member Sorensen would like to participate however has a prior commitment. Council member Schommer stated the same that she too has a prior commitment and will not be able to participate. Council member Wagner stated he is up to the challenge and put him down as a player. Mayor Meehan also accepted the challenge and is open to participating in bowling.

City Clerk Miller asked for a motion to formalize the acceptance of the bowling challenge.

CM Wagner/M Meehan **motioned** to accept the St. Michael City Council and staff's 2011 Daze and Knights Bowling Challenge that will be held on Friday, August 12 beginning at 5:30 p.m. at the River Lanes located in St. Michael with the additional cost of \$5.00 per player or \$3.50 without shoe rental per player to be applied towards some of the cost for the bowling alley. Motion carried unanimously.

PLANNING

*Approve **Resolution No. 2011-025** entitled a Resolution Approving an Administrative Subdivision, Site and Building Plan and a Conditional Use Permit (CUP) for Expanded Outdoor Storage for Border States Electric located at 11927 53rd Avenue NE within the City of Albertville*

City Planner Brixius reported that Border States Electric submitted a Development Application for approval of an Administrative Subdivision, Site and Building Plan Review, and a Conditional Use Permit (CUP) for expanded outdoor storage on the site located at 11927 53rd Street NE within the Albertville city limits.

Included as part of the application is the combining of Lots 6 and 12, Block 2, Barthel Industrial Park to accommodate a 22,500 square foot building addition, construction of a new accessory storage building and expanded outdoor storage for the property at 11927 53rd Street NE, Albertville, Minnesota. Both parcels are zoned as I-1 Limited Industrial. The eastern lot is encumbered with wetlands and a drainage ditch that leaves little buildable land. The western lot contains the existing building and outdoor storage.

Brixius explained the setbacks for lots are determined based on the front lot lines as defined:

“the front of a lot shall be, for the purpose of complying with this ordinance, that boundary abutting a public right-of-way having the least width”

As demonstrated with the site and building plan, the lot in question has a unique configuration and access from a cul-de-sac that extends along the west lot line. Based on

the frontage on this public street and the location of both the existing principal and accessory buildings, the following setbacks are applied to have the existing and proposed buildings comply with setbacks.

Setback – Principal Building	<u>Required</u>	<u>Proposed</u>	<u>Compliant</u>
Front (west)	35 feet	69.5 feet	yes
Side (south)	10 feet	165.0 feet	yes
Side (north)	10 feet	280.0 feet	yes
Rear (east)	20 feet	500.0 feet	yes

Setback – Accessory Building	<u>Required</u>	<u>Proposed</u>	<u>Compliant</u>
Front (west)	35 feet	209.0 feet	yes
Side (south)	10 feet	560.0 feet	yes
Side (north)	10 feet	12.0 feet	yes
Rear (east)	20 feet	450.0 feet	yes

Brixius reported that according to the site and building plans with the information noted above, both the existing buildings and proposed buildings meet the required setbacks.

Brixius informed the Council that the wetlands on the site have been reviewed by City Engineer Nafstad who has recommended the wetland being delineated remain on the site. Staff also recommends that the applicant be allowed to reduce the buffer strip by averaging the buffer strip width around the entire wetland. The delineation must be completed and the City Engineer must approve the wetland buffer. Wetlands and buffers must be included with drainage and utility easements recorded with the lot consolidation.

Brixius continued to review the site's paving plan that demonstrates gravel surfacing for the outdoor storage yard east of the building addition. The grading plan illustrates that the drainage from this area is directed east toward the existing drainage ditch and wetland. The applicant must provide some stormwater management measures to provide some treatment of the stormwater from this area before it enters the wetland.

Brixius brought up the number of parking stalls that are included with the original plan that notes the need for an additional nine (9) stalls, which the applicant must demonstrate the placement of these stalls.

Brixius pointed out the fact the site is located on a cul-de-sac; therefore, the access and loading will be from 53rd Street NE noting no changes being proposed for the driveway design. The site offers adequate land for traffic circulation and large truck movements.

As Brixius continued he brought to Council's attention where in Albertville the proposed site is located noting that the site is an isolated industrial lot at the end of 53rd Street NE that bordered properties that are developed industrial lots of similar use and design. There is limited street frontage for the site as it is on a cul-de-sac. The exterior storage is and will be located behind the building and is screened from 53rd Street NE by the building. The northern lot line abuts the railroad right-of-way, which will be screened from the I-94 corridor with vegetation.

Brixius commented on the exterior building material, which will be masonry tip-up type concrete panels that meet the City's I-1 Limited Industrial District architectural design standards. The covered exterior storage structures will be constructed of masonry panels, consistent with the principal building. The storage area is totally fenced, fully screened and landscaped according to a plan approved by the Zoning Administrator, and a landscape guarantee as determined by the Zoning Administrator.

Brixius reiterated the utilities and grading plans have been reviewed by City Engineer Nafstad, which his comments have been presented to the applicant. The applicant shall submit revised plans to meet the Engineer's concerns.

Brixius shared that staff received comments from Futrell just today related to fire code concerns with the proposed Development Application, which the developer just received and will be discussed.

Brixius reported the normal process, where a notice was published and a public hearing was held at the Planning and Zoning Commission on Tuesday, July 12, 2011. The Commission heard public comment regarding the proposed Development Application. There were a number of Key Issues that were stated in the report that included:

1. The site is zoned I-1, Limited Industrial District. The proposed uses are allowed within the I-1 District.
2. The proposed combined lot exceeds the lot area, lot width and building setbacks for the I-1 Zoning District.
3. The building will be of a masonry construction which complies with I-1 District industrial building standards.
4. Wetland and stormwater improvements are required per the City Engineer.
5. The required parking must be expanded by nine (9) spaces to meet City standards.

Brixius turned it over to the Council for questions or a concern pointing out there was a representative from Border States Electric in the audience.

Council had minimal questions regarding the application as the majority of the concerns had been addressed within the presentation to the Council.

CMs Vetsch/Sorensen **motioned** to approve **Resolution No. 2011-025** entitled a Resolution Approving an Administrative Subdivision, Site and Building Plan, and a Conditional Use Permit (CUP) for Expanded Outdoor Storage for Border States Electric located at 11927 53rd Street NE within the City of Albertville as presented. Motion carried unanimously.

*Approve **Resolution No. 2011-024** entitled a Resolution Approving a Planned Unit Development (PUD) Amendment to allow a Rear-yard Setback and Wetland Setback Variances for a Deck Located at 6927 69th Circle NE within the Albertville city limits*

Building Official/Zoning Administrator Sutherland began with the fact that Jared Braun submitted a Building Permit application to construct a deck onto the house. As staff reviewed the application, it was noticed that the actual placement of the house was set too far back to the setbacks. The applicant was informed he would have to apply for a variance and possibly an amendment to the Planned Unit Development (PUD) within the addition. Staff told the applicant the costs associated with the Development Application, which the homeowner could not afford. Staff then recommended for the applicant to go before the Council to see if the fees could be waived or reduced, which brings us to where we are today.

As Sutherland continued to present Resolution No. 2011-024 related to the construction of a deck he pointed out the property is a corner lot, which appears to have two (2) frontages. In reviewing the application staff determined the actual front of the house should be off of LaSalle Circle NE rather than 69th Circle NE.

Sutherland reiterated that when the house was built it was not set properly on the lot for a future deck; therefore, making it difficult to meet the minimum setbacks. In addition to the unique shape and meeting the minimum setbacks, the property abuts a wetland that no building, deck or other structure shall encroach into the 30 foot wetland setback.

Sutherland touched on the issues that were:

1. The lot is a uniquely shaped corner lot with a large utility easement on two (2) sides of the lot that limits the lot's buildable area.
2. The current structure (house) meets all the required building setbacks.
3. The west-side of the lot abuts a wetland area known as Outlot A, which no home will be built on this property. The deck setback will not impact an adjoining neighbor.
4. Since this was first raised with staff, the State has changed the criteria for determining variance approvals, the City must determine if the request is a reasonable use of the lot and a deck is a reasonable and normal expected use.
5. The deck placement will not negatively impact the adjoining wetland and only encroaches on the wetland setback not the wetland buffer.

Sutherland concluded with the comment that staff recommends approval of the request to build a 14' x 16' deck based on the following:

1. A deck is a reasonable use of the property.
2. There is a practical difficulty with locating the deck based on the configurations of the corner lot and the application of the required setbacks.
3. The lot is a uniquely shaped corner lot with a large utility easement on two (2) sides of the lot that limits the buildable land.
4. The amendment to the Planned Unit Development (PUD) and variance is applicable to the applicant's lot exclusively.

Sutherland opened it up to the Council for comments or concerns regarding the proposed Development Application that includes the variance and amendment to the PUD.

Council member Schommer asked about the Homeowner's Association that the Planning and Zoning Commission wanted approval from them. Schommer wanted clarification if the City will obtain a copy.

Sutherland stated that the President of the Hunter's Pass Estates Homeowner's Association was present at the Planning Commission meeting. The President commented that the association appeared to be in agreement with the construction of the deck. The City would receive a copy of the letter from the Homeowner's Association for the City's records stating they will allow the construction or addition of the deck on the property.

CMs Schommer/Sorensen **motioned** to approve **Resolution No. 2011-024** entitled a Resolution Approving a Planned Unit Development (PUD) Amendment to allow a Rear-yard Setback and Wetland Setback Variances for a Deck Located at 6927 69th Circle NE within the Albertville city limits as presented. Motion carried unanimously.

Approve a Temporary Outdoor Music Permit for Justin Anderson

City Planner Brixius turned it over to Justin Anderson to better explain the application before the Council.

Mr. Anderson that resides at 6115 Kaitlin Avenue NE would like approval of a 1 day Temporary Outdoor Music Permit. For approximately six (6) years he has been inviting the neighborhood to a party that is held in his backyard. The past couple of years there have been a few neighbors that don't attend and comment about the noise. The type of music is country performed by a small garage style band. The timeframe will be from 3:00 p.m. to 9:30 p.m. Anderson acknowledged the City Code relating to noise control and there should be minimal amounts after 7:00 p.m.

Council member Wagner commented this is one of the first applications the City has received from a resident. The prior ones have been from business owners and did not feel the application is appropriate for this type of situation.

City Planner Brixius recommended the application should be treated in the same manner as a business if the City receives a complaint the owner would be denied the next Temporary Outdoor Musical Permit.

CMs Vetsch/Schommer **motioned** to approve the 1 Day Temporary Outdoor Music Permit for Justin Anderson for the property located at 6115 Kaitlin Avenue NE for the hours of operations beginning at 3:00 p.m. and concluding at no later than 10:30 p.m., with the conditions that if the Sheriff's Department receives a complaint the owner must comply and turn the music down, if

the City receives other complaints the applicant will be denied additional Temporary Outdoor Music Permits. Motion carried unanimously.

ENGINEERING

Accept the City Engineer's Project Status Report

City Engineer Nafstad gave a PowerPoint presentation to accompany his project status report. Nafstad went over the I-94 Westbound Collector Distributor Road updating the staff on the progress.

Next item Nafstad went over was the 2011 Street Improvement noting the publication mistake that will push the awarding of the bid process out a week.

The Towne Lakes Trail's first lift pavement has been placed with the final lift along the other segments to be completed when soil conditions permit.

Staff is working on the Wastewater Treatment Plant discharge permit and addressing the levels with the MPCA.

Nafstad touched on the culvert repair due to frost heaving of the road that was installed a few years ago.

Last item was the Kalland Avenue NE sidewalk work will begin this week. This has been a small project that created a number of problems after installation.

Nafstad invited Council comments on the items included in the project status report.

Council member Sorensen complimented staff on the trails within the Towne Lakes Addition. There are residents that have thanked him (Mr. Sorensen) for the trails connection. The residents have been patiently waiting for this.

LEGAL

Accept the City Attorney's Oral Report

City Attorney Couri asked if he could present his report at the next council meeting.

(remainder left blank intentionally)

ADMINISTRATION

City Administrator's Oral Update

City Administrator Kruse had a few small items that included the City Reader Board sign located on the corner of CSAH 37 and Main Avenue NE. Kruse had been in contact with Franklin Outdoor Advertising to get a quote on upgrading the monument sign to a larger monitor style, which would cost approximately \$25,000. Kruse reported on another signage to help other businesses in the area, which staff would obtain funds from the businesses that would be on the signage display. Kruse had nothing more to report.

ANNOUNCEMENTS and or UPCOMING MEETINGS

Mayor Meehan basically commented that are some upcoming meetings.

August 2011

- 8 6:00 p.m. STMA Ice Arena Board meeting**
- 8 7:00 p.m. City Council Budget Workshop**
- 9 7:00 p.m. Planning and Zoning Commission meeting**
- 15 7:00 p.m. City Council meeting**
- 22 6:00 p.m. Joint Powers Water Board meeting**
- 24 8:00 P.M. Parks and Recreation Committee meeting**

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

(remainder left blank intentionally)

Sept. 2011

- 5 all day Labor 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
- 26 8:00 P.M. Parks and Recreation Committee meeting

September-11						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	H 5	cc6	7	8	9	10
11	Ice 12	PZ 13	14	15	16	17
18	cc 19	20	21	22	23	24
25	JP 26	27	28	29	30	

ADJOURN THE REGULAR CITY COUNCIL MEETING TO GO INTO A BUDGET WORKSHOP SESSION

CM Sorensen/Wagner **motioned** to adjourn the Monday, August 1, 2011 regular City Council meeting at 7:44 p.m. to go into the Second 2011 Budget Workshop Session. Motion carried unanimously.

Bridget Miller, City Clerk (recording secretary)