



**ALBERTVILLE CITY COUNCIL
September 6, 2011 (Tuesday)
MINUTES**

ALBERTVILLE CITY HALL

7:01 PM

CALL TO ORDER – PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:01 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 Attorney Mike Couri, City Administrator Larry Kruse, Finance Director Tina Lannes, Utilities Superintendent John Middendorf, Fire Chief Tate Mills, City Clerk Bridget Miller, City Engineer Adam Nafstad, and Building Official/Zoning Administrator Jon Sutherland; Wright County Deputies Eric Kunkel, Shawn Bliven, and Chad Torkelson

ABSENT: City Planner Al Brixius

RECOGNITIONS – PRESENTATIONS – INTRODUCTIONS

RECOGNIZE TED ROBERTS FOR VOLUNTEERING HIS SERVICES TO THE ALBERTVILLE CITY OFFICE STAFF OVER THE SUMMER

Mayor Meehan invited Ted Roberts to approach the Council dias so that he could personally thank Mr. Roberts for his kind gesture of volunteering his time and talent to the Albertville City office staff in performing daily tasks. It is these small tasks that allow the office staff to focus on projects that are time consuming to accomplish.

Mayor Meehan on behalf of the Albertville City Council presented Mr. Roberts with a Certificate of Appreciation.

PROCLAMATION RECOGNIZING 2011 IS THE TENTH (10TH) ANNIVERSARY OF THE SEPTEMBER 11, 2001 TERRORIST ATTACK ON THE USA

Mayor Meehan commented that Sunday, September 11th marks the Tenth Anniversary of the terrorist attack on our nation. In the audience this evening there are a few Wright County Deputies and Albertville's Fire Chief.

City Clerk Miller ask for the members present to please stand and if we could give them a round of applause for the time and effort they put in serving the community.

PROCLAMATION SEPTEMBER 25 TO OCTOBER 1 AS CITY OF BORYSPIL UKRAINE WEEK

Mayor Meehan acknowledged that Albertville had a third item for recognition. City Administrator Kruse participated in a Civil Exchange Leadership Program in May 2011. As an outcome of the event there is a group of Ukrainian individuals that will be traveling to the United States.

On behalf of the Albertville City Council, Mayor Meehan, proclaimed the week of Sunday, September 25th to Saturday, October 1st as the official City of Boryspil, Ukraine week. During their stay in the United States the delegates will be spending Wednesday, September 28 within the Albertville city limits. Beginning around 8:30 a.m. Albertville will host a presentation with the hope that members of the Council would be able to welcome them to our facilities.

CITIZEN FORUM

No comments

AMENDMENTS TO THE AGENDA

Mayor Meehan asked for amendments to the agenda, which the following items were added:

- 7.A.2. City Council – brief update on the STMA Ice Arena (City Administrator Kruse)
- 7.H.2. Planning – sign on City Hall property (Council member Sorensen)
- 7.I.2. Engineering – Accidents on CSAH 19 (Council member Sorensen)
- 7.K.2. Administration – Consultant Staff meetings (Council member Vetsch)
- 7.K.3. Administration – Ukraine bus (City Administrator Kruse)

Mayor Meehan asked to move item 7.H.1. following the approval of the amendments to the agenda.

CMs Vetsch/Sorensen **motioned** to approve the additions to the Tuesday, September 6, 2011 regular Council agenda moving item 7.H.1. Planning-approving Resolution No. 2011-029 for a Conditional Use Permit to allow for a larger than accepted garage; and adding the other items that are:

- 7.A.2. City Council – brief update on the STMA Ice Arena (City Administrator Kruse)
- 7.H.2. Planning – sign on City Hall property (Council member Sorensen)
- 7.I.2. Engineering – Accidents on CSAH 19 (Council member Sorensen)
- 7.K.2. Administration – Consultant Staff meetings (Council member Vetsch)
- 7.K.3. Administration – Ukraine bus (City Administrator Kruse)

Motion carried unanimously.

CONSENT AGENDA

No comments

DEPARTMENT BUSINESS

PLANNING AND ZONING

Approve Resolution No. 2011-027 entitled a Resolution Approving a Conditional Use Permit (CUP) for an Attached Garage Larger than 1,000 square feet at the location of 10337-52nd Street NE within the Albertville city limits

Building Official/Zoning Administrator Sutherland explained to the Council that the owner at 10337-52nd Street NE submitted a building permit for a garage that would be constructed in the rear portion of the property. Staff informed the applicant the garage size exceeds the allowable 1,000 square foot limit. If he wanted to pursue the addition of the garage he would need to apply for a Conditional Use Permit (CUP) that would be presented to the Planning and Zoning Commission and the City Council to obtain recommendation and approval to allow the structure on the property.

Sutherland continued by acknowledging the applicant submitted a Development Application for a CUP to allow for the construction of an additional garage that would exceed the total limit of 1,000 square. The application was reviewed at the August 9, 2011 regular Planning and Zoning Commission meeting. At the Commission meeting, the members asked about the exterior materials encouraging the homeowner to use the same material as the rest of the structure. There was concern with the slope of the roof that was addressed in the Building Official/City Planner's recommendation to increase.

The material that will be used on the roof will be shingles. The homeowner wanted to use another material, but would be too costly to re-roof the house so the exterior materials match according to the City Code standards.

Council member Vetsch wanted to make sure the thought of a Home Occupation for auto repair would not be allowed within the space. Staff confirmed the Home Occupation was included in the Resolution for the CUP, in which auto repair or other Home Occupation would not be allowed within the space.

The homeowner was present and stated it would be used primarily for storage of a pickup truck and boat that is used during the spring-summer-fall fishing season. As of now the owner drives around the perimeters of the property to get the vehicle into the space, which will be continued after the garage addition is completed.

Mayor Meehan pointed out the mechanical vents on the side of the house, which the Planning and Zoning Commission also noticed. Sutherland reported these are issues that would be addressed during the building permit stage. Staff and the owner are aware the vents will need to be re-located or re-directed to accommodate the garage structure.

City Administrator Kruse brought up the City Code that requires a hard surface for garages. Sutherland stated that staff has reviewed and did not feel it was necessary to enforce the hard driveway surface as it will not be used on a daily basis.

If there were no other comments, Mayor Meehan asked the Council for a motion and a second to approve Resolution No. 2011-027 entitled a Resolution Approving a Conditional Use Permit (CUP) for an Attached Garage Larger than 1,000 square feet at the location of 10337 – 52nd Street NE within the Albertville city limits.

CMs Vetsch/Schommer **motioned** to approve Resolution No. 2011-027 entitled a Resolution Approving a Conditional Use Permit (CUP) for an Attached Garage Larger than 1,000 square feet at the location of 10337-52nd Street NE within the Albertville city limits

CITY COUNCIL

Oral Update on the Joint Powers Water Board meeting

Council member Vetsch and Mayor Meehan had little to report on from the Joint Powers Water Board meeting.

Council member Schommer wanted to be updated on the water that was tested. It was a reservoir that needed to be cleaned and refilled.

Council member Vetsch commented that the water samples from Well No. 9 were being tested by the State. These samples did not meet the MN State's standard requirements so staff is waiting for the results and what further action is needed in dealing with the quality of the water before they can begin to use the water from the well.

Oral Update on the STMA Ice Arena Expansion

City Administrator Kruse stated that Council member Sorensen and Wagner met with the Architect prior to the Council meeting to go over the layout of the future expansion of the arena. Kruse noted that the architect identified that the expansion does fit on the site but there are some issues with fire access and parking.

Council member Vetsch inquired what the land was appraised at, which was approximately \$442,000. The cost to have the appraisal completed was \$900 and was split between the STMA the City of Albertville and Diane Sorensen of L&D Trucking.

Council member Schommer wanted clarification as to when the architect will present the findings and if it will be a current or up-to-date layout. City Administrator Kruse stated the findings will be presented to the entire STMA Ice Arena Board on Monday, September 12. Mayor Meehan asked if other Council members are allowed to attend. Kruse stated it is open to the public and staff will post the meeting noting a quorum of Council members may be present to meet the 'open meeting law'.

Council member Sorensen proceeded to touch on the replacement of the roof. Albertville Building Official Sutherland met with St. Michael Mayor/STMA Ice Arena Board member Zachman to inspect the roof following the hail storm in July.

The overlay fabric material and insulation that was going to be used to reroof the arena is heavier than the current metal roof so the framing or structure will not be able to support the added weight load. The positive out of all of this is the roof is finally going to be repaired or replaced. The type of material or the concern with the roofing will be addressed at the next meeting.

Mayor Meehan asked about the sound system, which staff reported the sound system will be brought up at the next regular STMA Arena meeting on September 12, 2011.

FIRE DEPARTMENT

No comments

PUBLIC WORKS-PARKS DEPARTMENT

No comments

UTILITIES DEPARTMENT (WWTP)

Authorize staff to hire a St. Michael's employee and Jet-Vacuum truck for \$175 per hour to work with our crew to clean lift stations at a cost not to exceed \$7,000

Utility Department Superintendent Middendorf presented his Request for Council Action. Middendorf went on to comment that the Utilities Department has been evaluating whether to upgrade our jet truck, hire a private contractor or work with a neighboring community to clean our lift stations and sewer lines around the community. This fall, the City needs to clean several lift stations and our unit does not have the capability of doing it.

Middendorf shared that the Utility Department would like to work with St. Michael to hire their jet vacuum truck and employee to clean our lift stations. The cost to do this is \$125 per hour for the truck and \$50 per hour for the operator. The total time will be less than 40 hours. The cost to work with St. Michael is less than to hire an outside contractor. Plus this will be a good experiment to see if a longer term relationship might be a good solution to annually cleaning sewers and lift stations, rather than purchasing and maintaining an expensive truck.

Regarding future cleaning of sewers, research revealed a new Jet-Vac Truck would cost \$250,000 to \$350,000 and a used one would cost \$100,000 to \$200,000. To hire a private contractor to clean about one-third of our sewers a year would cost \$36,000 per year. It is his belief that cooperating with a neighboring community at least in the short run may be the most cost effective solution than any of the three above.

CMs Vetsch/Schommer **motioned** to authorize staff to hire a St. Michael employee and the jet-vacuum truck for \$175 per hour to work with our crew to clean lift stations at a cost not to exceed \$7,000 with the funds coming out of the Sewer Fund that has an adequate fund balance. Motion carried unanimously.

BUILDING DEPARTMENT

No comments

FINANCE DEPARTMENT

*Authorize the Tuesday, September 6, 2011 Payment of Claims (bills) for check numbers **030137 to 030192***

CM Sorensen/M Meehan **motioned** to authorize the Tuesday, September 6, 2011 Payment of Claims (bills) for check numbers **030137 to 030192** in the total amount of \$122,538.84 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.

Authorize staff to sign the waiver for our monetary limits on tort liability and purchases additional coverage up to the \$1,000,000 per occurrence and in aggregate

Finance Director Lannes stated the City must sign a waiver for its monetary limits on tort liability and purchases of additional coverage up to \$1,000,000 per occurrence. The process of renewing the insurance takes approximately 30 days. During this time the current policy will expire, which is October 1, 2011. Lannes pointed out that according to SECTION I: LIABILITY COVERAGE WAIVER FORM states: "Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort limits to the extent of the coverage purchased." This decision must be made by the City Council.

Lannes commented that signing the waiver would be applying for an extension on the policy that expires on October 1, 2011.

Lannes informed the Council that Northern Capital has begun to do some of the field work on annual insurance renewal.

CMs Schommer/Wagner **motioned** to authorize the Mayor and City Clerk to sign the waiver for its monetary limits on tort liability and purchases additional coverage up to the \$1,000,000 per occurrence and in aggregate. Motion carried unanimously.

*Approve the following Resolutions: **Resolution No. 2011-027** accepting the 2012 Preliminary Levy; and, **Resolution No. 2010-028** accepting the 2012 Preliminary Budget*

Finance Director Lannes presented the Council with a resolution to adopt the 2012 Preliminary Levy and Preliminary Budget as per the last Budget Workshop held on Monday, August 29th where the majority of the Council came to an agreement setting the 2012 Preliminary Budget total at \$3,045,208 and 2012 Preliminary Levy total at \$2,429,769 for taxes payable 2012. This is an increase of \$56,682 over last year. Plus, the debt service levy has decreased from \$722,994 to \$712,503. Therefore, the total levy, both general fund and debt service has increased from \$3,096,081 in 2011 to \$3,142,272.

Lannes continued with the comment that the final levy is not certified to Wright County until mid December 2011, so there is still an opportunity to review, discuss, and change the 2012 Budget and Levy as needed. The important thing to remember is that the Final Levy **can** be lower or less than the Preliminary Levy but it **cannot** be higher or more. So we don't want to get "locked" into a levy that is inadequate to fund our programs and projects for 2012 calendar year.

CMs Sorensen/Schommer **motioned** to approve **Resolution No. 2011-027** entitled a Resolution Adopting the 2012 Preliminary Tax Levy Collectible in 2012 in the amount of \$3,142,272; and, **Resolution No. 2010-028** entitled a Resolution Adopting the 2012 Preliminary Budget as on file in the Office of the City Clerk. Motion carried unanimously.

CITY CLERK

Approve the following minutes and workshop notes: Monday, August 15, 2011 regular City Council minutes; and, Monday, August 15, 2011 Third 2011 Budget Workshop notes

Mayor Meehan asked if there were any changes to the August 15, 2011 regular Council minutes or the August 15, 2011 Budget Workshop notes. Council member Sorensen asked for a minor change under Planning noting that it was Council member Wagner as Sorensen did not attend the meeting.

CMs Sorensen/Vetsch **motioned** to approve the Monday, August 15, 2011 regular City Council minutes as amended reflecting the correction of Council member Wagner reporting on the Planning and Zoning Commission meeting; and, the Monday, August 15, 2011 Third 2011 Budget Workshop notes as presented. Motion carried unanimously.

*Staff looking to Council to set the 2011 Truth-in-Taxation dates with the following recommendations being **Monday, December 5, 2011 beginning at 6:15 p.m.** and continued on Monday, December 19, 2011 beginning at 6:15 p.m. if necessary with both meeting being held within the Albertville City Hall*

Mayor Meehan looked to the Council to set the 2011 Truth-in-Taxation dates that staff has recommended, which Meehan wanted to know if that is sufficient time to hold the meeting.

City Clerk Miller reported the two (2) dates are the same as the December regular Council meeting so there are no additional dates or meetings being set these will take place prior to the meeting. It has been the experience that very minimal residents or property owners attend the meeting.

CMs Sorensen/Schommer **motioned** to set Monday, December 5, 2011 beginning at 6:15 p.m. as the Truth-in-Taxation Hearing, with Monday, December 19, 2011 beginning at 6:15 p.m. as a continuation if necessary with both meetings being held at 5959 Main Avenue NE, Albertville, MN with notification being sent to Wright County Assessor's Office for preparation of the preliminary 2012 Property Tax Statements. Motion carried unanimously.

Approve two (2) Temporary Outdoor Music Permits as follows: A Temporary Outdoor Music Permit for the Albertville Lions and 152 Club in conjunction with the Albertville Lions Sportsman's Outdoor Extravaganza Swap meet that will be held on Saturday, September 10th in Central-City Park and the Volleyball area of the 152 Club musical performances beginning at 8 p.m. and terminating at 12:00 mid-night; and, A Temporary Outdoor Music Permit for the 152 Club for the annual Oktoberfest Festival with the hours of musical performances beginning at 3:00 p.m. and terminating at 12:00 mid-night on Saturday, October 1st

Mayor Meehan acknowledged there are two (2) Temporary Outdoor Music Permits before the Council for review and approval. One (1) is for the 152 Club and the Albertville Lions to be held during the Sportsman's Outdoor Extravaganza Swap meeting that is being held on Saturday, September 10th. The music will be held at the 152 Club in the Volleyball area beginning around 8 p.m. and terminating at 12:00 mid-night.

The second (2nd) Temporary Outdoor Music Permit is for the annual Oktoberfest put on by the 152 Club with the musical performances beginning at 3:00 p.m. and terminating at 12:00 mid-night, again it will take place within the 152 Club's volleyball area on Saturday, October 1.

Council member Schommer and Wagner challenged the recent amendment to Temporary Outdoor Music relating to the hours of operation, which staff confirmed the music must cease at 12:00 mid-night so the application meets the requirements.

CMs Schommer/Sorensen **motioned** to approve a Temporary Outdoor Music Permit for the Albertville Lions and 152 Club in conjunction with the Albertville Lions Sportsman's Outdoor Extravaganza Swap meet that will be held on Saturday, September 10th in Central-City Park and the Volleyball area of the 152 Club musical performances beginning at 8 p.m. and terminating at 12:00 mid-night; and, A Temporary Outdoor Music Permit for the 152 Club for the annual Oktoberfest Festival with the hours of musical performances beginning at 3:00 p.m. and terminating at 12:00 mid-night on Saturday, October 1st. Motion carried unanimously.

PLANNING AND ZONING

Signage on City Property (Council member Sorensen)

Council member Sorensen basically asked whose 'Free Apples' sign was located in the boulevard area of the City Hall property. Sorensen went on to comment how we make the businesses within Albertville follow the rules and regulations. The sign on Main Avenue NE appears the City is not following the rules. Sorensen directed staff to remove the sign.

Staff shared that PW employees put the sign up for residents to help themselves to some of the apples on the trees in the rear of the property. It takes staff longer during this time of the year to mow as they spend time picking up the apples.

ENGINEERING

Accept the City Engineer's Oral Project Status Update

City Engineer Nafstad reported that the Kalland Avenue NE sidewalk replacement was openly and accepted by the residents. They were cooperative in allowing the City and staff to repair the grade elevations. PW did a good job correcting the areas of the sod or other items.

Nafstad gave an update on the I-94 Permanent Easement Acquisition from AT&T, which staff continues to work with the company at working out the agreement.

The 2011 Street Improvement Project is under way. In the Lannon Avenue NE area there was some confusion, but staff dealt with the concerns in a quick and timely manner. Staff is also looking into freshening up the stripping on some of the streets so we are

CSAH 19 Accident Reports

Council member Sorensen asked if there is a way to obtain records or reports on the number of accidents on CSAH 19. Sorensen shared that as he talks to residents it is becoming harder and harder to safely make a left-hand turn onto or off-of CSAH 19 and there appears to be a large number of accidents there. The three (3) areas he would like to find out about are at the intersection of CSAH 19 & 50th Street NE/CSAH 18; CSAH 19 & 57th Street NE; and CSAH 19 & CSAH 37.

City Engineer Nafstad stated that the County is aware of the signals and is looking into how to address the concern of the increase in accidents. Nafstad continued with the fact that there is a concern with the pedestrians crossing CSAH 19, whereas the lights do not allow enough time for them to fully or completely get across without the potential of being hit by a motorist. The newest signalized lights by the STMA Middle School West are one that raises the most concern when school is in session.

LEGAL

I-94 Tanker Accident Settlement Agreement

City Attorney Couri stated the I-94 Tanker Accident Settlement was discussed at the last meeting with the Council giving staff the direction to work out the agreement. Included in the packet is the final I-94 Tanker Accident Settlement Agreement. The total amount of the settlement is \$20,000.

CMs Wagner/Sorensen **motioned** to accept/approve the I-94 Tanker Accident Settlement Agreement as submitted by the City Attorney with the total amount of the settlement being

\$20,000 and authorize the Mayor and City Clerk to sign a settlement agreement concluding the action. Motion carried unanimously.

Accept the City Attorney's Written Report

Mayor Meehan asked if the Council had any questions or concerns for the City Attorney. There were no additional questions at this time.

ADMINISTRATION

Accept the City Administrator's Update

No comments

Authorize Staff to Reserve a Bus for the Ukrainian Delegates and other individuals

City Administrator Kruse reported he is in need of providing transportation for the Ukraine delegation on Wednesday, September 28th. He asked the Council to authorize a bus for transportation of the Ukrainian delegates and other individuals. There are approximately 20 delegates, plus Minnesota host members and interpreters. There would be no cost to the City; however, the City's insurance is needed for the event.

Kruse said the Albertville Premium Outlets has a bus, and he has requested they provide the bus for the day. They have a concern with the liability insurance of the bus and who would carry it or they may require the City sign a waiver releasing them from liability.

CMs Wagner/Schommer **motioned** to sponsor the Ukrainian event in Albertville on Wednesday, September 28th and allow/authorize staff to arrange for a bus for the Ukrainian delegates and other individuals. If a Liability Waiver is needed it should be subject to the City Attorney's review. Motion carried unanimously.

Consultant Staff meetings

Council member Vetsch wanted an update on the regular consultant staff meetings. Vetsch went on to share that with the development slow is there a need to hold these consultant staff meetings twice a month. Could they be once a month or whenever there is a development proposal?

City Administrator Kruse reassured Council member Vetsch that staff only holds these meeting to address important timely issues and will cancel them when necessary. Kruse said, although development is slow, there are many ongoing issues with I-94, and other business and resident

issues important to the City Council that needs attention. Kruse reiterated that he limits consultant time as much as possible and will share the consultant staff agenda with the Council.

ANNOUNCEMENTS and or UPCOMING MEETINGS

Please take note there are a couple of items that have been added to the upcoming meeting schedule.

Council member Schommer brought up the September Parks and Recreation Committee meeting is not on the schedule. Schommer would like another Council member to attend as she will not be able to attend. Council member Sorensen commented that he is on the committee and would be able to attend the meeting.

September 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**
- 28** **8:30 a.m.** **Ukrainian Delegates at Albertville City Hall**

| September-11 | | | | | | |
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October 2011

- 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**
- 24** **6:00 p.m.** **Joint Powers Water Board meeting**
- 31** **TBD** **Joint Albertville/St. Michael/School Board meeting**

| October-11 | | | | | | |
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ADJOURN

CMs Sorensen/Wagner **motioned** to adjourn the Tuesday, September 6, 2011 regular City Council meeting at 8:20 p.m. Motion carried unanimously.

Bridget Miller, City Clerk (recording secretary)