



ALBERTVILLE CITY COUNCIL
September 19, 2011
MINUTES

ALBERTVILLE CITY HALL

7:00 PM

CALL TO ORDER – PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. followed by the Pledge of Allegiance.

ROLL CALL

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

STAFF MEMBERS PRESENT: City Planner Al Brixius, City Attorney Mike Couri, Finance Director Tina Lannes, City Clerk Bridget Miller, City Engineer Adam Nafstad, and Building Official/Zoning Administrator Jon Sutherland

ABSENT: Council member John Vetsch and City Administrator Larry Kruse

RECOGNITIONS – PRESENTATIONS – INTRODUCTIONS

STMA SOCCER CLUB – THOMAS DAWSON TO PRESENT A DONATION - MOTION TO APPROVE RESOLUTION No. 2011-030 ENTITLED A RESOLUTION ACKNOWLEDGING A DONATION FROM THE STMA YOUTH SOCCER ORGANIZATION IN THE AMOUNT OF \$1,200

Mayor Meehan opened the presentation by introducing Thomas Dawson STMA Soccer Club representative.

Mr. Dawson thanked the Albertville Council for the opportunity to speak. Dawson continued by using a PowerPoint presentation that gave general information about the STMA Soccer Club. Included were facts that the Soccer Club is ranked in the top 10% within the State. The members of the STMA Soccer Club feel this is an accomplishment as Albertville and St. Michael are smaller communities compared to others. Dawson reported there were 151 total players registered this past year, which the numbers are slowly increasing each year.

Dawson wanted the Mayor and Council members to pass on the message to Public Works Supervisor Guimont and his crew that the STMA Soccer Club appreciates the effort that is put into maintaining the fields throughout the Albertville parks. To show appreciation, the STMA Soccer Club would like to make a donation of \$1,200 towards the maintenance and upkeep of the fields. The nets at some of the parks are beginning to show some wear and tear, so if some of the funds could be applied to investing in new nets it would be nice.

Dawson concluded with one more “thank you” to the City for making room to allow soccer fields within the parks for the youth in the community to get out and enjoy playing the sport of soccer.

Mayor Meehan with the rest of the Council members accepted the donation followed by a quick photo.

STMA WOMEN OF TODAY – PROCLAMATION (SEPTEMBER 18 – 24 AS WOMEN OF TODAY WEEK)

Mayor Meehan announced that the STMA Women of Today were present to acknowledge this week as Women of Today week. The Proclamation was presented with a ‘thank you’ from the Mayor and Council members for the work they do for the community. In addition to the STMA Women of Today coordinating and hosting two (2) craft fairs each calendar year, the women are dedicated to promoting community service through the Adopt-a-Family service, along with numerous donations and service hours worked within our community and the local school district. The organization has provided personal enrichment and leadership development to the members of this community through service. The STMA Women of Today has been a vital part of the St. Michael and Albertville community for twenty-seven (27) years, and are “united by their friendship and belief in the future”.

Mayor Meehan invited the Council members to participate in the presentation of the Proclamation acknowledging that September 18 to September 24 is hereby proclaimed as Women of Today week within the Albertville community.

CITIZEN FORUM

No comments

AMENDMENTS TO THE AGENDA

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

7.H.1. Planning – Discussion on Patty J’s Restaurant moved up on the agenda

(City Clerk Miller)

7.I.2. Engineering – Release Letter of Credit – Albertville Townhomes (City Engineer Nafstad)

7.K.1. Administration – Amendment to the 2012-2013 Law Enforcement Contract

(City Clerk Miller)

CMs Sorensen/Wagner **motioned** to approve the three (3) additions to the September 19, 2011 regular Council agenda and moving item 7.H.1. Planning-discussion of the Patty J's Restaurant SAC/WAC fees before the City Council reports as noted below:

7.A1.1. Planning – Discussion on Patty J's Restaurant moved up on the agenda

7.I.2. Engineering – Release Letter of Credit – Albertville Townhomes

7.K.1. Administration – Amendment to the 2012-2013 Law Enforcement Contract

Motion carried unanimously.

CONSENT AGENDA

No comments

DEPARTMENT BUSINESS

PLANNING AND ZONING

Discussion of the Sewer Access Charge and Water Access Charge for the address of 5262 Kyler Avenue NE, Suite 112

Building Official Sutherland began the discussion noting that Mr. Svolopoulos, owner of Patti J's, came to City Hall and applied for a building permit to do a tenant finish within Suite No. 112 of 5262 Kyler Avenue NE. It was disclosed that in December 2010 a permit was submitted to construct a doorway opening in the wall between Suite 111 and Suite 112. Following the approval of the building permit and installation of the door the owner of the strip, Mr. Clouttier, was supposed to complete a Development Application

Sutherland stated that when BB Wireless occupied the space the SAC and WAC fees were calculated based on the retail/office type usage. Now that the owner of Patty J's wants to expand into the space approximately nine (9) months ago that changes the SAC/WAC calculation because of the increase in the sewer and water usage for a sit-down restaurant. The floor layout has changed from a retail business to an eating establishment with seating. The increase in sewer-water usage is due to washing dishes and cleaning the space after the customers have left. The restrooms that were designated for the business of BB Wireless will go up because of the additional customers in the space.

Staff has notified Mr. Svolopoulos that they are not allowed to occupy the space until they follow through with the submission of a change of use application and a building permit for a

tenant finish identifying the layout of the space. Included with the change of use and building permit involves the re-calculation of the SAC/WAC and the installation of a sprinkler system per the Albertville City Code.

Sutherland informed the Council that Mr. Clouttier and Mr. Svolopoulos were present to express their hardship with the cost of the charges that are being applied to the space.

Mr. Clouttier stated the previous owner was Mr. Finken and that he took ownership of the strip mall in February 2008. Clouttier proceeded to note that when the facility was initially constructed the Section 1306 Fire Code was not included in the Building Standards. Clouttier confirmed that Section 1306 of the Albertville Building Standards hadn't been adopted or implemented until 2007. Clouttier explained that adopting Section 1306 is a City's option to adopt or not, which upon adoption would be incorporated into the building requirements. Clouttier brought to the Council and staff's attention the he was aware of two (2) other municipalities that discussed Section 1306 and whether to adopt or not. The two (2) cities were Waite Park and St. Cloud, which the city that did not adopt the Section 1306 Fire Code regulations was obtaining more business because of the extra cost involved with meeting the regulations of having the facility sprinkled.

Clouttier pointed out the site has had a few businesses move in and out within the short time since it has been built. Clouttier reviewed the history of businesses. The first initial business in Suite 111 was Senor' Peppers. It was in operation from February 2007 to about August 2007 when the new tenant Montage Bistro was looking at the space. Montage Bistro opened September 2007 and was in business until June 2008. The space was vacant from July 2008 until August 2009 when the City was asked to turn the water service back on for the next tenant known as Pappy's Ribs and Chicken. Pappy's was in the space from August 2009 until December 2010. That is when Patti J's began the process of starting up the restaurant business in the same spot.

The exception to the three (3) prior tenants is Patti J's installed a door or opened the wall between the restaurant portion and the adjoining space that was occupied by BB Wireless. It is this space that Clouttier wanted the City to consider assessing the SAC-WAC fees until April 2012 to allow time to make sure the business is going to be successful. Clouttier had no problem investing in the mall; however, he didn't want to front the \$39,000-\$44,000 to turn the space into a restaurant if it is not going to be successful.

Clouttier reminded the members present that we are in some pretty difficult economic times. Mr. Svolopoulos comes from a family that has been in the restaurant business for 30 years. He is trying to get Patti J's Restaurant going but is struggling with the additional fees that are being applied towards opening the space to accommodate more customer seating.

City Attorney Couri gave his opinion on the legal perspective, which he felt the installation of a sprinkler system in the space is a safety concern that is looking out for the best interest of the

general public that visit the establishment. Section 1306 Fire Code is a uniform code regulation that is set throughout the entire State of Minnesota.

As staff reiterated, the prior tenants that occupied the restaurant space Senior' Peppers was a small sit-down style restaurant with minimal seating. In 2007, Montage Bistro moved into the space with a seating capacity of 65-70, which was much more than Senior' Peppers. It was vacant for about a year before Pappy's took over with a seating capacity lower than Montage yet higher than Patti J's.

Mayor Meehan looked over the three (3) options presented by Sutherland, which were as follows:

1. **Restaurant Expansion Sprinkling Requirement.** Building Code requires sprinkling of assembly uses prior to occupancy. Patti J's is currently occupying the expanded restaurant area without an occupancy permit or sprinklers. Patti J's wants to continue occupying the expanded area for a six (6) month trial without sprinkling.
2. **SAC and WAC Adjustment for Past Expanded Seating.** SAC and WAC was originally charged as a fast food restaurant with seating for 25 customers. Currently, the restaurant has seating and full-service with seating for 48 customers.
3. **Request to Defer SAC and WAC on Future Expansion.** Patti J's is requesting to have SAC and WAC fees on the expanded restaurant area deferred for a six (6) month trial period. If the restaurant expansion is not successful they would like to be released from the obligation to pay the \$21,671 SAC and WAC normally due upon issuance of a building permit.

Meehan questioned if there was a possible way staff could work with Mr. Clouttier on Option No. 3 by charging a lower amount in the First year then increase the amount in each consecutive year.

Schommer stated that she would like staff to prepare some scenarios or collect additional information to base her recommendation.

As Sorensen looked over the three (3) options, he leaned towards Option No. 2 that would include staff working with City Planner Brixius on the seating capacity of the establishment.

After the lengthy discussion, Mayor Meehan motioned to table the recommendation until the next Council meeting to give Council member Vetsch an opportunity to share his opinion. Meehan directed staff to work with Mr. Clouttier and Mr. Svolopoulos regarding Option No. 2, which is the SAC and WAC Adjustment for past expanded seating with the thought of the City paying what should be paid to the Joint Powers Water Board. In addition, work with the applicant regarding assessments of the SAC and WAC fees.

CITY COUNCIL

Oral Update on the STMA Ice Arena Board meeting

Council member Wagner reported there was some dispute over the roof inspection that was conducted over a year ago. The company that inspected it was never paid and has come back to ask for payment of the services.

Wagner went on to comment on the proposed layout of the second sheet of ice. The Architect had discussed about five (5) different scenarios for the expansion. There were two (2) options that would fit on the property that is owned by the STMA Ice Arena with three (3) options that include the L & D Trucking property. There were concerns with the fire road access and the utilities. It appeared that the majority of the Board was in favor of the two (2) options that would keep the site contained within the property owned and not having to purchase any from the L & D Trucking site. Soil boring samples were tested, which staff is leaning towards conducting more soil boring to compile a report that will present all the results to base the opinion on the land so that it will meet the needs of the proposed expansion of the second sheet of ice. This is an expansion that the Board and staff want to complete the ground work before things get to far ahead.

The sound system was brought up and staff reported it is damaged. There were quotes obtained to replace the system; however, there is nothing definite at this time. The STMA Youth Hockey does not see a need to replace the system as they don't generally use it.

Oral Update on the Planning and Zoning Commission meeting (cancelled)

Council member Wagner reported that the meeting was canceled.

FIRE DEPARTMENT

No comments

PUBLIC WORKS-PARKS DEPARTMENT

Approve the 2011-2012 Memorandum of Understanding between Wright County Highway Department and the City of Albertville for the purchasing of Sand and Salt needs for the upcoming winter

Mayor Meehan shared that the City is looking at a 2011-2012 Memorandum of Understanding for the purchasing of sand and salt needs from the Wright County Highway Department.

Finance Director Lannes commented that the City has been entering into this type of agreement since approximately 2006. This has been a benefit to the City as it is a cost savings purchasing of sand and salt for the snow and ice removal season. Working with the Wright County Highway Department gives Albertville the ability to get a lower price on the bulk purchase. The storage facility is off of 70th Street NE so it is not far to travel for picking up the material, which relieves the City from reserving the land and structure to house the material.

CMs Wagner/Sorensen **motioned** to approve the Public Works Supervisor to calculate Albertville's amount of Sand and Salt needs for the 2011-2012 snow and ice removal season, and to authorize the City Clerk to sign the 2011-2012 Memorandum of Understanding between the Wright County Highway Department and the City of Albertville for the purchasing of a sand and salt mixture at a total cost of \$79.46 per ton, which will be subject to a *Fuel Clause*. Motion carried unanimously.

UTILITIES DEPARTMENT (WWTP)

No comments

BUILDING DEPARTMENT

No comments

FINANCE DEPARTMENT

*Authorize the Monday, September 19, 2011 Payment of Claims (bills) for electronic payments **145-174EFT** and check numbers **30195 to 30239***

Council member Wagner had a question regarding the Minnesota Safety Council check for the purchase of radios. City Clerk Miller reported that the Administrator felt this is a good investment in the Weather Alert Radios, which would allow citizens of Albertville to purchase. Finance Director Lannes added these radios are portable so a person could take them and go.

CMs Wagner/Schommer **motioned** to authorize the Monday, September 19, 2011 Payment of Claims (bills) for electronic payments **145-174EFT** and check numbers **30195 to 30239** in the total amount of \$247,599.81 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.

CITY CLERK

Approve the Monday, August 29, 2011 Final Budget Workshop notes; and, the Tuesday, September 6, 2011 regular City Council meeting

CMs Sorensen/Schommer **motioned** to approve the Monday, August 29, 2011 Final Budget Workshop notes and the Tuesday, September 6, 2011 regular City Council minutes as presented. Motion carried unanimously.

Approve 1-4 Temporary Intoxicating Liquor License application submitted by the Albertville Lions for the annual Comedy Night event to be held on Saturday, October 8 with the hours of the license beginning at 3:00 p.m. and terminating at 11:00 p.m. that will take place at the St. Albert Parish Center located at 5700 Lander Avenue NE

City Clerk Miller informed the Council that the Albertville Lions have applied for a 1-4 Day Temporary Intoxicating Liquor License for the annual Comedy Night event that will be held at the St. Albert Parish Center. The hours of operation are stated on the application, which are 3:00 p.m. to 11:00 p.m.

CMs Schommer/Sorensen **motioned** to approve the 1-4 Day Temporary Intoxicating Liquor License submitted by the Albertville Lions for the annual Comedy Night event to be held on Saturday, October 8 with the hours of the license beginning at 3:00 p.m. and terminating at 11:00 p.m. that will take place at the St. Albert Parish Center located at 5700 Lander Avenue NE contingent upon payment of the \$220 fee and Minnesota State Alcohol and Gambling Division approval. Motion carried unanimously.

PLANNING AND ZONING

Reminder – this item was moved up on the agenda.

ENGINEERING

2011 Street Improvements – Discussion regarding improvements to the Four Seasons Park Trails and Parking Lot as additional to incorporate into the project

City Engineer Nafstad reported there are areas of trails that staff has been reviewing, which Four Seasons Park trail is in of need improvement. The trail that connects the housing developments to the park is a nice trail system that was installed a number of years ago and resurfacing the trail would be beneficial to the upkeep. The cost associated is estimated at \$43,000 total, which would include resurfacing the parking lot.

Council member Wagner asked of the \$43,000 total how much applies to do the trails and hold off on the parking lot. Nafstad estimated the cost would be \$20,000 for the trail segment only. With the 2011 Street Improvement, staff could incorporate this expense into the project. Wagner then posed the question as to how much more would it cost to postpone the project to 2012, which Nafstad stated the cost would not increase much.

Nafstad noted there are approximately \$102,000 in the Trails Capital Fund that could be used towards the improvement of the trail and parking lot. Finance Director Lannes confirmed the Trails Capital Fund today appears to be healthy; however, do keep in mind the City only budgets \$10,000 every year that takes a while to build up the fund.

Council directed staff to bring the item back to the October 3, 2011 regular meeting to allow Council member Vetsch the opportunity to review the improvement.

Authorize to release Letter of Credit No. 290 in full conditioned upon any outstanding balances owed to the City being paid in full and establishment of \$2,000 escrow with City

City Engineer Nafstad stated this item was included in the packet for Council to consider staff's recommendation to authorize releasing the Letter of Credit No. 290 in full conditioned upon any outstanding balances owed to the City being paid in full and establishing a \$2,000 escrow with the City. Nafstad continued with the fact that Dominion Development has requested the release to the letter of credit held for the Albertville Town Homes. This Letter of Credit is held as warranty security for the municipal improvements, selective private improvements, and landscaping requirements of the development and is currently in the amount of \$20,700.

CMs Schommer/Wagner **motioned** to authorize the release of the Letter of Credit No. 290 in full conditioned upon any outstanding balances owed to the City being paid in full and establishment of a \$2,000 Escrow with the City.

LEGAL

No comments

ADMINISTRATION

Amendment to the 2012-2013 Wright County Law Enforcement Agreement

City Clerk Miller added this item to the agenda for the Council to consider the approving the Addendum or Amendment to the 2012-2013 Wright County Law Enforcement Agreement. The reason for the amendment takes into account that 2012 is a leap year; therefore, Wright County

wanted to bring it to the Council’s attention the extra day of February 29, 2012 will be included in the February 2012 Patrol coverage.

CMs Wagner/Sorensen **motioned** to approve the Addendum to the 2012-2013 Wright County Law Enforcement Agreement to include patrol coverage on February 29, 2012 at the 2012 rate of \$59.75 per hour for police protection. Motion carried unanimously.

ANNOUNCEMENTS and or UPCOMING MEETINGS

Mayor Meehan reminded the Council members there will be delegates from Ukraine in Albertville next Wednesday, September 28th. Staff will post it in the window in the event others are able to attend so we are covered by the open meeting law.

September 2011

- 26 6:00 p.m. Joint Powers Water Board meeting**
- ~~26 8:00 P.M. Parks and Recreation Committee meeting cancelled~~
- 28 8:30 a.m. Ukrainian Delegates at Albertville City Hall**

September-11						
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25	^{JP} 26	27	28	29	30	

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**
- 24 8:00 p.m. Parks and Recreation Committee meeting**
- 31 6:00 p.m. Joint Albertville-St. Michael Councils and STMA School mtg (location to be determined)**

October-11						
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23	JP 24	25	26	27	28	29
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November 2011

- 7 7:00 p.m. City Council meeting
- 8 7:00 p.m. Planning and Zoning Commission meeting
- 11 all day Veteran's Day observed – City offices closed
- 14 6:00 p.m. STMA Ice Arena Board meeting
- 21 7:00 p.m. City Council meeting
- 24 all day Thanksgiving Day observed – City offices closed
- 25 all day Friday after Thanksgiving – PW-UD closed
- 28 6:00 p.m. Joint Powers Water Board meeting
- 28 8:00 p.m. Parks and Recreation Committee meeting

November-11						
Su	M	Tu	W	Th	F	Sa
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	JP 28					
27		29	30			

ADJOURN

CMs Sorensen/Schommer **motioned** to adjourn the Monday, September 19, 2011 regular City Council meeting at 9:07 p.m. Motion carried unanimously.

Bridget Miller, City Clerk (recording secretary)