



City of Albertville Council Agenda

Monday, April 15, 2013
City Council Chambers
7:00 PM

PUBLIC COMMENTS -The City of Albertville welcomes and encourages public input on issues listed on the agenda or of general community interest. Citizens wishing to address the Council regarding specific agenda items, other than public hearings are invited to do so under Public Forum and are asked to fill out a "Request to Speak Card". Presentations are limited to five (5) minutes.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE – ROLL CALL**
- 3. RECOGNITIONS – PRESENTATIONS – INTRODUCTIONS**
 - A. Annual Audit Presentation/Comprehensive Annual Financial Report – presented by KDV**
- 4. PUBLIC FORUM – (time reserved 5 minutes)**
- 5. AMENDMENTS TO THE AGENDA**
- 6. 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. Approve the April 1, 2013 City Council regular meeting minutes as presented (pgs 4-10)**
- B. Authorize the April 15, 2013 payment of claims as presented, except bills specifically pulled which are passed by separate motion. The claims listing has been provided to City council as a separate document and is available for public view at City Hall upon request (pg 11)**
- C. Approve three (3) One-Day Temporary 3.2% Malt Liquor Licenses for the Knights of Columbus for the 2013 Friendly City Days celebration held in Central Park (pgs 12-14)**
- D. Approve three (3) One-Day Temporary 3.2% Malt Liquor Licenses for the Albertville Lions for the 2013 Friendly City Days celebration held in Central Park (pgs 15-17)**

- 7. PUBLIC HEARINGS - None**
- 8. DEPARTMENT BUSINESS**

- A. City Council**
 - 1). Committee Updates (STMA Arena, Planning, JPWB, etc.)**

B. Finance

- 1). **First Quarter Budget to Actual Report (pgs 18-19)**
- 2). **Account Receivables Report (pgs 20-21)**
- 3). **Authorizing and Document Inter-Fund Loans/Advances from the Sewer Access Fund (pgs 22-23)**
(Motion to approve Resolution No. 2013-012 entitled a Resolution Authorizing and Documenting Inter-Fund Loan to Fund Negative Fund balances)
- 4). **Transfer of Funds (pgs 24-25)**
(Motion to Approve Resolution No. 2013-013 entitled a Resolution to Transfer Funds.)
- 5). **Friendly City Days Challenge to St. Michael (verbal update)**

C. City Clerk - None

D. Public Works / Engineering

- 1). **I-94 Right-of-Way Transfer to MnDot (pgs 26-27)**
(Motion to Approve Resolution No. 2013-014 accepting the offer of the State of Minnesota, Department of Transportation, to convey and quitclaim to the State of Minnesota Real Property Described by Quitclaim Deeds for S.S.8680 (94=392) 901, PARCEL 529, County of Wright, and for C.S. 8680 (94=392) 901, Parcel 435, County of Wright.)
- 2). **Waste Water Treatment Plant Facility Plan (pgs 28-29)**

E. Planning/Zoning - None

F. Building - None

G. Legal - None

H. Administration

- 1). **City Administrator's Update (pgs 30-34)**

9. ANNOUNCEMENTS and/or UPCOMING MEETINGS

April 22	Joint Powers Water Board, 6:30 p.m. Parks Committee, 8:00 p.m.*special time
April 29	Joint Meeting, St. Michael City Offices, 6:00 p.m.
May 4	Spring Clean Up Day, St. Michael PW Bldg, 7 a.m. – 1:00 p.m.
May 6	City Council, 7:00 p.m.
May 13	STMA Ice Arena Board, 6:00 p.m.
May 14	Planning Commission, 7:00 p.m.
May 17	Explore Your Parks Night, 6:00 – 8:00 p.m.
May 20	City Council, 7:00 p.m.
May 27	City Offices Closed, Memorial Day

May 28

Joint Powers Water Board, 6:30 p.m.
 Parks Committee, 7:30 p.m.

APRIL							MAY							
Su	M	Tu	W	Th	F	Sa	Su	M	Tu	W	Th	F	Sa	
	CC 1	2	3	4	5	6				1	2	3	4	
7	Ice 8	PZ 9	10	11	12	13	5	CC 6	7	8	9	10	11	
14	CC 15	16	17	18	19	20	12	Ice 13	PZ 14	15	16	17	18	
21	JP PK*	22	23	24	25	26	27	19	CC 20	21	22	23	24	25
28	JM 29	30						26	H 27	JP 28 ^{PK}	29	30	31	

10. ADJOURNMENT



ALBERTVILLE CITY COUNCIL
Monday, April 1, 2013

DRAFT MINUTES

ALBERTVILLE CITY HALL

7:00 PM

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Hendrickson called the meeting to order at 7:04 p.m.

2. ROLL CALL

Present: Mayor Hendrickson and Council members Olson, Sorensen, Vetsch and Wagner

Absent: None

Others Present: City Administrator/ PWD Adam Nafstad, Finance Director Tina Lannes, City Planner Alan Brixius, Public Works Supervisor Tim Guimont, and City Clerk Kimberly Olson

3. RECOGNITIONS, PRESENTATIONS AND INTRODUCTIONS - None

4. PUBLIC FORUM

Laurie Lenneman, 9483 30th Street, St. Michael, stated they are holding a benefit on May 4 for Linda Holthaus Johnson at the St. Albert's Parish Center located at 11400 57th Street NE. They need approval of their lawful gambling Premises Permit for a raffle. Hendrickson stated she will add the item to the agenda.

5. APPROVAL OF THE AGENDA

Hendrickson amended the agenda to include Approval of the Northwest Area Jaycees Lawful Gambling Premises Permits as item A1 under City Council.

Nafstad added discussion of 5975 Main Ave NE as item H2 under Administration. Sorensen added Local Government Aid as H3 under Administration.

Motioned by Vetsch, seconded by Sorensen, to approve the agenda as amended. Ayes: Hendrickson, Olson, Sorensen, Vetsch and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.

6. CONSENT AGENDA

All items under the Consent Agenda are considered to be routine by 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. Approve the March 18, 2013 City Council workshop meeting minutes as presented
- B. Approve the March 18, 2013 City Council regular meeting minutes as presented
- C. Authorize the April 1, 2013 payment of claims as presented, except bills specifically pulled which are passed by separate motion. The claims listing has been provided to City Council as a separate document and is available for public view at City Hall upon request
- D. Accept the draft March 11, 2013 STMA Ice Arena Board regular meeting minutes as presented
- E. Approve the annual renewal of liquor licenses listed in the staff report contingent on full payment of license fees, proof of liquor liability insurance and Wright County Sheriff's review for liquor law violations

Motioned by Sorensen, seconded by Hendrickson, to accept the consent agenda as presented. Ayes: Hendrickson, Olson, Sorensen, Vetsch and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.

7. PUBLIC HEARINGS - None

8. DEPARTMENT BUSINESS

A. City Council

1). Northwest Area Jaycees Lawful Gambling Premises Permits

Clerk Olson stated that staff had been contacted to approve two lawful gambling Premises Permits for the Jaycees to hold raffles on April 28 and May 4 for benefit fundraisers for two local residents. She stated that according to the way the City Code is currently written only organizations that meet the definition of local under the City Code are allowed lawful gambling premises permits. After consulting with the City Attorney, it was determined the Jaycees cannot meet the definition of local as written in the City Code. Olson stated that the resolutions approving the raffle permits could be passed by Council as an exception to the current ordinance and staff could come back at a later time with language changes to the ordinance to allow this type of one time permits to be granted to outside organizations. Olson stated the Jaycees receive no funds from the benefit and the proceeds will go directly to those the benefits are being held for. She stated that a change in the ordinance language would not affect the requirement that those operating year-round lawful gambling licenses, such as pull tabs, must be local organizations in Albertville. Wagner inquired if it is necessary to change the ordinance and how many of these permits does the City actually get. Nafstad

replied they are not required to change the ordinance. Lenneman stated that it has been getting increasingly difficult to get sponsors and main non-profits cannot maintain their local chapters, so the City may actually see an increase of these types of requests in the future. Hendrickson stated she would like to speak with the City Attorney at the next meeting regarding this issue.

Motioned by Vetsch, seconded by Sorensen, to approve Resolution 2013-010 and Resolution 2013-011 approving lawful gambling premises permits for the Northwest Area Jaycees. Ayes: Hendrickson, Olson, Sorensen, Vetsch and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.

2). Committee Updates (STMA Arena, Planning, JPWB, etc.)

Joint Powers Water Board

Vetsch reported the Board looked at switching insurance carriers. Hendrickson stated they are looking into using chlorine instead of manganese to treat the water and in the long run it may be easier to use and more cost efficient. They also heard the financial audit results.

Albertville-Otsego Fire Board

Sorensen stated they held the first meeting and the board consisted of two Council members, City Administrator, and Finance Director of each city as well as the Fire Chief and Assistant Fire Chief. He invited an Otsego Council member to come to the monthly business meeting for the Fire Department. Nafstad stated they were able to let Otsego know the Fire Department's capabilities and equipment inventory while at the same time hearing expectations from Otsego.

Vetsch would like to see Otsego have the same standards in fire code as Albertville.

Sorensen stated Otsego was supportive of the recent changes to fees for fire inspections and were also impressed with the response time of the Fire Department.

FYCC

Olson stated they completed an employment contract for part time help. He stated with additional help, more time can be spent on raising funds. Nafstad stated FYCC would provide an annual report at the joint meeting at the end of April. Olson reported the rinks are now closed.

B. Planning/Zoning – None

1). Code Enforcement Policy

Brixius stated as the snow melts more attention will be focused on yards and storage. Brixius stated that code enforcement is currently done on a complaint basis.

Brixius stated the proposed enforcement policy outlines how complaints would be processed when received by staff. When a complaint is received, it is

documented by City staff and given to the appropriate staff. Brixius stated that complainant information is private and cannot be given out. He stated Nafstad would determine the appropriate staff person and that staff member would then conduct a site inspection and document the violation with photographs. Staff would then send a letter outlining the violations and provide a date by which the homeowner should bring the property into compliance. He stated they will work with the property owner as much as possible to get the property into compliance. However, if the violations remain, the City Code allows an administrative fine be given to the property owner. If there still is no compliance, they may be eligible for additional fines or referral to the City Attorney. These fines can be assessed to the property if they remain unpaid. Nafstad stated that the property owner is generally given 15 days to come into compliance for something manageable or they may be given 30 days for larger violations.

Brixius stated the proposed enforcement policy stipulates that because of limited resources the City does not have a comprehensive citywide enforcement program. The policy would limit complaints to those within 400 feet of the property in violation, those that can clearly be seen from the public right-of-way, property that is primarily accessed by driving past the property with the violation or observation by City staff in the normal course of work duties. Staff would like to have a formal policy in place that can explain why enforcement is taking place. Vetsch had some concerns about limiting the complaints to the immediate neighborhood. Brixius stated that the policy would allow enforcement for anything seen from a public right-of-way and he will adjust the language in the policy in regards to the immediate neighborhood.

Brixius reported the proposed process will utilize more City staff and generate more timely letters rather than relying on consultant services.

Hendrickson was supportive of organizing the process for code enforcement.

C. City Clerk

1). Pubhouse 19 Liquor License Renewal

Clerk Olson reported that during the course of review for the annual liquor license renewals, it was identified that Pubhouse 19 had outstanding existing Fire Code violations and the City ordinance does not allow for renewal until those violations are brought up to code. At this time, the City has not received the renewal materials or fees. Staff's recommendation is to approve the liquor license renewal contingent upon receipt of the materials, appropriate fees, background check and correcting the outstanding Fire Code violations. Nafstad stated the Fire Department has been working very hard with the owners for the past several months.

Sorensen asked what happens if the renewal is not turned in. Clerk Olson replied the City is responsible for notifying the State Liquor Board the license is no longer

in effect as well as notifying the Sheriff's Office to ensure sale of liquor has ceased.

Motioned by Wagner, seconded by Hendrickson, to approve the annual liquor license renewal for TC Generations LLC DBA Pubhouse 19, located at 5651 LaCentre Avenue NE, contingent upon: re-inspection and correction of all outstanding Fire Code violations, receipt of renewal materials, payment in full of all license fees, proof of liquor liability insurance and background check by the Wright County Sheriff's Office. Ayes: Hendrickson, Olson, Sorensen, Vetsch and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.

2). Albertville Friendly City Days Tournament Challenge to St. Michael
Clerk Olson stated staff would like Council direction on whether to issue a challenge to St. Michael for a tournament of some type during Friendly City Days. Lannes stated there have been injuries the last several years and they have struggled in the past to find enough participants for Albertville's team. Council was supportive of continuing the challenge. Sorensen stated he would like to see more participation from staff.

3). Explore Your Parks Night – May 17th, 2013
Nafstad stated the Parks Committee has begun meeting for Explore Your Parks Night and has designated six parks for the event. They are currently working on assigning community groups to each park. He stated they are currently not planning a Town Hall meeting this year due to limited resources and low turnout. He asked if Council would be receptive to supplementing the Explore Your Parks Night with additional activities or groups. Nafstad stated they would like to place City trucks and equipment at the parks and also get a flyer out in the next utility bill with more information. Hendrickson stated she is supportive of seeing additional items or groups at the parks as it receives more attendance than the previous Town Hall meetings. Guimont stated they are working with local restaurants to donate food. Council would like to see food at each park and authorized staff to purchase food if there are not enough donations.

Guimont stated the goal of the evening is to get residents to parks they have not been to before and to see the activities that are available at those parks.

D. Legal

1). City Attorney Update

Nafstad explained the claim denial the League of MN Cities Insurance Trust issued on a claim involving a City snow plow and a resident's car. Council indicated they were comfortable with the League's findings.

E. Public Works/Engineering - None

F. Finance – None

G. Building – None

H. Administration

1). City Administrator's Update

Nafstad reported the Soccer Association are still working with their architect on the 5964 Main Avenue NE building and are waiting for estimates.

Nafstad reported there was confirmation that there is moisture buildup on the underside of the roof deck. The architect is looking at solutions and a staff will bring those back to Council.

Nafstad stated he met with Niemeyer Trailers to discuss incentives that can be used for future development.

Brixius stated he met with Guardian Angels regarding a phased development and went over site issues and financial incentives for a Phase I project with the developer. He stated there are several big cost factors for them and there could be the possibility to use tax increment to pay those down.

Nafstad reported staff has been working on the public building interconnect options and costs. Sorensen asked if there have been any more outages at the STMA Ice Arena. Lannes replied there have not been any outages since Public Works built a heated box to protect the antennae from the elements, but they do know the antennas are failing.

Hendrickson reported Representative Hornstein will be present at the St. Michael City Offices on April 5 to discuss promotion of the 1-94 expansion.

2). 5975 Main Avenue NE

Nafstad requested feedback from the Council on possibly entering into a listing agreement with a realtor to market the property for lease. He stated there have been inquiries on the property the last several months and he felt the timing is good to list the property. Sorensen wasn't opposed to listing it for lease or sale. Nafstad stated there would need to be some driveway agreements made if sold. Vetsch stated this is a good property for a new business to begin and eventually move into a larger space and grow. Council directed Nafstad to move forward with the listing agreement.

3). Local Government Aid

Sorensen stated he saw an article that Local Government Aid may change and encouraged staff to keep an eye on the issue. Lannes stated that Albertville has never received Local Government Aid and there is a very specific formula that must be met in order to receive it. She stated the criteria generally can't be met by the more rural or smaller communities and the State often doesn't pay Local Government Aid amounts in full to cities.

9. ANNOUNCEMENTS and/or UPCOMING MEETINGS

April 8	STMA Ice Arena Board, 6:00 p.m.
April 9	Planning Commission, 7:00 p.m.
April 15	City Council, 7:00 p.m.
April 22	Joint Powers Water Board, 6:30 p.m. Parks Committee, 8:00 p.m.
April 29	Joint Meeting with St. Michael & STMA School Board St. Michael City Offices, 6:00 p.m.
May 6	City Council, 7:00 p.m.
May 13	STMA Ice Arena Board, 6:00 p.m.
May 14	Planning Commission, 7:00 p.m.
May 17	Explore Your Parks Night, 6:00-8:00 p.m.
May 20	City Council, 7:00 p.m.
May 27	City Offices Closed, Memorial Day
May 28	Joint Powers Water Board, 6:30 p.m. Parks Committee, 7:30 p.m.

Hendrickson stated that she will not be able to attend an Eagle Scout ceremony tomorrow and inquired if any council members would be interested in attending the event. Vetsch stated he would attend. Hendrickson suggested a recognition for the Eagle Scouts at an upcoming meeting.

10. ADJOURN MEETING

Motioned by Sorensen, seconded by Wagner, to adjourn the meeting at 8:47 p.m. Ayes: Hendrickson, Olson, Sorensen, Vetsch and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully submitted,

Kimberly A. Olson, City Clerk

April 10, 2013

SUBJECT: CONSENT (Finance) – PAYMENT OF BILLS

RECOMMENDATION: It is respectfully requested that the Mayor and Council consider the following:

MOTION TO: Authorize the **MONDAY, April 15, 2013** payment of the claims as presented except the bills specifically pulled, which are passed by separate motion. The claims listing has been provided to Council as a separate document. The claims listing is available for public viewing at City Hall upon request.

BACKGROUND: The City processes claims on a semi-monthly basis. The bills are approved through their respective departments and administration and passed onto the City Council for approval.

KEY ISSUES:

Account codes starting with 810 are STMA Arena Expenses/Vendors (bolded) and key issues will be presented in the claims listing document.

POLICY/PRACTICES CONSIDERATIONS: It is the City's policy to review and approve payables on a semi-monthly basis.

FINANCIAL CONSIDERATIONS: City staff has reviewed and recommends approval of payments presented.

LEGAL CONSIDERATIONS: The Mayor and Council have the authority to approve all bills pursuant to Minnesota State Law, which requires all bills to be paid in a timely manner, generally within 30 days unless one party determines to dispute the billing.

Department/Responsible Person: Finance/Tina Lannes, Finance Director

Submitted through: Adam Nafstad, City Administrator

Attachment: List of Claims (under separate cover)

April 11, 2013

SUBJECT: CONSENT AGENDA –CITY CLERK – KNIGHTS OF COLUMBUS TEMPORARY 3.2% MALT LIQUOR LICENSE

RECOMMENDATION: It is respectfully requested that the Mayor and City Council consider the following:

MOTION TO: Approve three (3) One-Day Temporary 3.2% Malt Liquor Licenses for the Knights of Columbus for the 2013 Friendly City Days celebration held in Central Park.

BACKGROUND: This is the first application submitted by the Knights of Columbus this year. These liquor licenses are for the annual City celebration that allows the Knights of Columbus to be in Central Park past the normal park hours of 10:00 p.m. and would allow 3.2% malt beverages to be sold, served, and consumed after 10:00 p.m. The specified dates and times of operation are: Friday, June 7, 2013 running from 4:00 p.m. to 1:00 a.m.; Saturday, June 8, 2013 running from 10:00 a.m. to 1:00 a.m. and Sunday, June 9, 2013 running from 10:00 a.m. to approximately 6:00 p.m.

KEY ISSUES:

- The Knights of Columbus have submitted the correct application and fees for the temporary sale of 3.2% malt liquor.
- The Knights of Columbus hold the appropriate liquor liability coverage.
- Central Park closes at 10:00 p.m. every day with the exception of the annual City celebration Friendly City Days.

FINANCIAL CONSIDERATIONS: There is minimal financial revenue collected from the applicant for liquor licensing.

LEGAL CONSIDERATIONS: The Mayor and City Council have the authority to review and approve or deny any liquor license.

Department/Responsible Person: Kimberly Olson, City Clerk

Submitted through: Adam Nafstad, City Administrator

Attachments: Liquor License Application



5959 Main Avenue NE
P.O. Box 9
Albertville, MN 55301

**APPLICATION FOR ONE-DAY
3.2% MALT LIQUOR LICENSE**

A temporary one-day 3.2 Malt Liquor License can issued to groups that quality as a "Bona Fide Club" under Minnesota State Statutes as listed below:

MN Statute 340A.101

Subd. 7. Club.

"Club" is an incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which:

(1) has more than 30 members;

(2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members;

(3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.

Name of Applicant (organization): Knights of Columbus

Name, address, telephone number and position held with Club of person completing application:

Bill Eddy 11564 57th ST. NE Albertville, MN 55301
3rd Degree member KofC - 763-515-3904

Name and Address of President and Secretary of Applicant:

Mike Engel 11111 18th PL NE ST. Michael, MN
55376

Date(s) of activity: June 7th, 8th, + 9th

Location where sales will occur: Warming House Lions Park

Hours of operation: 7th 4pm - 1am 8th 10am - 1am 9th - 10am to End
CF Softball
Tournament
Approx. 6pm

Premises from which 3.2% malt liquor will be dispensed on said date: Trailers provided
by Dahlheimer Dist.

Purpose for which funds derived will be used: All proceeds will be used for
various contributions within our community

The undersigned certifies that it complies with Minnesota State Statutes, Section 340.001, Subdivision 7, in that it qualifies as a "Bona Fide Club" within that section, and that this application makes petition for a limited license as a "Bona Fide Club" for a limited, non-intoxicating malt liquor license.

Bob Eddy
Applicant Signature

4-7-13
Date

Office Use Only	
Date Rec'd: <u>4/8/13</u>	Check/Cash: <u>CK # 56600</u>
Amount Pd: <u>\$30.00</u>	License mailed: _____

April 11, 2013

SUBJECT: CONSENT AGENDA –CITY CLERK – ALBERTVILLE LIONS TEMPORARY 3.2% MALT LIQUOR LICENSE

RECOMMENDATION: It is respectfully requested that the Mayor and City Council consider the following:

MOTION TO: Approve three (3) One-Day Temporary 3.2% Malt Liquor Licenses for the Albertville Lions for the 2013 Friendly City Days celebration held in Central Park.

BACKGROUND: This is the second application(s) submitted by the Albertville Lions this year. These liquor licenses are for the annual City celebration that allows the Albertville Lions to be in Central Park past the normal park hours of 10:00 p.m. and would allow 3.2% malt beverages to be sold, served, and consumed after 10:00 p.m. The specified dates and times of operation are: Friday, June 7, 2013 running from 4:00 p.m. to 1:00 a.m.; Saturday, June 8, 2013 running from 10:00 a.m. to 1:00 a.m. and Sunday, June 9, 2013 running from 10:00 a.m. to approximately 6:00 p.m.

KEY ISSUES:

- The Albertville Lions have submitted the correct application and fees for the temporary sale of 3.2% malt liquor.
- The Albertville Lions hold the appropriate liquor liability coverage.
- Central Park closes at 10:00 p.m. every day with the exception of the annual City celebration Friendly City Days.

FINANCIAL CONSIDERATIONS: There is minimal financial revenue collected from the applicant for temporary liquor licensing.

LEGAL CONSIDERATIONS: The Mayor and City Council have the authority to review and approve or deny any liquor license.

Department/Responsible Person: Kimberly Olson, City Clerk

Submitted through: Adam Nafstad, City Administrator

Attachments: Liquor License Application

**APPLICATION FOR ONE-DAY
3.2% MALT LIQUOR LICENSE**

A temporary one-day 3.2 Malt Liquor License can issued to groups that qualify as a "Bona Fide Club" under Minnesota State Statutes as listed below:

MN Statute 340A.101

Subd. 7.Club.

"Club" is an incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which:

(1) has more than 30 members;

(2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members;

(3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.

Name of Applicant (organization): Albertville Lions

Name, address, telephone number and position held with Club of person completing application:

9983 Jansen Circle NE
Otsego, mn 55362

Name and Address of President and Secretary of Applicant:

Scott Pierson
763-227-2257

Date(s) of activity: June 7th - 9th 2013

Location where sales will occur: Albertville City Park

Hours of operation: 7th 4pm - 1am, 8th 10am - 1am, 9th 10am - 7^{pm}

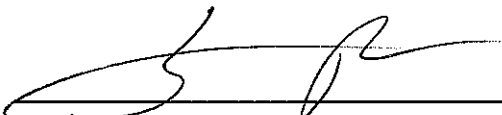
Premises from which 3.2% malt liquor will be dispensed on said date: Albertville

Central Park

Purpose for which funds derived will be used: Albertville Friendly

City days

The undersigned certifies that it complies with Minnesota State Statutes, Section 340.001, Subdivision 7, in that it qualifies as a "Bona Fide Club" within that section, and that this application makes petition for a limited license as a "Bona Fide Club" for a limited, non-intoxicating malt liquor license.


Applicant Signature

4/19/13
Date

Office Use Only	
Date Rec'd: _____	Check/Cash: _____
Amount Pd: _____	License mailed: _____

April 10, 2013

SUBJECT: FINANCE - 1ST QUARTER REPORT

INTRODUCTION: This page is reserved on the Council agenda for Mayor and Council review and discussion regarding monthly Finance reports.

1ST QUARTER BUDGET TO ACTUAL:

Below are the first (1st) Quarter 2013 un-audited General Fund Summary of Revenues and Expenditures. Revenues should be at 6% and expenditures should be at 25%. Revenues are at 4.1% and Expenses are at 16.4%.

**2013 Council Update
GENERAL FUND**

General Fund Revenue:		2013 Budget	2013 Actual 3/31/2013	% of Budget
31010	Current Ad Valorem Taxes	2,423,781	6,497	0.3%
34113	Franchise Fee - Cable	65,000	17,399	26.8%
32100	Business Licenses & Permits	20,000	11,920	59.6%
32110	Liquor Licenses	29,150	22,330	76.6%
32120	3.2 Liquor Licenses	150	100	66.7%
32150	Sign Permits	1,500	370	24.7%
32210	Building Permits	35,000	12,623	36.1%
32240	Animal Licenses	250	260	104.0%
33405	Police Aid	28,000	-	0.0%
33406	Fire Aid	30,000	-	0.0%
33422	Other State Aid Grants	8,200	4,095	49.9%
34000	Charges for Services	2,000	103	5.2%
34101	Lease Payments - City Property	-	-	
34001	Administration Fees	125,894	300	0.2%
34103	Zoning & Subdivision	1,500	300	20.0%
	Plan Check fee	15,000	5,946	39.6%
34105	Sale of Maps	50	-	0.0%
34107	Title Searches	546	300	54.9%
34302	Fire Protection Contract Charges	154,417	29,146	18.9%
34780	Park/City Hall Rental Fees	5,000	2,807	56.1%
34950	Other Revenues	6,000	9,885	164.7%
35000	Fines & Forfeits	-	-	0.0%
36210	Interest Earnings	25,000	-	0.0%
	Engineer/As built	750	-	0.0%
34110	Arena Administration	11,388	2,838	24.9%
	Transfer I-94 Engineer	50,000	-	0.0%
	Capital 102 to SAC	50,000	-	0.0%
Total Revenues		\$ 3,088,576	\$ 127,217	4.1%

General Fund Expenditures		2013 Budget	2013 Actual 3/31/2013	% of Budget
41100	Council	41,855	14,861	35.5%
41300	Combined Admin/Engineer/PWD	124,909	22,975	18.4%
41400	City Clerk	121,258	28,137	23.2%
41410	Elections	9,000	107	1.2%
41500	Financial Administration	169,155	47,366	28.0%
41550	City Assessor	28,500	-	0.0%
41600	City Attorney	35,000	9,750	27.9%
41700	City Engineer	20,200	-	0.0%
41800	Economic Development	18,000	-	0.0%
41910	Planning & Zoning	31,507	13,310	42.2%
41940	City Hall	120,855	58,895	48.7%
42000	Fire Department	325,307	18,341	5.6%
42110	Police	530,000	132,495	25.0%
42400	Building Inspection	155,365	30,954	19.9%
42700	Animal Control	4,000	433	10.8%
43100	Public Works - Streets	449,995	53,854	12.0%
41750	Add'l consult Admin.Engineer	60,000	4,492	7.5%
45000	Culture & Recreation	55,843	6,484	11.6%
45100	Parks & Recreation	191,866	43,906	22.9%
	Capital Reserves	570,811	10,560	1.8%
41000	Library	25,150	8,947	35.6%
Total Expenditures		\$ 3,088,576	\$ 505,867	16.4%

VARIANCES:

Revenue:

- Tax settlements are received twice a year (July and December)

Expenses:

- City Hall – at almost 50% due to we already paid our insurance for the year to L.M.C.I.T

Department/Responsible Person: Finance/Tina Lannes, Finance Director

Submitted Through: Adam Nafstad, City Administrator

April 10, 2013

SUBJECT: FINANCE - ACCOUNTS RECEIVABLE REPORT

INTRODUCTION: This space on the agenda is reserved for the City Council to consider the Finance Department Accounts Receivable Report.

ACCOUNTS RECEIVABLE:

Total accounts receivable outstanding through March 31, 2013 is \$45,859.19

The percentage of the total due based on the aging report is as follows:

0-30 days outstanding	\$41,682.03	90.89%
30-60 days outstanding	\$ 50.00	.11%
60-90 days outstanding	\$ 1,802.50	3.93%
Over 90 days outstanding	\$ 2,374.66	5.18%

PRACTICES/POLICY CONSIDERATIONS: The Mayor and Council review monthly financial reports.

FINANCIAL CONSIDERATIONS: There are no financial considerations at this time.

LEGAL CONSIDERATIONS: The Mayor and Council have the authority to review and direct staff to take action regarding all financial matters.

Department/Responsible Person: Finance/Tina Lannes, Finance Director

Originated by: Tina Lannes, Finance Director

Attachment(s): Accounts Receivable Report

Mayor and Council Communication – April 15, 2013
FINANCE – Accounts Receivable Report

Vendor	Amount Due	0-30 Days	30-60 days	60-90 days	90 days & Over
ALBERTVILLE BODY SHOP	\$720.00	\$720.00			
ALBERTVILLE PLAZA	\$269.71	\$269.71			
CASPRAY-SHEPHERD, TANYA	\$100.00			\$100.00	
CITY OF ST. MICHAEL	\$623.98	\$623.98			
CULVERS	\$50.92	\$50.92			
DONAHUE, KELLEY	\$100.00			\$100.00	
FEDERAL HOME LOAN	\$100.00			\$100.00	
FOX HEAD, INC	\$881.89	\$881.89			
FRIELER, DEAN	\$100.00			\$100.00	
HOUSING UBAN DEVELOPMENT	\$100.00			\$100.00	
JASPER, JON	\$150.00				\$150.00
KELM, STACEY	\$100.00			\$100.00	
L & B INVESTMENTS	\$40.00			\$40.00	
LAWRENCE, MARK	\$100.00			\$100.00	
MUSGROVE, DANA	\$460.00				\$460.00
NORTHWEST BIBLE CHURCH	\$862.50			\$862.50	
CITY OF OTSEGO	\$39,135.53	\$39,135.53			
SCHULTE, CODY	\$50.00				\$50.00
TAEGE, JANET	\$115.05				\$115.05
TOWN LAKES	\$1,227.73				\$1,227.73
WARNER, ROBERT	\$50.00		\$50.00		\$50.00
WELLS FARGO - SC	\$100.00			\$100.00	
WELL FARGO FINANCIAL MN	\$100.00			\$100.00	
WESTMAN, JEFFERY	\$106.88				\$106.88
WIGNES, CRAIG	\$215.00				\$215.00
Total	\$45,859.19	\$41,682.03	\$50.00	\$1,802.50	\$2,374.66
Current 0-30 days		\$41,682.03	90.89%		
30-60 days		\$50.00	0.11%		
60-90 days		\$1,802.50	3.93%		
over 90 day		\$2,374.66	5.18%		

April 10, 2013

SUBJECT: FINANCE – RESOLUTION AUTHORIZING AND DOCUMENTING INTER-FUND LOANS/ADVANCES FROM THE SEWER ACCESS FUND

RECOMMENDATION: It is respectfully requested that the Mayor and Council consider the following:

MOTION TO: Approve **Resolution No. 2013-012** entitled a Resolution Authorizing and Documenting Inter-Fund Loan to Fund Negative Fund balances.

- Inter-Fund Loan from Sewer Access Fund (204) to 2003A GO Imp Bond Fund (357) in the amount of \$1,268,295 to fund the negative balance in the debt service fund; and,
- Inter-Fund Loan from Sewer Access Fund (204) to City Hall Revenue Bond Fund (359) in the amount of \$10,935 to fund the negative balance in the debt service fund; and,
- Inter-Fund Loan from Sewer Access Fund (204) to Prairie Run Capital Project Fund (473) in the amount of \$746,029 to fund the negative balance in the capital project fund.

BACKGROUND: Throughout the year, the City Council approves projects with plans to issue bonds or some other type of financing at a later time. Inter-fund loans provide interim financing until the other financing is completed. In some cases inter-fund loans are the primary source to finance projects that have a very short financing term. An example of this is carrying assessments for a project for a few years where it is not cost effective to issue new debt. At least annually, City Staff and auditors review and recommend inter-fund loans/advances to fund running negative balances so as to remain in compliance with Generally Accepted Accounting Principles (GAAP).

POLICY CONSIDERATIONS: It is the Mayor and Council's policy to review and approve all inter-fund loans/advances.

FINANCIAL CONSIDERATIONS: At least annually, the City of Albertville must fund all negative running balances for Capital Projects, Debt Service or other miscellaneous funds in accordance with General Accounting Principals (GAAP). The inter-fund loan or advance is a loan from Sewer Access Charge Fund (SAC) to the respective negative balance funds at an interest rate of equal to the rate of investment earned by the City's investments. Included in the loan is a financial commitment detailing the source of funds to repay the loan. These inter-fund loans are an inexpensive way to fund some City activities instead of issuing bonds.

LEGAL CONSIDERATIONS: The Mayor and Council have the authority to review and direct staff to take action regarding all financial matters.

Department/Responsible Person: Finance/Tina Lannes, Finance Director

Submitted Through: Adam Nafstad, City Administrator

**CITY OF ALBERTVILLE
COUNTY OF WRIGHT
STATE OF MINNESOTA**

RESOLUTION NO. 2013-012

**A RESOLUTION AUTHORIZING AND DOCUMENTING
INTER-FUND LOAN TO FUND NEGATIVE FUND BALANCES**

WHEREAS, the Albertville City Council has reviewed its annual audit; and

WHEREAS, an interfund loan is hereby established in the amount of \$2,025,259 with funds to be allocated into the following:

Fund 357	2003A GO Imp Bond	\$1,268,295
Fund 359	C.H. Revenue Bond	\$10,935
Fund 473	Prairie Run	\$746,029

NOW THEREFORE, BE IT RESOLVED by the Albertville City Council to approve an inter-fund loan from Fund 204 of \$2,025,259 effective December 31, 2012 at an interest rate of 0%.

Adopted by the Albertville City Council this 15nd day of April 2013

Jillian Hendrickson, Mayor

Kimberly Olson, City Clerk

April 10, 2013

SUBJECT: FINANCE – RESOLUTION TRANSFERRING FUNDS

RECOMMENDATION: It is respectfully requested that the Mayor and Council consider the following resolution:

MOTION TO: Approve **Resolution No. 2013-013** entitled a Resolution to Transfer Funds.

Transfer \$92,120 from the Sewer Access Fund No. 204 to Fund No. 601 Sewer Fund for annual bond payment

Transfer \$23.00 from Closed Capital Projects Fund No. 400 to Fund No. 413 TIF 13 Fraiser Steel to close fund

Transfer \$1,690.40 from Closed Capital Projects Fund No. 400 to Fund No. 498 Flood Mitigation Project to close fund

Transfer \$50,000 from I-94 Capital Project Fund No. 468 to Fund No. 101 for Engineering services 2012.

Transfer \$50,000 from General Fund No. 101 to Fund 204 Sewer Access Fund for loan repayment

Transfer \$61,913.75 from Investments Fund No. 700 to Fund 359 City Hall Revenue Bond to establish required escrow

Transfer \$107,033 from Water Access Fund No. 206 to Fund 602 Water Fund for annual bond payment

Transfer \$5,240 from Sewer Access Fund No. 204 to Fund 601 Sewer Fund for annual bond payment

Transfer \$525,014.56 from the General Fund No. 101 to Fund No. 102 Capital Outlay Fund

BACKGROUND: City staff and auditors annually review and recommend transfer of funds for designated purposes, bond payments, to close funds or to fund a negative balance.

POLICY CONSIDERATIONS: It is the Mayor and Council's policy to review and approve all fund transfers.

FINANCIAL CONSIDERATIONS: Plan funding options on continuing and new projects.

Department/Responsible Person: Finance/Tina Lannes, Finance Director

Submitted Through: Adam Nafstad, City Administrator

**CITY OF ALBERTVILLE
COUNTY OF WRIGHT
STATE OF MINNESOTA**

RESOLUTION NO. 2013-013

A RESOLUTION TO TRANSFER FUNDS

WHEREAS, the Albertville City Council has reviewed its annual audit; and

NOW, THEREFORE, BE IT RESOLVED by the Albertville City Council that the following actions are implemented:

Transfer \$92,120 from the Sewer Access Fund No. 204 to Fund No. 601 Sewer Fund for annual bond payment, and;

Transfer \$23.00 from Closed Capital Projects Fund No. 400 to Fund No. 413 TIF 13 Fraiser Steel to close fund, and;

Transfer \$1,690.40 from Closed Capital Projects Fund No. 400 to Fund No. 498 Flood Mitigation Project to close fund, and;

Transfer \$50,000 from I-94 Capital Project Fund No. 468 to Fund No. 101 for Engineering services 2012, and;

Transfer \$50,000 from General Fund No. 101 to Fund 204 Sewer Access Fund for loan repayment, and;

Transfer \$61,913.75 from Investments Fund No. 700 to Fund 359 City Hall Revenue Bond to establish required escrow, and;

Transfer \$107,033 from Water Access Fund No. 206 to Fund 602 Water Fund for annual bond payment, and;

Transfer \$5,240 from Sewer Access Fund No. 204 to Fund 601 Sewer Fund for annual bond payment, and;

Transfer \$525,014.56 from the General Fund No. 101 to Fund No. 102 Capital Outlay Fund.

Adopted by the Albertville City Council this 15th day of April 2013.

Jillian Hendrickson, Mayor

Kimberly A. Olson, City Clerk

April 10, 2013

SUBJECT: ENGINEERING –I-94 RIGHT-OF-WAY TRANSFER TO MNDOT

RECOMMENDATION: It is respectfully requested that the Mayor and Council consider the following motion:

MOTION TO: Approve Resolution No. 2013-014 accepting the offer of the State of Minnesota, Department of Transportation, to convey and quitclaim to the State of Minnesota Real Property Described by Quitclaim Deeds for S.S.8680 (94=392) 901, PARCEL 529, County of Wright, and for C.S. 8680 (94=392) 901, Parcel 435, County of Wright.

BACKGROUND: For the purpose of constructing the W.B. I-94 C-D Road improvements, the City acquired three parcels for right-of-way use. The three parcels are commonly referred to as the Knechtel (1.1 acres), Marketplace (0.11 acres), and AT&T (0.11 acres) parcels. Per Cooperative Construction Agreement No. 99563 between the City and MnDOT, Albertville is required to convey the right-of-way necessary to construct and maintain the W.B. I-94 C-D improvements.

KEY ISSUES:

- The parcels have been purchased solely for the purpose of highway easement.
- This conveyance is consistent with the terms of the agreement between the City and MnDOT.
- MnDOT has prepared the necessary Offers to Sell and Quitclaim Deeds (2 each) for completing the transactions.
- Upon Council approval, the Mayor and staff will execute the documents.
- The resolution has been requested by MnDOT as Council acknowledgment and approval of conveyance.

POLICY CONSIDERATIONS: Only the Mayor and City Council have the authority to convey and quitclaim City property to another party.

FINANCIAL CONSIDERATIONS: There are no new financial impacts associated with the execution of this agreement.

LEGAL CONSIDERATIONS: The Mayor and Council possess the authority to approve or reject Offers to Sell and convey City property.

Department/Responsible Person: Engineering/Adam Nafstad

Submitted Through: Adam Nafstad, City Administrator

Attachments: Resolution 2013-014

**CITY OF ALBERTVILLE
COUNTY OF WRIGHT
STATE OF MINNESOTA**

RESOLUTION NO. 2013-014

**A RESOLUTION ACCEPTING THE OFFER OF THE STATE OF MINNESOTA,
DEPARTMENT OF TRANSPORTATION, TO CONVEY AND QUITCLAIM TO THE
STATE OF MINNESOTA REAL PROPERTY DESCRIBED BY QUITCLAIM DEEDS
FOR C.S. 8680 (94=392) 901, PARCEL 529, COUNTY OF WRIGHT AND FOR C.S. 8680
(94=392) 901, PARCEL 435, COUNTY OF WRIGHT**

WHEREAS, the City of Albertville acquired land for the purpose of constructing improvements to Interstate 94 and in conjunction with the West Bound I-94 C-D Road project; and

WHEREAS, the property conveyance is required and consistent with the terms of Cooperative Construction Agreement No. 99563.

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Albertville, for valuable consideration, accepts the offer of the State Of Minnesota, Department of Transportation, to convey and quitclaim to the State of Minnesota real property described by Quitclaim Deeds for C.S. 8680 (94=392) 901, Parcel 529, County of Wright and for C.S. 8680 (94=392) 901, Parcel 435, Wright County.
2. The Mayor and City Clerk are hereby directed to execute necessary transaction documents, as provided by the Minnesota Department of Transportation.

Adopted by the City Council of the City of Albertville this 15th day of April 2013.

Jillian Hendrickson, Mayor

Kimberly A. Olson, City Clerk

April 11, 2013

SUBJECT: PUBLIC WORKS – WWTP FACILITY PLAN

RECOMMENDATION: This space on the agenda is reserved for the City Council to consider authorizing the preparation of a Facility Plan for the City's Wastewater Treatment Facility.

MOTION TO: Authorize Bolton & Menk, Inc. to prepare a Facility Plan to address reduced phosphorus limits, as proposed by the MPCA, at an hourly not to exceed fee of \$28,900.

INTRODUCTION: Prior to reissuance of the National Pollutant Discharge Elimination System (NPDES) / State Disposal System (SDS) permit for the City's WWTP facility in 2021, Albertville will be required by the MPCA to reduce phosphorus discharge from the current limit of 1.0 mg/L to 0.06 mg/L.

The previously discussed implementation timeframe of the improvements is as follows:

- 2013/2014 Complete Facility Plan with alternative analysis
- 2015/2016 Continue to pursue funding for recommended improvements or modifications
- 2017/2018 Prepare plans and specifications
- 2018/2021 Construction of improvements and start up of plant

To prepare and better understand the costs and challenges associated with the facility improvements required, it is recommended that a revised Facility Plan be prepared for the WWTP.

The scope of the Facility Plan will generally consist of the following tasks:

1. Investigate effluent requirements for alternative discharge locations
2. Investigate existing infrastructure for ability to treat to new requirements
3. Determine improvements necessary to meet effluent requirements
4. Evaluate options and work with MPCA to develop a recommended treatment solution
5. Estimate capital improvement costs as well as operation and maintenance costs
6. Review and estimate potential rate impacts to system users
7. Assist in funding options including Public Facility Authority, Clear Water Legacy Funds, TMDL/phosphorus programs and potential State funding.

Bolton and Menk, Inc. anticipates completing the Facility Plan in conjunction with the Public Facilities Authority by the deadline in March 2014. The fee associated with the above scope is proposed to be hourly not to exceed in the amount of \$28,900.

FINANCIAL CONSIDERATIONS: The cost associated with the Facility Plan is a budgeted expenditure and will be funded through Capital Reserves and the 2013 Capital Budget for sewer specifically demonstrated for this purchase.

LEGAL CONSIDERATIONS: The Mayor and Council possess the authority to authorize the preparation of plans for all municipal improvements.

Department/Responsible Person: Public Works/Adam Nafstad & John Middendorf

Submitted Through: Adam Nafstad, City Administrator

(BMI proposal on file)

GENERAL ADMINISTRATION

5964 Main Avenue Lease: Staff is learning of the improvements and associated costs required for occupancy of the existing buildings. Conceptual lease arrangements have been discussed and the Soccer Association Board will be meeting to determine whether or not they desire to pursue leasing the building. It is anticipated that a lease agreement will be presented to Council at the first meeting in May for review and consideration.

5975 Main Avenue Lease: Staff met with Wayne Elam and Sheila Zachman of Commercial Realty Solutions to market and list the former City Hall for lease. Attached is a draft listing agreement for Council consideration. The City Attorney has reviewed the agreement and has some suggested revisions that will be incorporated into the agreement.

NW Commercial Park: Staff continues discussions with the Darkenwald group concerning the City-owned property and potential development of the Darkenwald property. Conceptual plans are expected soon.

I-94 Coalition: The I-94 Coalition continues to be very active. On Friday, April 5th, local officials and business leaders met with the Transportation Finance Committee Chairman, Frank Hornstein, as well as Representative FitzSimmons, Representative O'Neill, and Senator Kiffmeyer. On Monday April 15th, Coalition representatives will be testifying to the Senate Transportation Committee as to the need of the I-94 improvements.

Ongoing Projects/Tasks:

- Televising Options – The City Attorney is trying to connect with Charter to discuss the contract
- Public Building Interconnect
- Arena 2nd Sheet Feasibility

ENGINEERING/PUBLIC WORKS

2013 Street Projects: Plans and specifications, as well as cost estimates, will be presented to Council at the first meeting in May.

WWTP: Staff is reviewing several proposals and quotes for various operations and permitting needs. The proposals include mercury minimization, biosolids management, facility plan, and SCADA system upgrades.

70th Street Seal Coat: The segment of 70th Street shared by Albertville and Otsego between CSAH 19 and Maclver is scheduled for a sealcoat this summer. It is proposed that this work be included with Otsego's 2013 projects. The estimated cost of Albertville's share is \$10,000, which includes construction and overhead.

2013 MnDOT I-94 Project: Commencing after Memorial Day, MnDOT will begin their rehabilitation project of I-94 between Monticello and the Crow River. The project will include concrete pavement repairs and bituminous shouldering. In Albertville, both directions of the freeway, including the ramps at CSAH 19, will receive concrete repairs. The shoulders and bituminous ramps at CSAH 37 will be milled and overlaid. Work is expected to be ongoing through mid-August. The work will be performed during non-peak hours, and no work will be allowed on Friday evenings. Traffic delays are expected.

UPCOMING EVENTS and ANNOUNCEMENTS

- **CONGRATULATIONS:** To Gerald Gerads of our Public Works Department on completing and passing the Class B licensure exam. This license requires six (6) years of experience and passing of the MPCA written examination. This is a great accomplishment and a milestone for many operators.
- April 17, 2013 – Sheriff Hagerty is hosting an open house for City officials and staff at 7:00 PM at the Law Enforcement Center.
- April 18, 2013 – The Crow River Senior Center has extended an invitation to all Council Members for a noon “Celebrate Our Cities” luncheon at the St. Michael Government Center.
- April 29, 2013 (6:00 PM at St. Michael City Hall)- Joint Cities and School District Meeting

Attachments:

- 5975 Main Avenue Listing Agreement (draft)



Listing Agreement for Lease

1. April 9, 2013
2. Page One

3. In consideration of the Agreement of Commercial Realty Solutions, LLC. (hereinafter referred to as “Broker”)
4. to undertake to lease the property hereinafter described, City of Albertville (hereinafter referred
5. to as “LESSOR”) grants to BROKER the exclusive right to lease or contract to lease the property at 5975 Main Ave NE, Albertville, MN 55301 and legally described as PID #101140001010 (approximately 2,300 sf
6. commercial space) (hereinafter referred to as the “PROPERTY”) for the period from the date hereof through and
7. including April 30, 2014. This agreement shall automatically extend beyond the stated date and is cancellable
8. with a 10 day written notice from the LESSOR. The lease rate for the stated property shall be \$2,500.00 per month plus utilities or any other such rate, terms or conditions that LESSOR may consent.

9. LESSOR understands that BROKER may list other properties during the term of this Agreement which may
10. Compete with LESSOR’S property for potential lessees.

11. LESSOR’S OBLIGATIONS

12. LESSOR shall promptly furnish BROKER with complete information concerning any person who during the
13. Period of this Agreement makes inquiry of LESSOR regarding the lease or purchase of the PROPERTY.

14. LESSOR shall promptly notify BROKER of any notices pertaining to the PROPERTY which are hereafter
15. Received during the term of this Agreement.

16. LESSOR shall permit BROKER to erect a “For Lease” sign on the Property and to remove all other “For Lease”
17. Signs from the PROPERTY during the period of this Agreement. BROKER shall install two “For Lease” signs, to include a 5’ x 10’ roadside sign and painted window glass sign.

20. LESSOR is responsible for providing a vanilla shell space, including restrooms, for the tenant.

21. BROKER’S OBLIGATIONS

22. BROKER shall promptly furnish LESSOR with information concerning any person/company/business
23. who during the period of this agreement makes inquiry of BROKER regarding the lease. BROKER also agrees
24. to furnish LESSOR with company/business prospects initiated/contacted by BROKER. This information shall be
25. communicated every two weeks beginning with the commencement of this agreement.

26. BROKER’S marketing shall include membership websites or comparable such as the following websites:
27. MNCAR, Loopnet, CoStar, Wright County Economic Development Partnership (WCEDP) and our website,
28. Commercial Realty Solutions.

- 29. 5975 Main Ave NE, Albertville, MN
- 30. Page Two

31. **COMPENSATION**

- 32. LESSOR shall pay BROKER a leasing commission of one month's gross lease amount, for short term leases of
- 33. one year or less, or 6% of the total Base Lease amount whichever is greater. Lease commissions are to be
- 34. paid at the time of Lease execution.

35. Broker commissions shall be due and payable in any of the following Conditions:

- 36. 1. The lease or contract for lease of the PROPERTY during the period of this Agreement by BROKER or any
- 37. other person, including, but not limited to LESSOR, or any other agent or broker not a party to this
- 38. Agreement, in accordance with the terms as set forth herein or as otherwise consented to by LESSOR.
- 39. 2. If a lease entered into by LESSOR with a LESSEE procured by BROKER grants to the LESSEE an option
- 40. to purchase the LESSOR'S interest in the PROPERTY, and said option is exercised within six months of
- 41. lease commencement, or if BROKER is involved with the sales transaction, LESSOR agrees to pay
- 42. BROKER, at the time of closing of the purchase, an additional fee equal to 6% of the purchase price less
- 43. the unearned portion of the fee paid under the terms of this Agreement.
- 44. 3. If within **90** days after the end of this Agreement, LESSOR leases or agrees to lease the PROPERTY to
- 45. anyone who has made an affirmative showing of interest in the PROPERTY by responding to an
- 46. advertisement or by contacting the BROKER or agent involved or has been physically shown the Property
- 47. by the BROKER or agent. It is understood that BROKER shall not seek to enforce collection of
- 48. compensation under this subparagraph three (3) unless the name of the prospect is on a written list given to
- 49. LESSOR within seventy-two (72) hours after expiration of this Listing Agreement.

- 50. As security for BROKER's compensation, LESSOR hereby grants to BROKER a security interest in the lease
- 51. payments from the lease of the Property or proceeds from a sale and any title company or other closer who
- 52. conducts the closing on the sale or lease of the Property is directed to disburse the BROKER's compensation to
- 53. the BROKER at the time of closing.

54. **LESSOR'S REPRESENTATION**

- 55. LESSOR has full legal right to lease or sell the Property.
- 56. LESSOR certifies that as of the date of execution of this Agreement, LESSOR has not received any notice of
- 57. Building, health or fire code violations, nor notice of hazardous waste on the Property, nor notice of
- 58. Condemnation pertaining to the Property except as herein noted (if none, state "none"): _____
- 59. None

- 60. 5975 Main Ave NE, Albertville, MN
- 61. Page Three
- 62.
- 63.

COOPERATING BROKERS

- 64. LESSOR permits BROKER to share part of BROKER's compensation with other real estate brokers, including
- 65. Brokers only representing the lessees.

66. **CLOSING SERVICES**

- 67. After a lease for the PROPERTY is signed, arrangements must be made to close the transaction. LESSOR
- 68. understands the LESSOR may arrange for a qualified closing agent or attorney to conduct the closing, or
- 69. LESSOR may ask BROKER to arrange for the closing. LESSOR understands the LESSOR may be required
- 70. to pay certain closing costs. LESSOR has indicated his/her choice for closing services. (initial one).
- 71. _____ LESSOR wishes to have BROKER arrange for closing services.
- 72. _____ LESSOR shall arrange for closing services.

73. **MISCELLANEOUS**

- 74. 1. This Agreement is binding upon the heirs, successors and assigns of the parties.
- 75. 2. All of the representations and covenants of this Agreement shall survive and be enforceable after
- 76. termination of this Agreement.
- 77. 3. In the event of any litigation instituted by LESSOR or BROKER to enforce the provisions of this
- 78. agreement, the prevailing party shall recover reasonable attorney's fees, costs and expenses from the
- 79. other party
- 80. 4. This Agreement constitutes the complete Agreement between the parties and supersedes any prior oral or
- 81. written agreements between the parties relative to the provisions herein.
- 82.
- 83. No amendment, modification or extension of this Agreement shall be valid or binding unless made in writing and
- 84. signed by both LESSOR and BROKER.
- 85. 5. This contract shall be governed by the laws of the State of Minnesota.

86. City of Albertville _____ Commercial Realty Solutions, LLC. _____
(LESSOR)

87. By: _____ By: _____

88. _____ April 9, 2013 _____
(Date) (Date)