



**ALBERTVILLE CITY COUNCIL**  
**November 21, 2011**  
**MINUTES**

**ALBERTVILLE CITY HALL**

**7:00 PM**

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

Mayor Meehan called the November 21, 2011 meeting to order at 7:01 p.m. All members present recited the Pledge of Allegiance.

**ROLL CALL**

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

**STAFF MEMBERS PRESENT:** City Planner Alan Brixius, City Attorney Michael Couri, Public Works-Parks Maintenance Dept. Supervisor Tim Guimont, City Administrator Larry Kruse, Finance Director Tina Lannes, City Clerk Bridget Miller, and City Engineer Adam Nafstad

**ABSENT:** Council member Jillian Schommer

**RECOGNITION-PRESENTATION-INTRODUCTIONS**

Mayor Meehan recognized that Rhonda Baack with the I-94 West Chamber of Commerce was present to introduce herself and give an update on the Chamber's progress.

Rhonda Baack thanked the Council for allowing her to introduce herself and give a general update on the I-94 West Chamber of Commerce. In February 2008, the Chamber formed a Coalition looking for support from the cities that are located along the I-94 corridor. There has been Council/City support from Rogers, St. Michael, Otsego, and Albertville to help with improvements to I-94. Included with the cities, the I-94 West Chamber of Commerce has received support from Wright County and Hennepin County; along with Congressperson Bachmann and Congressperson Paulsen.

In April 2009, the group of individuals on the Coalition Team flew out to Washington DC where an application was submitted to get congress's attention that the I-94 westbound auxiliary lane from Rogers to just beyond Monticello is a high priority project. With the support from Bachmann and Paulsen the application was put on the list for Transportation Bill. Senators Klobuchar and Franken have heard of the situation and add their support to resolving the traffic conditions.

Baack noted that Albertville's Resolution No. 2008-044 entitled I-94 West Chamber of Commerce a Resolution Supporting I-94 Corridor Expansion Funding. The City of Albertville approved the resolution in late 2008, which the I-94 West Chamber would like to renew the resolution obtaining continued funding and financial support from Albertville to continue the process of expanding the I-94 corridor. Baack reported that the amount increased over the course of years with the calculation of \$0.50 per capita.

Mayor Meehan looked to the City Administrator for confirmation, which Kruse reiterated that in 2008 the Albertville City Council approved funding the I-94 expansion at the amount Baack reported this evening. The total for 2011 would be approximately \$3,000 and would continue to grow as the per capita increases.

CMs Wagner/Sorensen **motioned** to approve **Resolution No. 2011-035** entitled an Agreement between the City of Albertville and the I-94 West Chamber of Commerce Coalition Supporting I-94 Corridor Expansion Funding of \$0.50 Per Capita. Motion carried unanimously.

### **CITIZEN FORUM**

Meehan noted there were no comments.

### **AMENDMENTS TO THE AGENDA**

Meehan asked if there were amendments to the agenda, which were as follows:

City Attorney Couri added an item under Legal: 7.J.2. Update on the Land Acquisition from AT&T. City Administrator Kruse added an item under Administration: 7.K.1. Administrator's Oral Update. Hearing no more amendments, a motion was made to approve the amended agenda.

CMs Vetsch/Wagner **motioned** to approve the Monday, November 21, 2011 agenda as amended adding 7.J.2. Update on the Land Acquisition from AT&T and 7.K.1. Administrator's Oral Update. Motion carried unanimously.

### **CONSENT AGENDA**

All items under the Consent Agenda are considered to be routine by the City staff and will be enacted by one motion. In the event an item is pulled it will be discussed in the order it is listed on the Consent agenda following the approval of the remaining Consent items. These items will be approved by a separate motion.

- A. Acknowledge draft minutes of the various Commissions, Committees, and Boards
  - 1). November 2011 STMA Hockey Board minutes
- B. Approve **Resolution No. 2011-034** entitled a Resolution Clarifying the Redemption Provisions for \$1,825,000 General Obligation Capital Improvement Plan Refunding Bonds, Series 2011C
- C. Authorize the Monday, November 21, 2011 payment of the claims that includes electronic payments **258 EFT – 264 EFT** and check numbers **30361 to 30419**
- D. Approve the November 7, 2011 regular City Council minutes as presented
- E. Accept the application and authorize the transfer of the 2011-2012 On-Sale Intoxicating Liquor License, Sunday Liquor License, and Optional 2 A.M. Liquor License to 152 Club, Inc. for 152 Club contingent upon review and receipt of Background Check by the BCA and Wright County Sheriff's Department and the review and approval from the Minnesota State Alcohol and Gambling Department that will take effect December 1, 2011
- F. Approve the recommendation to reduce the LaBeaux Station Letter of Credit No. 636 to no less than \$1,500 with the following condition: **Development is current with all fees and obligations owed to the City**
- G. Accept the municipal street and utility improvements of the Towne Lakes 6<sup>th</sup> Addition and commence the 2-year warranty period; and to reduce Letter of Credit No. 20703950 to no less than \$116,525 conditioned upon any outstanding balances owed to the City being paid in full

Mayor Meehan asked if the Council wanted to pull any items off the Consent Agenda for further discussion.

Council member Sorensen pulled item 6.E. Accept the application and authorize the transfer of the 2011-2012 On-Sale Intoxicating Liquor License, Sunday Liquor License, and Optional 2 A.M. Liquor License to 152 Club, Inc. for 152 Club contingent upon review and receipt of Background Check by the BCA and Wright County Sheriff's Department and the review and approval from the Minnesota State Alcohol and Gambling Department that will take effect December 1, 2011.

Meehan acknowledged the one (1) item pulled asking if there were any others, if not, Meehan asked for a motion to approve the remaining items that included 6.A. thru 6.D; and 6.F thru 6.G.

CMs Sorensen/Wagner **motioned** to approve the Monday, November 21, 2011 Consent Agenda that included; 6.A.1. Acknowledge draft minutes of the various Commissions, Committees, and Boards, November 2011 STMA Hockey Board minutes; 6.B. Approve **Resolution No. 2011-034** entitled a Resolution Clarifying the Redemption Provisions for \$1,825,000 General Obligation Capital Improvement Plan Refunding Bonds, Series 2011C; 6.C. Authorize the Monday, November 21, 2011 payment of the claims that includes electronic payments **258 EFT – 264**

**EFT** and check numbers **30361 to 30419**; 6.D. Approve the November 7, 2011 regular City Council minutes as presented; and, 6.F. Approve the recommendation to reduce the LaBeaux Station Letter of Credit No. 636 to no less than \$1,500 with the following condition:

**Development is current with all fees and obligations owed to the City**; 6.G. Accept the municipal street and utility improvements of the Towne Lakes 6<sup>th</sup> Addition and commence the 2-year warranty period; and to reduce Letter of Credit No. 20703950 to no less than \$116,525 conditioned upon any outstanding balances owed to the City being paid in full. Motion carried unanimously.

ACCEPT THE APPLICATION AND AUTHORIZE THE TRANSFER OF THE 2011-2012 ON-SALE INTOXICATING LIQUOR LICENSE, SUNDAY LIQUOR LICENSE, AND OPTIONAL 2 A.M. LIQUOR LICENSE TO 152 CLUB, INC. FOR 152 CLUB CONTINGENT UPON REVIEW AND RECEIPT OF BACKGROUND CHECK BY THE BCA AND WRIGHT COUNTY SHERIFF'S DEPARTMENT AND THE REVIEW AND APPROVAL FROM THE MINNESOTA STATE ALCOHOL AND GAMBLING DEPARTMENT THAT WILL TAKE EFFECT DECEMBER 1, 2011

Council member Sorensen noted the City Clerk was not sure if the applicant intended to transfer or retain the Off-sale Intoxicating Liquor License. City Clerk Miller informed Sorensen that the applicant was present in the office.

Ms. Trisha Holm stated yes, her intentions were to transfer all liquor licenses that are currently held by Holm Holdings, Inc. Ms. Holm reiterated that would include the Off-sale Intoxicating Liquor License.

City Clerk Miller reported she would note that on the application when sent to the State of Mn Alcohol and Gambling Division.

CMs Sorensen/Vetsch **motioned** to approve item 6.E. Accept the application and authorize the transfer of the 2011-2012 On-Sale Intoxicating Liquor License, Sunday Liquor License, and Optional 2 A.M. Liquor License that will also include the Off-sale Intoxicating Liquor License to 152 Club, Inc. for 152 Club contingent upon review and receipt of Background Check by the BCA and Wright County Sheriff's Department; and, the review and approval from the Minnesota State Alcohol and Gambling Department that will take effect December 1, 2011. Motion carried unanimously.

## **PUBLIC HEARING**

APPROVE **ORDINANCE No. 2011-011** ENTITLED AN ORDINANCE AMENDING THE PRAIRIE RUN PLANNED UNIT DEVELOPMENT ZONING DISTRICT RELATED TO SETBACKS IMPOSED UPON CERTAIN LOTS (1 THROUGH 13, BLOCK 2, PRAIRIE RUN SUBDIVISION) ESTABLISHING BUILDING SETBACKS FOR THESE LOTS

Mayor Meehan opened the public hearing at 7:16 p.m.

City Planner Brixius went over the background acknowledging the Prairie Run Addition was presented and approved by the Albertville Planning and Zoning Commission and the City Council in 2004. Lots 1-13, Block 2 were designed for a specific, unique housing style with garages being located near the rear-side yard.

As of today, only three (3) of the lots were sold and homes were constructed on the property. The developer experienced financial difficulty when the market took a downturn. As a result of the litigation, the City acquired lots 3-6 and 8-13, Block 2 in a negotiated arrangement.

Staff reviewed the Prairie Run Addition Planned Unit Development where it was evident that the original housing design limits the current potential of marketing the lots for sale. Staff has re-evaluated the buildable housing pads for each of the lots to accommodate a variety of house styles. Brixius explained there are a few lots that may require slab on grade homes to meet the high water level elevations that were set due to recent storms within the Albertville city limits. The design of the lots must be integrated with the three (3) existing homes.

Brixius brought up instead of a seventeen foot (17') front yard setback to a twenty foot (20') front yard setback, with the garage set at a twenty-five foot (25') setback to allow for additional parking on the driveway.

Brixius reviewed the five (5) key points that were presented and approved by the Planning and Zoning Commission. The list of alternative designs follows:

1. **Front Yard Setback.** Twenty feet (20') from the principal structure. This is slightly larger than the original setback of seventeen feet (17'). Reducing the front yard setback by three feet (3') will not have a negative impact on the existing homes. Increasing the setback will provide space for snow storage and traffic sight lines.
2. **Garage Front Yard Setback.** Similar to standards in the Towne Lakes subdivision, the City would recommend a minimum twenty-five foot (25') setback from garage door to the front lot line. Moving the garage back an additional five feet (5') reduces the visual impact of the outdoor parking on the driveway, snow storage, and visibility for motorists.
3. **Side Yard Setback.** The original Planned Unit Development (PUD) that was approved had a ten foot (10') side yard setback. The platted side yard setback is acceptable; however, the City wanted to provide additional building space. It is the Planning and Zoning Commission along with the City Council's decision to consider a ten foot/five foot (10'/5') standard. Between principal building (or living space) the side yard would be ten foot (10'). If it is garage to garage the side yard would be a five foot (5') setback.
4. **Rear Yard Setback.** Lots 3-6, Block 2, back up to CSAH 18 (Jason Avenue NE). According to the original plat it provided a landscaped buffer yard to screen these homes. To remain consistent with the plat approval, staff is recommending maintaining a fifty foot (50') rear yard setback from CSAH 18 (Jason Avenue NE).

Lots 8-13, Block, have lot depths that extend into adjacent wetlands and drainage ditches. These lots were originally approved without a designated wetland buffer(s). Staff is proposing a minimum structure setback from the wetland boundary. An alternative would be to design a ten foot (10') structure setback from the wetland boundary. In addition to the ten foot (10') wetland setback, within the space vegetation is to be planted that would provide a ten foot (10') filter strip beyond the wetland boundary.

5. **Building Elevations.** Within the 2005 Albertville Municipal City Code Appendix A (Zoning Ordinance) Section 1000.9 establishes the City's minimum structure elevations:

*"1. For structure adjacent to ponds, wetlands, ditches, and other water bodies: all low opening elevations shall be at least two feet (2') above the 100-year flood level known as High Water Level (HWL); all low floor elevations shall be at least one foot (1') above Normal Water Level (NWL); all low openings shall be at least two feet (2') above the Emergency Overflow (EOF)."*

Council member Vetsch inquired if the style townhome found in the Cedar Creek South Seventh Addition would fit on these lots. Brixius confirmed the detached townhome if it was the specific square-feet could possibly be placed on some of the lots.

Lorie Brunet of 5230 Kali Court NE wanted to know if there will be homes built on grade. Ms. Brunet reminded the Council and staff that there are a few homes already existing in the development. Brixius confirmed there will be a number of lots that will be ear-marked for slab on grade homes. Staff has taken into account the prior storms that came through Albertville where a number of homes had water in the basement or lowest levels of the dwelling.

Mayor Meehan closed the public hearing at 7:28 p.m.

CMs Vetsch/Sorensen **motioned** to approve Ordinance No. 2011-011 entitled an Ordinance Amending the Prairie Run Planned Unit Development Zoning District Related to Setbacks Imposed Upon Certain Lots (1 through 13, Block 2, Prairie Run Subdivision) establishing building setbacks for these lots. Motion carried unanimously.

## **DEPARTMENT BUSINESS**

### **CITY COUNCIL**

No comments

### **FIRE DEPARTMENT**

No comments

**PUBLIC WORKS-PARKS DEPARTMENT**

*Accept the Public Works and Parks Maintenance Supervisor's Report*

Public Works and Parks Maintenance Supervisor Guimont reported on how the snow removal routes are delegated to the employees. Guimont identified staff takes care of plowing the main high-traffic roads with less priority roads being cleared in a reasonable time after that.

Guimont went over the areas that are high importance for removing snow or maintaining sidewalks and trails that in conjunction with school walk routes. The sidewalks/trails have been manageable for clearing so the young students have a safe place to walk to get to school.

Mayor Meehan thanked Guimont for sharing the snow removal routes with the City Council. Meehan wanted to make sure that there was a sufficient number of employees to perform the task at a cost-effective way.

**Utilities DEPARTMENT**

No comments

**BUILDING DEPARTMENT**

No comments

**FINANCE DEPARTMENT**

No comments

**CITY CLERK**

No comments

**PLANNING**

No comments

**ENGINEERING**

No comments

**LEGAL**

*This item will be continued to the next regular City Council meeting. Approve the Karston Cove 3<sup>rd</sup> Addition - Conditional Second Amendment to the Conditional Use Permit/Planned Unit Development (CUP/PUD) Development Agreement*

City Attorney Couri informed the Council the Developer asked to bring this to the December meetings when they are prepared and have had time to review the Karston Cove 3<sup>rd</sup> Addition Homeowner's Association proposal letter.

*Update on the Land Acquisition from AT&T*

City Attorney Couri reported on the Land Acquisition from AT&T for the right-of-way easement the City needs to proceed with the I-94 Westbound Collector Distributor improvement. Couri noted that AT&T will convey the property in an 'as is' status. Should the property require soil borings, the City will be responsible for contracting and paying the expense for the research of the soil boring. As an outcome of the soil borings, if there are any corrections needed to meet the requirements to construct the roadway the City will, again, be responsible for the expense to make the corrections.

Council acknowledged the AT&T concern regarding unknown expenses and gave staff the permission to proceed with the right-of-way easement to keep the I-94 Westbound Collector Distributor improvements moving forward.

**ADMINISTRATION**

*Accept the City Administrator's Oral Update*

City Administrator Kruse reported ARY advertised for bids to repair the roof on the STMA Ice Arena. The bid opening was held on Thursday, November 17. Three bids were submitted with the lowest bid coming in at approximately \$124,000. Staff will prepare a request for board approval at the December 2011 meeting.

The City Administrator then presented a cost analysis of hiring a full-time City Engineer. Kruse demonstrated that the City of Albertville spent \$338,000 in 2009; \$299,000 in 2010; and \$165,000 as of September 15 with a total estimate of \$200,000 by year-end 2011.

Kruse pointed out that even though engineering costs seem to be low in 2011, there is a list of street and infrastructure improvements being projected for the next couple of years. The main infrastructure improvement is the I-94 Westbound Collector Distributor Ramp Project. For the

most part SRF has been the main architectural company dealing with the design and specs of the project, with assistance and support from Bolton & Menk, Inc.

Kruse went on to note that the I-94 Improvement would not be the only project a City Engineer would be monitoring. The Greenhaven Estates Addition is a residential development within Albertville, where the homeowners have their own well and septic system. Staff has been monitoring the status of the street, which is in need of upgrading. Staff believes some of the septic systems in the development may be failing and would like to coordinate hooking the homes up to City sewer and water when the road improvements occur.

Kruse looked to the Council for direction as to research the cost savings of hiring a City Engineer versus continuing to contract out for service.

It appeared to be the consensus of the Council for the Administrator to do some researching on the cost savings of hiring a City Engineer with the thought the City would still need to contract out some engineering service due to the I-94 Ramp Project.

**ANNOUNCEMENTS and or UPCOMING MEETINGS**

**November 2011**

- 24 all day Thanksgiving Day observed – City & PW-UD offices closed**
- 25 all day Friday after Thanksgiving – PW-UD closed**
- 28 6:30 p.m. Joint Powers Water Board meeting (note time change)**

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

**December 2011**

- 5 6:15 p.m. Albertville Truth-in-Taxation Hearing**
- 5 7:00 p.m. City Council meeting**
- 12 6:00 p.m. STMA Ice Arena Board meeting**
- 12 6:30 p.m. City Council workshop**
- 13 7:00 p.m. Planning and Zoning Commission meeting**
- 19 6:15 p.m. Albertville Truth-in-Taxation Hearing (continued if necessary)**
- 19 7:00 p.m. City Council meeting**

- 26 all day Christmas Day observed – City offices closed
- 27 6:30 p.m. Joint Powers Water Board meeting

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

**JANUARY 2012** \* \* \* \* \*

- 2 all day New Year’s Day observed – City offices closed
- 3 7:00 p.m. City Council meeting
- 9 6:00 p.m. STMA Ice Arena Board meeting
- 10 7:00 p.m. Planning and Zoning Commission meeting
- 16 all day Martin Luther King, Jr. Day observed – City offices closed
- 17 7:00 p.m. City Council meeting
- 23 6:30 p.m. Joint Powers Water Board meeting

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

**ADJOURNMENT**

CM Sorensen/Wagner **motioned** to adjourn the Monday, November 21, 2011 regular City Council meeting at 8:05 p.m. Motion carried unanimously.

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Bridget Miller, City Clerk (recording secretary)