



City of Albertville Council Agenda

Monday, June 3, 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. Recognition of Dave Nelson – 2013 Red Cross Hero

B. Recognition of LaVerne Beaudry – Volunteer Lay Woman of the Year for 2013

- 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 May 20, 2013 regular City Council meeting minutes as presented (pgs 4-9)

B. Authorize the Monday, June 3, 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 10)

C. Accept the draft May 13, 2013 STMA Ice Arena Board meeting minutes as presented (pgs 11-13)

D. Approve the Church of St. Albert Lawful Gambling Exempt Permit Application for the annual Parish Festival that will be held on October 13, 2013 at the St. Albert Parish Center (pgs 14-16)

- 7. PUBLIC HEARINGS - None**

8. DEPARTMENT BUSINESS

A. Planning/Zoning

1). Outdoor Music Events (pgs 17-21)

(Motion to approve Ordinance No. 2013-003, an amendment to Section 5-5-3 of the City Code establishing an annual permit for conducting minor music events in the City of Albertville.)

B. Legal

1). Full-Time City Employees as Regular Firefighters (pgs 22-26)

(Motion to approve Employee Agreement For Paid On-Call Work With the Albertville Fire Department and authorize City Public Works employees to become regular paid on-call firefighters provided they enter into this Agreement.)

2). City Attorney's Report (pg 27)

C. City Council

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

D. City Clerk

1). Set Budget Workshop Meeting Date(s) – Verbal

2). Set Joint Meeting with Otsego and St. Michael for June 24, 2013 at 8:00 p.m.

(Motion to set a joint meeting with Otsego and St. Michael City Councils for June 24, 2013 at 8:00 p.m.)

E. Public Works / Engineering

1). 2013 Street, Utility and Trail Improvements (pgs 28-30)

(Motion to accept the low bid of Oman Brothers, Inc. said "Low Bidder" in the amount \$403,898.54 for the construction of the 2013 Street, Utility, and Trail Improvements project in accordance with the plans and specifications and the advertisement for bid; and authorizing and directing the City Administrator and City Clerk to enter into a contract with said "Low Bidder" for construction of the improvements on behalf of the City of Albertville.)

2). MacIver Avenue NE Seal Coat with Otsego (pgs 31-33)

(Motion to approve seal coating of 70th Street NE, between CSAH 19 and MacIver Avenue NE, and related work, per the City of Otsego's 2013 Street Maintenance Project plans and specifications, and to reimburse the City of Otsego for Albertville's portion of the project costs, which are estimated to be approximately \$11,050.)

F. Finance - None

G. Building - None

H. Administration

1). City Administrator's Update (pg)

9. ANNOUNCEMENTS and/or UPCOMING MEETINGS

- June 5-9 Albertville Friendly City Days
 Battle of the Cities Relay Race, June 5, 5:00 p.m.
- June 10 STMA Ice Arena Board, 6:00 p.m.
- June 11 Planning Commission, 7:00 p.m.
- June 17 City Council, 7:00 p.m.
- June 24 Joint Powers Water Board, 6:30 p.m.
 Joint Meeting with Otsego and St. Michael, 8:00 p.m.
- July 1 City Council, 7:00 p.m.
- July 4 City Offices Closed
- July 8 STMA Ice Arena Board, 6:00 p.m.
- July 9 Planning Commission, 7:00 p.m.
- July 15 City Council, 7:00 p.m.
- July 22 Joint Powers Water Board, 6:30 p.m.
 Parks Committee, 7:30 p.m.

JUNE						
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2	CC 3	4	5	6	7	8
FCD	Ice 10	PZ	12	13	14	15
9	10	11	12	13	14	15
16	CC 17	18	19	20	21	22
23	JP 24	25	26	27	28	29
30						

JULY						
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7	Ice 8	PZ 9	10	11	12	13
14	CC 15	16	17	18	19	20
21	JP 22 ^{PK}	23	24	25	26	27
28	29	30	31			

10. CLOSED SESSION – KNECHTL MEDIATION
(Motion to move into Closed Session.)

11. ADJOURNMENT



ALBERTVILLE CITY COUNCIL
Monday, May 20, 2013

DRAFT MINUTES

ALBERTVILLE CITY HALL

7:00 PM

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Hendrickson called the meeting to order at 7:02 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, City Planner Alan Brixius, City Clerk Kimberly Olson and Trisha Holm

3. RECOGNITIONS, PRESENTATIONS AND INTRODUCTIONS - None

4. PUBLIC FORUM

There was no one present to speak.

5. APPROVAL OF THE AGENDA

Hendrickson added Computer Systems as Item 2 under City Council Business.

Motioned by Hendrickson, 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 May 6, 2013 regular City Council meeting minutes as presented
- B.** Authorize the Monday, May 20, 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

- C. Approve Resolution No. 2013-016 entitled a Resolution Amending Official Depositories

Motioned by Wagner, seconded by Olson, to approve 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. Planning / Zoning

1). Noise Ordinance Discussion – 152 Club Request

Holm reported that she has a band that plays Friday evenings and she would like to have them play outdoors during the summer months. She stated they do have an amplified microphone and guitar, but no drums. The noise ordinance does not allow for amplified sounds from 5:00 p.m. to 7:00 a.m. The only exception is they are allowed two temporary outdoor music permits per year. She felt this is much more restrictive than other nearby cities and cited examples of their noise ordinances. She inquired if Council would be willing to reconsider the ordinance. She stated with past temporary outdoor music permits granted to them, she has met the 300 foot spacing requirement to the nearest residential home and they do not point the speakers towards the homes.

Brixius reported the intent of the ordinance is for special events rather than weekly events. Limited hours could be something to look at and they could test it for a time to see how it works. However, Brixius reminded Council there are other businesses within the City that sit close to residential areas and they need to look at any changes on a city wide basis. Wagner suggested leaving the 300 foot spacing requirement in the language. Hendrickson inquired why they would regulate it with a permit rather than changing the ordinance. Brixius recommended coming back with an ordinance change while also permitting the outdoor music as it allows them the opportunity to grant or deny the permit if noise complaints are received. Brixius suggested conditions be put on the permit such as limited hours, number of events per month, etc. Wagner felt it would be appropriate to keep the two per year temporary outdoor music permits for big events and then allow the limited outdoor music to those that can meet the conditions.

Council was supportive of looking at a change. Sorensen encouraged Holm to talk with the surrounding neighborhood about what she has proposed.

Council directed staff to bring this forward to the next City Council meeting on June 3, 2013. Brixius suggested notifying the neighborhood of that meeting to afford them an opportunity to speak regarding the request.

2). Engel Haus – Guardian Angels Elderly Housing Project

Brixius reported Guardian Angels is pursuing an elderly housing project that includes memory care, independent living and assisted living units. The housing project will be named Engel Haus, meaning Angel House, for the German history of the area. The project includes 60 units and community living elements. The developer will be subdividing the lot to allow for multiple phases of the project and this will require a preliminary and final plat. The zoning on the property is currently single family and staff suggests rezoning it to PUD rather than multifamily.

Brixius stated Guardian Angels will be looking for conduit tax exempt bond financing to finance building construction and development of a TIF district for the first phase to help reduce costs. Nafstad replied they may have to go to other entities to get additional conduit financing. He felt they would be successful finding that partner as the partner would receive a significant fee from Guardian Angels to use their financing.

Brixius reported the construction schedule is fairly aggressive. Brixius reported the park dedication fees would be significant for 60 units and the developer has asked for a reduction in the amount of park dedication fees due because their clientele would have minimal demands of the City parks. The developer would like to see the park dedication fees for 16 units. They have discussed SAC and WAC fees with them as well. Vetsch asked if they have provided for planning fees and Brixius replied that they will have an escrow agreement.

Olson suggested an open house prior to City Council or Planning Commission approval because there were concerns from the area in previous years. Brixius stated he would make the suggestion to Guardian Angels.

B. City Council

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

STMA Ice Arena

Sorensen reported rates were increased to \$190 an hour for ice time. Nafstad reported they will receive bids to repair the condensation problem and the cost will be significant. Nafstad stated that it comes down to regulating the internal climate of the arena and is not a problem unique to Albertville. Wagner stated the problem existed since the time the building was built, not due to poor construction but due to design standards of the time and money available. He stated this condensation can occur anytime, winter or summer. Sorensen stated that in terms of a second sheet of ice, they discussed a lower cost for the sheet and the reality that Youth Hockey would need to come up with a substantial amount of money upfront. He stated a long term plan would be needed and Vetsch stated he would

encourage the Youth Hockey Association to partner with other associations to work together to fund a facility.

Fire Department

Sorensen reported the Eagle Scouts worked on the Memorial Park over the weekend and another Saturday event is planned for June 15, 2013. The Fire Department has and will continue to put quite a bit of work into the memorial. Sorensen reported he received positive comments from several Towne Lakes residents regarding the memorial.

Parks Committee

Sorensen reported that Explore Your Parks Night went well and they received a lot of comments on the new jet vac truck. Wagner commended Water/Wastewater Operator Gerads on a job well done on presenting the truck.

2). Computer Systems

Hendrickson stated several surrounding cities have gone to paperless agendas and she was looking for Council support to look into the cost of iPads. Council was supportive of the idea and directed staff to look into costs.

C. Public Works/Engineering

1). County Road 18 Trail Easements

Nafstad reported he is working with the two property owners from whom the City will need to acquire easements for the trail. He reported to Council the tentative discussions he has had with them and the compensation discussed for the easements. One easement would be temporary and the other permanent. Council directed Nafstad to move forward the discussions and the compensation offered.

2). State Grant and Purchase of Vehicle Lift

Nafstad reported the Public Works shop is designed for a lift, but was not included at the time it was built due to cost. Staff had submitted a grant to the State of Minnesota for the lift and they received a grant for fifty percent of the cost. The remaining cost of the lift will come from Public Works Building capital reserve.

Motioned by Vetsch, seconded by Hendrickson, to approve purchasing and installing a Mohawk Vehicle Lift at a cost of \$16,289 and to approve State of Minnesota Grant Contract for reimbursement of \$8,144. Ayes: Hendrickson, Olson, Sorensen, Vetsch and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.

D. City Clerk

1). AFCD City Challenge Volunteers

Clerk Olson reported they had a large group of volunteers signed up, including Sorensen, and asked if there were additional members from of Council that wished to participate in the relay challenge against St. Michael. Hendrickson,

Olson and Wagner volunteered. Clerk Olson stated they have good participation from all City departments.

2). Set a Special Joint Meeting with the City Councils of Otsego and St. Michael for June 10 or June 24, 2013

Nafstad stated the request came from the Otsego Council to meet regarding River Rider transportation. Council was supportive of either date, but suggested the meeting should start at or after 7:00 p.m. Nafstad would report back to the two cities and finalize.

E. Finance - None

F. Legal – None

G. Building – None

H. Administration

1). City Administrator’s Update

Nafstad stated staff is receiving calls regarding dead carp, but the City does not have the means to collect them. Nafstad stated it is occurring in the Towne Lakes and Villas areas.

Nafstad reported the participation of Albertville residents that participated in Spring Clean Up Day doubled from the previous year.

2). Congressional Visit to Washington D.C.

Nafstad reported that St. Michael is sending a delegation to Washington D.C. in June and the delegation will mainly focus on I-94. Their lobbyist has put together an itinerary to meet with legislators. Nafstad inquired if any members of Council would like to travel with the St. Michael delegation. Both Hendrickson and Olson expressed interest in making the trip.

9. ANNOUNCEMENTS and/or UPCOMING MEETINGS

May 27	Memorial Day, City Offices Closed
June 3	City Council, 7:00 p.m.
June 5-9	Albertville Friendly City Days
June 7	City Challenge, 5:00 p.m. Central Ball Field
June 10	STMA Ice Arena Board, 6:00 p.m.
June 11	Planning Commission, 7:00 p.m.
June 17	City Council, 7:00 p.m.
June 24	Joint Powers Water Board, 6:30 p.m.

10. ADJOURN MEETING

Motioned by Sorensen, seconded by Olson, to adjourn the meeting at 8:40 p.m. Ayes: Hendrickson, Olson, Sorensen, Vetsch and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully submitted,

Kimberly A. Olson, City Clerk

DRAFT

May 29, 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, June 3, 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)

ST. MICHAEL-ALBERTVILLE ARENA BOARD MINUTES

May 13, 2013

6:00 p.m.

Present: Chairman Jeff Lindquist and Members, Gayle Weber, Kevin Kasel and Larry Sorensen were present. Members Dan Wagner and Chris Schumm were absent. Also present: City Administrator/PWD Adam Nafstad, City Finance Director Tina Lannes, Arena Manager Grant Fitch and Youth Hockey Association Representatives, Tammy Tupper, Kurt Sjelin, Steve Gapinski, Adam Smiglewski and Mike Marhula. The meeting was called to order at 6:04 p.m. by Chairman Lindquist.

Set Agenda

Members Kasel/Sorensen **moved** to set the agenda as presented. All voted aye.

Approval of Minutes

Members Weber/Kasel **moved** to approve the minutes of the April 8, 2013 Board Meeting. All voted aye.

Finance Reports

Chairman Lindquist inquired if the Ballard King payment in the amount of \$2,125 was for the addendum and the additional work requested for the addendum. Lannes clarified that the payment to Ballard King was for phase two of completing the feasibility study and that an invoice for the addendum has not been received. Members Sorensen/Weber **moved** to approve the April 2013 list of claims in the amount of \$14,734.11 and the April Financial Report as presented. All voted aye.

Lannes updated the Board that when Kern, DeWenter, Viere audited the City of Albertville Financial Statements for 2012, which includes the cash balance for the STMA Arena, they recommended for management to follow the Office of the State Auditors requirements and that it should be recognized as a special district. Under a special district there are annual reporting requirements to the State in accordance with Minnesota Statute 6.756. Since revenues exceed \$202,000 the STMA Arena must provide an annual audit and financial statements separate from the City of Albertville. This State requirement has an estimated cost of \$7,000-\$9,000 annually. The audit amount is approximately \$5,000 and financial statements are approximately \$2,000. Additional City staff time is not included in the additional cost. Lannes mentioned that it would not make a difference who was managing the arena, whether it be either City or the School District, the recommendation would be the same. Sorensen clarified that he had asked the question when KDV presented the findings at the City Council Meeting. Weber asked since KDV has been reviewing the financials for the past few years what is the \$9,000 set up. Lannes explained that the amount is cost for a separate audit and separate financial statements in accordance with OSA standards. Lindquist stated that the current practice has been City staff reviewing the arena financial statements which is included in the City audit, but it is more than cursory audit. Nafstad stated it currently is more of an audit of cash balance as of December 31st. Lindquist mentioned that now that it is a special district, the STMA Arena has to have its own set of financial statements to comply with requirements of this statute and they have to be separately audited. The trigger on that is revenue based and since we have exceeded that revenue for the past couple of years we are required by statute to do this. Nafstad stated that KDV plans to attend the July meeting to answer more in-depth questions regarding this requirement. Weber asked why doesn't the Board request bids for the audit and financial statements. Lannes stated that KDV would still be auditing part of the STMA Arena because it is part of the City of Albertville cash flow as a fund. Lannes continued by stating that we could go out for bids, but believes there is savings with KDV. Weber asked then why the setup fee if they are already reviewing part of it. Lannes clarified that the setup fee is not for KDV it is for preparing the financial statements with Abdo. Nafstad stated the City of Albertville uses Abdo for compiling the actual financial statements incorporating all of the GASB standards, those are the audited statements. Nafstad continued by mentioning as a staffing issue he would like to go through one audit rather than two separate audits in a year. Lindquist asked if the amount would be the

same annually or if it would change. Nafstad stated that the costs would be about the same annually for the special district.

Arena Manager's Report

Fitch updated the Board that the ice came out on April 9th and there was 45.25 hours rented before the ice came out for the month of April. Youth Hockey had some requests for building a deck area over the raised floor in the lobby and a place for trophies displayed. Nafstad mentioned that the deck or platform presents a tripping hazard. Weber mentioned that if the deck is a safety hazard it would be money well spent if fixed. Sorensen asked what it would cost. Nafstad stated that the platform itself isn't a large amount of work. The issue is where it should go, and how it should be constructed, and believes it would be to engage someone to design or plan the platform/ramp.

Fitch went over the recommendation of disinfecting the arena a few times a year for a cost around \$3,000. This should be part of the budget discussion.

The STMA Arena summer rates for discussion. Currently it is A-\$150, B-\$145 and \$125 if the group books 40 or more hours, evenings or weekends. The Board had a discussion about rates for summer ice. Lindquist/Kasel **moved** to keep the summer rates at A-\$150, B-\$145 and \$125 if the group books 25 or more hours, evenings or weekends. All voted aye.

Fitch updated on the Youth Hockey event on April 27th with a minimum bill of \$400 to cover expenses.

Old Business

Ballard King Feasibility Report Addendum that addresses some issues raised by Youth Hockey: Lindquist opened up for the Board members to ask questions or make comment on the addendum. Kasel commented on depreciation mentioning that the STMA Arena Board does not have taxing authority; therefore, to repair or fix the assets, depreciation needs to be funded and depreciation has to be part of the cash flow discussion. Kasel continued to discuss the revised staffing level stating it is very difficult to say we are doubling the size of the facility and only increasing labor by \$12,000 or 10%. With a second sheet of ice there will likely have to be an assistant manager for the arena. Sorenson mentioned that he agrees with Kasel on depreciation and we need to keep that in the budgeting process and it will have to be paid for. Kasel mentioned depreciation is budgeted optimistically over 50 years, as an example, the Metrodome lasted 30, which by comparison means the arena's depreciation should be greater, perhaps \$130,000 a year with a second sheet of ice instead of \$80,000. Lindquist also agreed about the depreciation items the Board brought up from the addendum along with the debt service where it stated that municipalities don't include debt service as an expense item. As part of an operating budget, this is not a municipality; it is a Joint Powers Board with the responsibility to cash flow the arena, so someone has to pay the debt. Lindquist stated the debt service seems to be the ongoing discussion that cannot be ignored and echoed the concerns of staffing levels brought up by Kasel. Nafstad added from a staff prospective we disagree with the addendum and agree with the Board that the items such as depreciation and debt service need to be budgeted and funded. Nafstad continued by mentioning that for the cities, at least for business type activities and enterprise funds, depreciation and debt service are accounted for. Lannes confirmed Nafstad's statements in response to Lindquist asking if the cities would consider not funding depreciation or debt service. Lannes also mentioned whether it is budgeted and/or funded or not it is a requirement by GASB in business type activity, enterprise funds, the expense is booked and rates are to cover those expenses. Lindquist mentioned that we were not covering all of depreciation currently. Lannes confirmed that statement and clarified that the Board only started budgeting and funding a portion of depreciation as of January 2010 when the City of Albertville took over management and since that date there is \$75,000 of depreciation funded in total for the four years.

Adam Smiglewski from Youth Hockey mentioned after meeting with Tina Lannes for about an hour on May 13th to talk about depreciation that Youth Hockey is just going to accept the need to fund depreciation and move on. Smiglewski started by saying that the Association has grown and is ever changing especially under the newer parent's perspective. Smiglewski was very shocked to learn today after meeting with Lannes that when the arena was built, the two cities and school each contributed \$250,000 with an agreement with Youth Hockey to pay back the \$750,000, which the three entities ultimately ended by having to forgive. He continued to say about 75% of the current parents don't know that happened and he understands now about the comments the Board has stated over the past few months that debt service cannot be funded by a promise from Youth Hockey because the Association could disband and not have to honor any agreement. Smiglewski said he was shocked how the Board has been so willing to forgive and move on from that and how supportive the Board has been and also realizes how supportive the Board is of the kids.

Smiglewski stated that there is no objection to the need of a second sheet but the feasibility study talked about ice saturation and the 35 mile radius, which parents are not willing to drive that far plus these unused hours are not prime time hours. Youth Hockey agrees with the depreciation comments and wants to move forward. There was discussion about the project cost and options.

Nafstad gave an update to the Board on the arena roof and the 292 Design Group. Upon site review, 292 Design Group and Nelson Rudy concluded that it is a condensation issue and the report offers three options for consideration. The next step is to have the consultant provide preliminary plans and cost estimates for the proposed options. The cost for them to provide this information is estimated to be between \$5,500-\$6,500. Kasel/Sorensen **moved** to authorize staff move forward with the professional services not to exceed \$6,000. All Voted Aye.

Lannes presented the Board with four different budget options and stated staff needs Board direction. Lannes updated the budget and provided the Board with the changes made since it was last presented and stated that Youth Hockey does need the rate set this evening. Items not in the budget are cleaning, and capital funding. Nafstad mentioned that staff is recommending a \$10 rate increase and no assistant manager. Nafstad stated we can work with different management strategies to assist Grant and utilized the current staff at the STMA Arena. The Board discussed the rate increase recognizing that the last rate increase was 2010, but they want to stay competitive with other rates. Linquist/Sorensen **moved** to increase the hourly rate by \$5.00 effective September 1, 2013. Making the rates: A - \$190, B - \$170 and leave the C - \$155. All voted Aye.

Adjourn

Members Sorensen/Kasel **moved** to adjourn at 8:12 p.m. All voted aye.

Attest:

Tina Lannes, City Finance Director

May 30, 2013

SUBJECT: CONSENT - CITY CLERK – CHURCH OF ST. ALBERT LAWFUL GAMBLING PERMIT

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

MOTION TO: Approve the Church of St. Albert Lawful Gambling Exempt Permit Application for the annual Parish Festival that will be held on October 13, 2013 at the St. Albert Parish Center.

BACKGROUND: The Church of St. Albert has requested the City of Albertville to approve a Lawful Gambling Permit for their Parish Festival in the fall. The Church of St. Albert is a non-profit religious organization that holds fund-raising events throughout the year. Their application for lawful gambling will allow them to conduct bingo, raffles, paddlewheels, pull tabs and tip boards at the Festival. The Parish Festival will be held on October 13, 2013 at the St. Albert Parish Center located at 11458 57th Street NE.

KEY ISSUES:

- The Church of St. Albert is a qualifying non-profit organization that has the opportunity to apply for a Lawful Gambling Exempt Permit.
- The Parish Festival is an annual fund-raising event for the church.
- Council has the option to either approve or deny any gambling applications submitted.
- The Minnesota Gambling Control Board ultimately issues this type of permit, but requires City and/or County approval before issuance.

FINANCIAL CONSIDERATIONS: There is no financial revenue collected from the applicant for the gambling permit.

LEGAL CONSIDERATIONS: It is the City's policy to review and approve or deny gambling permit applications for gambling activity within the City.

Department/Responsible Person: Kimberly Olson, City Clerk

Submitted through: Adam Nafstad, City Administrator

Attachments: Church of St. Albert Application for Lawful Gambling Permit

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:
 - conducts lawful gambling on five or fewer days, and
 - awards less than \$50,000 in prizes during a calendar year.
 If total prize value for the year will be \$1,500 or less, contact the licensing specialist assigned to your county.

Application fee (non refundable)

If application is postmarked or received 30 days or more before the event **\$50**; otherwise **\$100**.

ORGANIZATION INFORMATION

Organization name
St. Albert Catholic Church

Previous gambling permit number
X-00752-12-002

Minnesota tax ID number, if any
9270004

Federal employer ID number (FEIN), if any
41-0850708

Type of nonprofit organization. Check one.

Fraternal Religious Veterans Other nonprofit organization

Mailing address
11400 57th Street NE-Box 127

City
Albertville

State
MN

Zip code
55301

County
Wright

Name of chief executive officer [CEO]
James Noon

Daytime phone number
763-497-2474

E-mail address
stalbertmn@gmail.com

NONPROFIT STATUS**Attach a copy of ONE of the following for proof of nonprofit status.**

See Catholic Directory
 Nonprofit Articles of Incorporation OR a current Certificate of Good Standing.

Don't have a copy? This certificate must be obtained each year from:
 Secretary of State, Business Services Div., 60 Empire Drive, Suite 100, St. Paul, MN 55103
 Phone: 651-296-2803

IRS income tax exemption [501(c)] letter in your organization's name.

Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization [charter]

If your organization falls under a parent organization, attach copies of **both** of the following:
 a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
 b. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place.
St. Albert Parish Center

Address [do not use PO box]
11458 57th Street NE

City or township
Albertville

Zip code
55301

County
Wright

Date[s] of activity. For raffles, indicate the date of the drawing.
October 13, 2013 Drawing for Raffles October 13, 2013

Check each type of gambling activity that your organization will conduct.

Bingo* Raffle Paddlewheels* Pull-tabs* Tipboards*

***Gambling equipment** for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. **EXCEPTION:** Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

To find a licensed distributor, go to www.gcb.state.mn.us and click on **Distributors** under the **WHO'S WHO? LIST OF LICENSEES**, or call 651-639-4000.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT

**CITY APPROVAL
for a gambling premises
located within city limits**

The application is acknowledged with no waiting period.
 The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days [60 days for a 1st class city].
 The application is denied.

Print city name _____

Signature of city personnel _____

Title _____ Date _____

Local unit of government must sign

**COUNTY APPROVAL
for a gambling premises
located in a township**

The application is acknowledged with no waiting period.
 The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.
 The application is denied.

Print county name _____

Signature of county personnel _____

Title _____ Date _____

TOWNSHIP. If required by the county.

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits.

[A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.166.]

Print township name _____

Signature of township officer _____

Title _____ Date _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief executive officer's signature _____ Date _____

Print name _____

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days, or
 - all gambling conducted on one day.
- Only one application is required if one or more raffle drawings are conducted on the same day

Send application with:

a copy of your proof of nonprofit status, and
 application fee (non refundable). Make check payable to "State of Minnesota."

To: Gambling Control Board
 1711 West County Road B, Suite 300 South
 Roseville, MN 55113

Financial report and recordkeeping required

A financial report form and instructions will be sent with your permit, or use the online fill-in form available at www.gcb.state.mn.us.

Within 30 days of the event date, complete and return the financial report form to the Gambling Control Board.

Questions?

Call the Licensing Section of the Gambling Control Board at 651-639-4000.

This form will be made available in alternative format (i.e. large print, Braille) upon request.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board.

All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney

General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

May 30, 2013

SUBJECT: PLANNING - OUTDOOR MUSIC EVENTS

RECOMMENDATION: It is respectfully requested that the Mayor and Council consider the attached draft City Code amendment establishing a permit for minor outdoor music events.

MOTION TO: Approve Ordinance No. 2013-003, an amendment to Section 5-5-3 of the City Code establishing an annual permit for conducting minor music events in the City of Albertville.

BACKGROUND: At the last Council meeting, Ms. Trish Holm, owner of the 152 Club, addressed the City Council and inquired if the City would relax the City Code requirements for outdoor music events. She specifically wished to hold smaller outdoor events with “acoustic music” and more limited hours of 6:00 PM to 9:00 PM. Through the discussion, acoustic music would include some amplification of both the vocals and instruments, but would not reach the level of a rock band.

Ms. Holm provided ordinance information from other cities that demonstrated that Albertville was more restrictive in their regulations of the outdoor events. The City Council directed staff to research this issue and provide ordinance language that may be considered in addressing this issue.

KEY ISSUES:

- The current outdoor music event language was originally drafted for an outdoor concert/dance at the golf course.
- In 2011, the City amended the City Code to allow other businesses to hold outdoor music events with conditions outlined in Section 5-5-3 of the City Code.
- The City has received nuisance complaints associated with past permits issued to the 152 Club. The expansion of outdoor events must be sensitive to adjoining neighborhoods.
- Acoustic music is defined as being non-amplified. This term does not fit the current requests if a microphone or sound system is used. Other cities do not use the term acoustic in their regulations.
- The proposed ordinance attempts to accommodate minor outdoor music events in the following ways:
 - The minor music event will be an annual permit issued each calendar year. The permit is held by the property owner who must comply with all City standards or risk revocation of the permit or denial of future permits if violations occur and persist.
 - The ordinance does not limit the number of events but it does limit the season for events and requires the City Council to approve a schedule for events to provide some relief to adjoining neighborhoods.

- The commercial site must provide the stage and performance setbacks from residential properties same as a major event. This provides protection to residential neighborhoods and limits the number of properties eligible for the permit.
- The minor music event has more limited hours for performances.
- The minor music volume shall not be audible at property lines shared with residential neighborhoods.
- The City Council may place additional conditions on the minor music event permit to insure compatible land use relationships with adjoining neighborhoods.

POLICY/PRACTICES CONSIDERATIONS: Any amendment to the City Code is a policy decision of the City Council. Staff has prepared the draft code amendment in an attempt to balance the wishes of the businesses along with the needs of the adjoining residents. The City Council should review the code amendment, take public testimony, and modify the standards to best fit the needs of the City.

FINANCIAL CONSIDERATIONS: None.

LEGAL CONSIDERATIONS: The change of the City Code will have application to all commercial zoned properties wishing to pursue minor outdoor music events.

Department/Responsible Person: Alan Brixius, City Planner

Submitted Through: Adam Nafstad, City Administrator

Attachments: Ordinance No. 2013-003

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

ORDINANCE NO. 2013 – 003

AN ORDINANCE AMENDING SECTION 5-5-3 (EXCEPTION; OUTDOOR MUSICAL PERFORMANCES) OF CHAPTER 5 (NOISE CONTROL), TITLE 5 (HEALTH AND SANITATION) OF THE ALBERTVILLE CITY CODE, RELATING TO THE PERFORMANCE STANDARDS FOR OUTDOOR MUSIC EVENTS

THE CITY COUNCIL OF THE CITY OF ALBERTVILLE, MINNESOTA ORDAINS:

SECTION 1. Section 5-5-3 (Exception; Outdoor Musical Performances) of Chapter 5 (Noise Control) is hereby amended as follows:

5-5-3: **EXCEPTION; OUTDOOR MUSICAL PERFORMANCES:** The provisions of section 5-5-1 and subsection 5-5-2E of this chapter do not apply to outdoor musical performances which have a permit approved and issued by the City Council. The following criteria shall apply to issuance of a live major outdoor musical performance permit:

- A. Any person, organization, and/or entity shall be limited to a maximum of two (2) major permits per year. No commercial property shall host more than three (3) major events in a calendar year.
- B. The permit applicant must pay a permit fee as set by the City Council by ordinance and provide information and/or a plan(s) that demonstrates that the site event will comply with the performance standards of this code.
- C. The permit applicant must demonstrate that there will be adequate sanitary facilities for the event.
- D. The permit applicant must demonstrate that there will be adequate security and fencing to control access to the event at the location of the outdoor musical performance.
- E. The permit applicant must have sufficient off-street parking. The music event shall not occupy required parking for the principal use of the site.
- F. The major outdoor musical performance must not interfere with other commercial and governmental activities or with the quiet enjoyment of residential property.
- G. The stage, performers, speakers and amplifiers are located three hundred feet (300') from any residence located in a residential zoning district.
- H. The stage, speakers, and amplifiers are arranged in a design and manner that does not directly broadcast music at or toward a residence within three hundred feet (300') of the stage.

- I. Major outdoor music events shall be allowed between May 15th and October 15th and the live outdoor musical performance shall only occur on the dates and during the hours designated by the City Council.
- J. Major outdoor music events shall not perform beyond 12:00 midnight.
- K. The volume of the outdoor musical performance must be reasonable. The permit holder shall comply with all requests of the Sheriff's Department to reduce volumes to mitigate nuisance complaints. (Ord. 2004-05, 6-7-2004)
- L. Failure to abide by these standards or the receipt of nuisance complaints may be grounds for denial of future major outdoor musical permits for the property.
- M. Minor Live Outdoor Music Permit. An annual permit may be issued by the City Council for the operation of outdoor live music events in a manner that will not unreasonably disturb the peace, quiet, or comfort of adjoining residential neighborhoods. The following criteria shall apply to the issuance of a minor live outdoor music event permit:
 - 1. The minor live outdoor music event permit may only be issued to commercial properties.
 - 2. The permit shall be issued annually for a calendar year. Minor live outdoor music events shall only be allowed between the dates of May 15th to October 15th.
 - 3. The permit applicant shall provide a calendar that identifies the days in the week when minor live outdoor events may occur. The City Council, in consideration of the permit, may place limits on the number of minor live outdoor music events. Events outside the approved calendar shall be prohibited.
 - 4. Minor live outdoor music events shall comply with all the stage and performance setbacks of a major outdoor music event, as outlined in Section 5-5-3 of the city code.
 - 5. Minor live outdoor music events shall not perform between 10:00 PM and 11:00 AM.
 - 6. The volume of the minor live outdoor music performances must be reasonable so as not to be audible at the shared property line with a residentially zoned property. The permit holder shall comply with all requests of the Sheriff's Department to mitigate nuisance complaints.
 - 7. In review of a minor live outdoor music event permit, the City may impose additional conditions deemed necessary to mitigate nuisance complaints and protect adjoining properties. Such conditions may include, but not be limited to, the following:

- a. Limit the days of the week for minor live outdoor music events.
 - b. Restrict the hours of the minor live music event beyond those stated in Section 5-5-3.M.5 of this code.
 - c. Limit the size and location of minor live outdoor music events.
 - d. Limit amplification or type of instruments (i.e., prohibit percussion instruments or brass wind instruments).
8. Failure to abide by the standards and conditions of the minor live outdoor music event permit or the receipt of nuisance complaints may be grounds for denial or revocation of the minor live outdoor music event permit for a property.

THIS AMENDMENT SHALL BE IN FULL FORCE AND EFFECTIVE IMMEDIATELY FOLLOWING ITS PASSAGE AND PUBLICATION.

Approved by the Albertville City Council this 3rd day of June 2013.

Jillian Hendrickson, Mayor

Kimberly A. Olson, City Clerk

May 30, 2013

SUBJECT: FULL-TIME CITY EMPLOYEES AS REGULAR FIREFIGHTERS

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

MOTION TO: Approve Employee Agreement For Paid On-Call Work With the Albertville Fire Department and authorize City Public Works employees to become regular paid on-call firefighters provided they enter into this Agreement.

BACKGROUND: In the past few years, Albertville has experienced a decrease in the number of firefighters who can respond to day-time calls as many of the City's firefighters work in the Metro area. Recently, the City Council has authorized regular, full-time Public Works employees to become limited members of the fire department to respond during work hours only. These employee-firefighters typically drive the fire trucks and help out at the scene, but do not do the actual firefighting. At least one City employee has requested to be able to become a regular paid on-call firefighter who would be able to perform all normal firefighter functions and would be able to respond to emergency calls after normal public works hours. This raises a few but important questions.

First, all regular firefighters are paid from \$8 to \$12 per hour for firefighter work and \$7.50 per hour for training. Public Works employees are paid considerably more per hour. Currently, when a Public Works employee responds to a call during regular work hours, he earns his regular Public Works pay. However, staff believes that regular employee/firefighters should continue to receive Public Works pay when responding to calls during regular Public Works working hours, but receive fire fighter pay of \$8 to \$12 per hour for firefighter work (or \$7.50 per hour for training) performed after regular Public Works working hours.

Second, because these City employees already work 40 hours per week, any emergency responses after hours will result in work over 40 hours per week, which will require overtime pay for any hours worked over 40 hours per week. Overtime is paid at time-and-a-half. The question is time-and-a-half at which rate, regular Public Works pay or firefighter pay? The Federal Fair Labor Standards Act ("FLSA") allows to options: 1) calculate overtime pay as 1.5 times the blending of the two rates in proportion to the hours worked; or 2) the employee and City agree ahead of time what the overtime rate would be. Under the first option, the overtime pay rate would change every pay period based on the proportion of Public Works hours worked to the proportion of firefighter hours worked. This would require manually calculating pay every time there is firefighter overtime, which would be cumbersome and time consuming. The second option allows the City and employee to agree on which rate would apply.

Staff is recommending that the second option be used, and that the overtime rate be agreed upon at 1.5 times the firefighter's pay rate for any overtime hours worked as a firefighter. For example, if a Public Works employee were paid \$22 per hour for his regular wage and \$10 per

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Meeting Date: June 3, 2013

hour as a firefighter and he worked his regular 40 hours of Public Works time and 4 hours of firefighter time, his pay would be \$880 regular pay (40 hours x \$22) plus \$60 overtime pay (4 hours x \$10 x 1.5 overtime rate) for a total of \$940. If the same employee worked 44 hours of Public Works time and no firefighter time, his pay would be \$880 regular pay (40 hours x \$22) plus \$132 overtime pay (4 hours x \$22 x 1.5 overtime rate) for a total of \$1,012.

A sample contract to be entered into between the City and the employee is attached. Staff does not recommend allowing Public Works employees to become regular firefighters unless they agree to be paid overtime at time-and-a-half based on the firefighter rate, as this is the rate of pay that is closest to what the non-regular employee firefighters are paid (we must pay overtime by law).

KEY ISSUES:

- Allowing Public Works employees to also become regular firefighters provides a source of semi-trained, reliable firefighters who can respond during the day or night.
- Since the employees are a proven commodity, they will more likely be suitable candidates for firefighters than the general public.
- City employees must be paid overtime at time-and-a-half for all hours worked over 40 per week, and virtually all training and after hours responses will generate overtime pay.
- The City and the employee can agree to base the overtime on the firefighter rate of pay for any hours over 40 hours that are also firefighter hours.

POLICY/PRACTICES CONSIDERATIONS: The City Council has already authorized City Public Works employees to act as limited firefighters during regular work hours. Authorizing such employees to become regular firefighters would extend this policy to allow after-hours emergency response by these employees.

FINANCIAL CONSIDERATIONS: Allowing this policy change will have a slight negative impact on the Fire Department budget as virtually all training and after-hours response by Public Works employees will be at 1.5 times the regular firefighter pay. The magnitude of that impact depends on how many Public Works employees become regular firefighters and how often they respond to after hours calls and attend paid training sessions.

LEGAL CONSIDERATIONS: The City Attorney has researched this issue extensively and believes that the proposal set out in this RCA complies with current state and federal labor law. The attached agreement is modeled after an agreement used elsewhere in Minnesota. There remains some question under current statutory law as to whether a City employee can collect both PERA and Firefighter Relief Association retirement. To date, there has been one District Court case which has found that an employee can collect both, but because that case is not an Appellate Court case, it is not binding law in Minnesota. It is, however, the best source we have at this point and the City Attorney recommends we follow that case until such time as an Appellate Court case on this issue is decided or the Legislature clears up the ambiguity in current law.

Department/Responsible Person: Tate Mills, Fire Chief

Submitted Through: Adam Nafstad, City Administrator/PWD

Attachments: Employee Agreement For Paid On-Call Work With the Albertville Fire
Department



EMPLOYEE AGREEMENT FOR PAID ON-CALL WORK WITH THE ALBERTVILLE FIRE
DEPARTMENT

Thank you for your dedication to the citizens and community of the City of Albertville by serving on the Albertville Volunteer Fire Department. Since you are employed primarily by the City in the full-time position of Public Works Employee, it is likely that your additional work as a Volunteer Firefighter may cause you to accrue more than 40 hours in a given workweek which are then considered overtime hours worked for the City.

Under the Fair Labor Standards Act (hereinafter, FLSA), your hours are cumulatively aggregated for the purposes of calculating payment for your overtime service. The FLSA provides that a City may calculate your overtime rate of pay based upon the work you actually perform in excess of your regular and primary full-time position with the City, based upon your expressed agreement and consent.

Based upon your agreement, actual time worked as a firefighter will be used for determining overtime compensation for hours worked performing firefighter duties. For 2013, your firefighter rate of pay is \$8.00 per hour for emergency response calls and \$7.50 per hour for training. When you have worked more than 40 hours in a week and some of those hours were spent performing emergency response work or training, your overtime pay for the number of hours worked over 40 hours that are also firefighter hours will be calculated at 1.5 times the emergency response or training rates of pay set out above (depending upon which category of work was performed).

Vacation, sick and other compensatory time used at the employee's primary service to the City is excluded from computation of the total hours worked for the purpose of calculating firefighter overtime. It is your responsibility to calculate, document and submit all hours worked as a volunteer firefighter using a tracking sheet as established by the Fire Department.

Also, please note that you will not receive Public Employees Retirement Association compensation for your hours worked as a firefighter. You will instead receive benefits

under the Firefighter Relief Association as established by the Fire Department, so long as receiving both PERA and Firefighter Relief Association benefits are permitted by law.

I have read and understand this agreement, and have been provided sufficient time to review the terms and conditions as provided herein. I accept employment and compensation under the terms and conditions as set forth herein, including calculation of overtime hours and the rate of pay for those hours as established or otherwise set forth herein.

[Employee Name]

[Date]

CITY OF ALBERTVILLE

Jillian Hendrickson, Mayor

Kimberly Olson, City Clerk

Memo

To: Adam Nafstad, City Administrator; Albertville City Council
From: Mike Couri
Date: May 29, 2013
Re: Attorney Report

Below is an update of the projects our office has been working on for the City.

- **I-94 Assessment.** Mediation in the Knechtel case is scheduled for June 17th. I have requested a closed meeting to discuss negotiation strategy at the June 3rd meeting.
- **Pond Property Purchase.** John Darkenwald is not yet ready to meet to discuss the terms of a sale/use of the recently-appraised City lot behind the outlet mall.
- **Charter Cable/televising of Council meetings.** I have not received answers to my questions from Charter yet. I am continuing to contact them.
- **City Employees as Firefighters.** An overtime agreement and an RCA are on the agenda to allow City employees to serve as regular firefighters.
- **Insurance Requirements for Construction Projects.** I have been working with Bolton & Menk Inc., Adam, and the League of Minnesota Cities to make sure that we require construction contractors to have the correct insurance policies in place before beginning work for the City.

May 29, 2013

SUBJECT: ENGINEERING – 2013 STREET, UTILITY AND TRAIL IMPROVEMENTS

RECOMMENDATION: This space on the agenda is reserved for the City Council to consider acceptance of the lowest bid received for the 2013 Street, Utility and Trail Improvements project. It is respectfully requested that the Mayor and Council consider the following motion:

MOTION TO: Accept the low bid of Oman Brothers, Inc. said “Low Bidder” in the amount \$403,898.54 for the construction of the 2013 Street, Utility, and Trail Improvements project in accordance with the plans and specifications and the advertisement for bid; and authorizing and directing the City Administrator and City Clerk to enter into a contract with said “Low Bidder” for construction of the improvements on behalf of the City of Albertville.

INFORMATION: As directed by the Council, the proposed 2013 Improvements project was advertised and on May 28, 2013, bids for the improvements were opened. A total of four (4) bids were received with quotes ranging from \$403,898.54 to \$507,186.45, as shown on the attached Bid Abstract.

The scope of the 2013 Improvements and associated costs include:

Street Reclamation and Pavement (Engineer’s Estimate = \$304,470 / Low Bid = \$256,897)

Project streets include: Lachman Avenue ne, between 53rd Street NE and Lachman Circle NE; Lachman Circle NE; Lambert Avenue NE, between 53rd Street NE and 54 ½ Streets NE; 54th Place NE; and, 54th Street NE, between Lambert Avenue NE and 54th Place NE. In general, the improvements will include a combination of curb repair, pavement reclamation and pavement resurfacing.

Cedar Creek Watermain Extension (Engineer’s Estimate = \$37,384 / Low Bid = \$49,330)

Includes extension of a watermain across CSAH 18 (Jason Avenue NE) to provide hydrant protection to the Cedar Creek club house and allow for a service connection if desired by the golf course.

Four Seasons Park Trail (Engineer’s Estimate = \$37,528 / Low Bid = \$35,759.46)

Includes bituminous repairs and 2-inch overlay of park trail system, together with related ADA and minor park improvements.

CSAH 18 Trail Connection (Engineer’s Estimate = \$59,928 / Low Bid = 61,913)

Includes approximately 1,500 feet of bituminous trail construction to complete the trail segment between Kahl Avenue NE and the new STMA school campus. Easement from the two adjacent property owners will be needed to construct the trail and staff is currently in negotiations with the property owners.

Omann Brothers, Inc., of Albertville, submitted the low bid for the project in the amount of \$403,898.54. Omann Brother's is very familiar with this type of project and has completed several similar projects in Albertville and surroundings communities.

KEY ISSUES:

- Project is consistent with draft 5-Year Street Improvement Plan
- The Engineer's Estimate for the improvements was \$439,309.
- Low Bid for the project is \$403,898.54
- Low Bid Received by Omann Brother's, Inc.

POLICY CONSIDERATIONS: Acceptance of bids and award of contracts is subject to Mayor and City Council approval.

FINANCIAL CONSIDERATIONS: The proposed project will be funded through the 2013 street and trail budgets, capital reserves, and water trunk funds. The low bid amount is for \$403,899. This figure does not include the overhead costs associated with the easements or construction inspection. Capital fund balances are approximately as follows: Street -\$469,000; Parks and Trail - \$81,000; Water Trunk - \$600,000.

LEGAL CONSIDERATIONS: The Mayor and Council possess the authority to authorize municipal improvements and to accept or reject bids for municipal improvements.

Department/Responsible Person: Adam Nafstad, City Administrator/PWD

Attachments: Bid Abstract

Available Upon Request: Plans, Specification, Easement Exhibits, and Estimates

ABSTRACT OF BIDS

2013 STREET, UTILITY AND TRAIL IMPROVEMENTS
CITY OF ALBERTVILLE, MN
BMI PROJECT # R16.106332

Date: 5/28/2013

ITEM NO.	ITEM	APPROX. QUANT.	UNIT	1		2		3		4	
				OMANN BROTHERS PAVING ALBERTVILLE, MN	KNIFE RIVER CORPORATION SAUK RAPIDS, MN	MID MINNESOTA HOT MIX ANNANDALE, MN	HARDRIVES INC. ROGERS, MN				
			UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
SCHEDULE A - STREET IMPROVEMENTS											
1	MOBILIZATION	1	LUMP SUM	\$2,000.00	\$2,000.00	\$9,000.00	\$9,000.00	\$5,000.00	\$5,000.00	\$12,800.00	\$12,800.00
2	REMOVE CONCRETE CURB & GUTTER	750	LIN FT	\$3.10	\$2,325.00	\$4.50	\$3,375.00	\$4.06	\$3,045.00	\$8.48	\$6,360.00
3	REMOVE BITUMINOUS PAVEMENT	110	SQ FT	\$5.00	\$550.00	\$1.75	\$192.50	\$8.73	\$960.30	\$5.03	\$553.30
4	REMOVE CONCRETE PAVEMENT	100	SQ FT	\$5.00	\$500.00	\$2.75	\$275.00	\$8.73	\$873.00	\$9.96	\$996.00
5	SUBGRADE EXCAVATION	975	CU YD	\$10.77	\$10,500.75	\$22.00	\$21,450.00	\$19.40	\$18,915.00	\$10.09	\$9,837.75
6	SALVAGED AGGREGATE IN STOCKPILE (LV)	518	CU YD	\$6.00	\$3,108.00	\$6.50	\$3,367.00	\$10.01	\$5,185.18	\$22.14	\$11,468.52
7	BITUMINOUS PAVEMENT RECLAMATION (10")	14625	SQ YD	\$1.33	\$19,451.25	\$1.45	\$21,206.25	\$1.51	\$22,083.75	\$1.68	\$24,570.00
8	TYPE SP 9.5 WEARING COURSE MIX (2,B)	1266	TON	\$58.50	\$74,061.00	\$57.50	\$72,795.00	\$62.93	\$79,669.38	\$69.27	\$87,695.82
9	TYPE SP 12.5 NON-WEARING COURSE MIX (3,B)	2100	TON	\$54.95	\$115,395.00	\$55.50	\$116,550.00	\$61.95	\$130,095.00	\$62.26	\$130,746.00
10	ADJUST VALVE BOX	12	EACH	\$175.00	\$2,100.00	\$400.00	\$4,800.00	\$210.00	\$2,520.00	\$214.22	\$2,570.64
11	ADJUST DRAINAGE STRUCTURE	4	EACH	\$382.76	\$1,531.04	\$150.00	\$600.00	\$420.00	\$1,680.00	\$428.43	\$1,713.72
12	ADJUST FRAME AND RING CASTING	13	EACH	\$600.00	\$7,800.00	\$475.00	\$6,175.00	\$420.00	\$5,460.00	\$703.47	\$9,145.11
13	CONCRETE CURB & GUTTER	750	LIN FT	\$18.06	\$13,545.00	\$17.50	\$13,125.00	\$17.59	\$13,192.50	\$18.74	\$14,055.00
14	6" CONCRETE DRIVEWAY PAVEMENT (W/6" AGGREGATE BASE)	210	SQ FT	\$7.75	\$1,627.50	\$7.00	\$1,470.00	\$5.25	\$1,102.50	\$5.89	\$1,236.90
15	TRAFFIC CONTROL	1	LUMP SUM	\$1,022.00	\$1,022.00	\$2,000.00	\$2,000.00	\$1,050.00	\$1,050.00	\$1,071.07	\$1,071.07
16	STORM DRAIN INLET PROTECTION	15	EACH	\$92.00	\$1,380.00	\$150.00	\$2,250.00	\$125.00	\$1,875.00	\$107.11	\$1,606.65
BID TOTAL SCHEDULE A:				\$256,896.54		\$278,630.75		\$292,706.61		\$316,426.48	
SCHEDULE B - FOUR SEASONS PARK TRAIL OVERLAY											
17	MOBILIZATION	1	LUMP SUM	\$1,100.00	\$1,100.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$2,866.85	\$2,866.85
18	REMOVE RETAINING WALL (TIMBER)	150	LIN FT	\$3.00	\$450.00	\$3.50	\$525.00	\$12.00	\$1,800.00	\$5.89	\$883.50
19	REMOVE CONCRETE CURB & GUTTER	28	LIN FT	\$10.00	\$280.00	\$9.50	\$266.00	\$6.00	\$168.00	\$11.78	\$329.84
20	REMOVE BITUMINOUS PAVEMENT	250	SQ FT	\$2.00	\$500.00	\$1.75	\$437.50	\$8.39	\$2,097.50	\$5.03	\$1,257.50
21	REMOVE CONCRETE PAVEMENT	50	SQ FT	\$10.00	\$500.00	\$2.75	\$137.50	\$8.39	\$419.50	\$11.91	\$595.50
22	TOPSOIL BORROW (LV)	180	CU YD	\$19.61	\$3,529.80	\$7.50	\$1,350.00	\$26.40	\$4,752.00	\$28.06	\$5,050.80
23	MILL AND PATCH BITUMINOUS PAVEMENT (TRAIL)	400	LIN FT	\$6.25	\$2,500.00	\$14.50	\$5,800.00	\$11.78	\$4,712.00	\$14.68	\$5,872.00
24	BITUMINOUS CURB	150	LIN FT	\$10.00	\$1,500.00	\$10.00	\$1,500.00	\$14.40	\$2,160.00	\$9.10	\$1,365.00
25	2" TYPE SP 9.5 WEARING COURSE MIX (B) (TRAIL OVERLAY)	2190	SQ YD	\$8.75	\$19,162.50	\$8.00	\$17,520.00	\$10.55	\$23,104.50	\$8.37	\$18,330.30
26	4" CONCRETE WALK (W/6" AGGREGATE BASE)	300	SQ FT	\$8.14	\$2,442.00	\$5.75	\$1,725.00	\$12.00	\$3,600.00	\$4.28	\$1,284.00
27	CONCRETE CURB & GUTTER	28	LIN FT	\$19.06	\$533.68	\$17.50	\$490.00	\$25.00	\$700.00	\$18.74	\$524.72
28	TRUNCATED DOMES	48	SQ FT	\$30.96	\$1,486.08	\$30.00	\$1,440.00	\$52.50	\$2,520.00	\$32.13	\$1,542.24
29	TRAFFIC CONTROL	1	LUMP SUM	\$511.00	\$511.00	\$500.00	\$500.00	\$750.00	\$750.00	\$535.54	\$535.54
30	HYDROSEEDING W/SEED (250GR & 270RT) & FERT.	1090	SQ YD	\$1.16	\$1,264.40	\$1.15	\$1,253.50	\$2.10	\$2,289.00	\$1.23	\$1,340.70
BID TOTALSCHEDULE B:				\$35,759.46		\$37,944.50		\$54,072.50		\$41,778.49	
SCHEDULE C - WATERMAIN EXTENSION											
31	MOBILIZATION	1	LUMP SUM	\$3,500.00	\$3,500.00	\$5,000.00	\$5,000.00	\$6,500.00	\$6,500.00	\$4,400.00	\$4,400.00
32	HYDRANT	1	EACH	\$4,773.00	\$4,773.00	\$4,000.00	\$4,000.00	\$6,300.00	\$6,300.00	\$6,426.44	\$6,426.44
33	6" GATE VALVE AND BOX	1	EACH	\$2,043.36	\$2,043.36	\$1,750.00	\$1,750.00	\$2,100.00	\$2,100.00	\$2,142.15	\$2,142.15
34	8" GATE VALVE AND BOX	1	EACH	\$2,322.00	\$2,322.00	\$2,225.00	\$2,225.00	\$2,100.00	\$2,100.00	\$2,142.15	\$2,142.15
35	CONNECT TO EXISTING WATERMAIN	1	EACH	\$3,384.96	\$3,384.96	\$1,500.00	\$1,500.00	\$1,575.00	\$1,575.00	\$1,606.61	\$1,606.61
36	6" PVC WATERMAIN C900	6	LIN FT	\$41.28	\$247.68	\$50.00	\$300.00	\$53.00	\$318.00	\$53.55	\$321.30
37	8" PVC WATERMAIN C900	50	LIN FT	\$49.54	\$2,477.00	\$60.00	\$3,000.00	\$79.00	\$3,950.00	\$80.33	\$4,016.50
38	8" PVC WATERMAIN C900 RESTRAINED JOINT	75	LIN FT	\$56.76	\$4,257.00	\$75.00	\$5,625.00	\$79.00	\$5,925.00	\$80.33	\$6,024.75
39	20" STEEL CASING PIPE (JACKED)	60	LIN FT	\$275.00	\$16,500.00	\$400.00	\$24,000.00	\$420.00	\$25,200.00	\$428.43	\$25,705.80
40	WATERMAIN FITTINGS	230	POUND	\$3.10	\$713.00	\$8.50	\$1,955.00	\$11.00	\$2,530.00	\$10.71	\$2,463.30
41	TRAFFIC CONTROL	1	LUMP SUM	\$7,971.60	\$7,971.60	\$7,300.00	\$7,300.00	\$8,200.00	\$8,200.00	\$8,354.37	\$8,354.37
42	SILT FENCE, TYPE MACHINE SLICED	60	LIN FT	\$2.58	\$154.80	\$2.40	\$144.00	\$3.78	\$226.80	\$2.57	\$154.20
43	STORM DRAIN INLET PROTECTION	2	EACH	\$92.00	\$184.00	\$150.00	\$300.00	\$200.00	\$400.00	\$107.11	\$214.22
44	FILTER LOG TYPE WOOD FIBER BIOROLL	40	LIN FT	\$3.51	\$140.40	\$3.40	\$136.00	\$42.00	\$1,680.00	\$3.64	\$145.60
45	HYDROSEEDING W/SEED (250GR & 270RT) & FERT.	290	SQ YD	\$1.16	\$336.40	\$1.15	\$333.50	\$2.10	\$609.00	\$1.23	\$356.70
46	SODDING TYPE LAWN	70	SQ YD	\$4.64	\$324.80	\$4.50	\$315.00	\$6.30	\$441.00	\$4.82	\$337.40
BID TOTAL SCHEDULE C:				\$49,330.00		\$57,883.50		\$68,054.80		\$64,811.49	
SCHEDULE D - JASON AVE TRAIL											
47	MOBILIZATION	1	LUMP SUM	\$2,500.00	\$2,500.00	\$5,000.00	\$5,000.00	\$8,000.00	\$8,000.00	\$4,000.00	\$4,000.00
48	CLEARING AND GRUBBING	1	LUMP SUM	\$2,476.80	\$2,476.80	\$1,750.00	\$1,750.00	\$2,295.00	\$2,295.00	\$1,178.18	\$1,178.18
49	REMOVE CONCRETE CURB & GUTTER	38	LIN FT	\$5.00	\$190.00	\$8.50	\$323.00	\$6.00	\$228.00	\$11.78	\$447.64
50	REMOVE PIPE CULVERT	135	LIN FT	\$8.26	\$1,115.10	\$5.50	\$742.50	\$11.00	\$1,485.00	\$22.49	\$3,036.15
51	REMOVE CONCRETE PAVEMENT	128	SQ FT	\$1.44	\$184.32	\$2.75	\$352.00	\$10.44	\$1,336.32	\$9.96	\$1,274.88
52	SALVAGE SIGN TYPE C	2	EACH	\$25.80	\$51.60	\$50.00	\$100.00	\$75.00	\$150.00	\$26.78	\$53.56
53	COMMON EXCAVATION (EV) (P)	346	CU YD	\$10.11	\$3,498.06	\$9.50	\$3,287.00	\$21.22	\$7,342.12	\$30.81	\$10,660.26
54	SUBGRADE EXCAVATION	100	CU YD	\$10.11	\$1,011.00	\$25.00	\$2,500.00	\$27.39	\$2,739.00	\$14.14	\$1,414.00
55	COMMON BORROW (CV) (P)	785	CU YD	\$8.00	\$6,280.00	\$12.00	\$9,420.00	\$10.25	\$8,046.25	\$16.49	\$12,944.65
56	SALVAGED AGGREGATE FROM STOCKPILE (CV)	370	CU YD	\$1.00	\$370.00	\$19.30	\$7,141.00	\$13.99	\$5,176.30	\$22.14	\$8,191.80
57	AGGREGATE SURFACING, CLASS 2	40	TON	\$30.00	\$1,200.00	\$40.00	\$1,600.00	\$36.00	\$1,440.00	\$51.51	\$2,060.40
58	AGGREGATE BASE, CLASS 5 (CV)	80	CU YD	\$18.12	\$1,449.60	\$27.00	\$2,160.00	\$30.00	\$2,400.00	\$57.60	\$4,608.00
59	3" TYPE SP 9.5 WEARING COURSE MIX (B) (TRAIL)	1350	SQ YD	\$14.25	\$19,237.50	\$11.70	\$15,795.00	\$17.12	\$23,112.00	\$11.61	\$15,673.50
60	12" CS PIPE CULVERT	24	LIN FT	\$24.77	\$594.48	\$25.50	\$612.00	\$26.25	\$630.00	\$26.78	\$642.72
61	18" CS PIPE CULVERT	133	LIN FT	\$28.90	\$3,843.70	\$29.50	\$3,923.50	\$26.25	\$3,491.25	\$26.78	\$3,561.74
62	12" CS PIPE APRON	2	EACH	\$185.76	\$371.52	\$175.00	\$350.00	\$158.00	\$316.00	\$160.77	\$321.54
63	18" CS PIPE APRON	2	EACH	\$258.00	\$516.00	\$200.00	\$400.00	\$210.00	\$420.00	\$214.22	\$428.44
64	ADJUST HYDRANT & VALVE	2	EACH	\$2,291.04	\$4,582.08	\$1,000.00	\$2,000.00	\$840.00	\$1,680.00	\$856.86	\$1,713.72
65	ADJUST VALVE BOX	5	EACH	\$227.04	\$1,135.20	\$400.00	\$2,000.00	\$210.00	\$1,050.00	\$214.21	\$1,071.05
66	4" CONCRETE WALK (W/6" AGGREGATE BASE)	200	SQ FT	\$8.14	\$1,628.00	\$5.75	\$1,150.00	\$12.00	\$2,400.00	\$4.28	\$856.00
67	CONCRETE CURB & GUTTER	38	LIN FT	\$22.00	\$836.00	\$17.50	\$665.00	\$25.00	\$950.00	\$18.74	\$712.12
68	TRUNCATED DOMES	48	SQ FT	\$30.96	\$1,486.08	\$30.00	\$1,440.00	\$52.50	\$2,520.00	\$32.13	\$1,542.24
69	TRAFFIC CONTROL	1	LUMP SUM	\$1,022.00	\$1,022.00	\$500.00	\$500.00	\$1,200.00	\$1,200.00	\$1,071.07	\$1,071.07
70	INSTALL SIGN TYPE C	2	EACH	\$127.75	\$255.50	\$225.00	\$450.00	\$300.00	\$600.00	\$133.89	\$267.78
71	SILT FENCE, TYPE MACHINE SLICED	140	LIN FT	\$2.58	\$361.20	\$2.40	\$336.00	\$3.78	\$529.20	\$2.57	\$359.80
72	STORM DRAIN INLET PROTECTION	5	EACH	\$92.00	\$460.00	\$150.00	\$750.00	\$200.00	\$1,000.00	\$107.11	\$535.55
73	FILTER LOG TYPE WOOD FIBER BIOROLL	280	LIN FT	\$3.51	\$982.80	\$3.40	\$952.00	\$5.25	\$1,470.00	\$3.64	\$1,019.20
74	HYDROSEEDING W/SEED (250GR & 270RT) & FERT.	3400	SQ YD	\$1.16	\$3,944.00	\$1.15	\$3,910.00	\$2.10	\$7,140.00	\$1.23	\$4,182.00
75	EROSION CONTROL BLANKET, CAT 3 W/SEED (250GR) & FERT.	200	SQ YD	\$1.65	\$330.00	\$1.60	\$320.00	\$3.15	\$630.00	\$1.71	\$342.00
BID TOTAL SCHEDULE D:				\$61,912.54		\$69,929.00		\$89,776.44		\$84,169.99	
BID TOTAL SCHEDULE A + B + C + D:				\$403,898.54		\$444,387.75		\$504,610.35		\$507,186.45	

May 29, 2013

SUBJECT: MACIVER AVENUE NE SEAL COAT WITH OTSEGO

RECOMMENDATION: It is respectfully requested that the Mayor and Council consider the following motion regarding joint improvements to 70th Street NE with the City of Otsego:

MOTION TO: Approve seal coating of 70th Street NE, between CSAH 19 and MacIver Avenue NE, and related work, per the City of Otsego's 2013 Street Maintenance Project plans and specifications, and to reimburse the City of Otsego for Albertville's portion of the project costs, which are estimated to be approximately \$11,050.

INFORMATION: Albertville has been informed that Otsego plans to include 70th Street NE as part of the Otsego 2013 Street Maintenance Project and would like Albertville to participate in the funding. As a border road between the two cities, one-half of 70th Street between CSAH 19 and MacIver Avenue NE is within the corporate limits of Albertville.

The City of Otsego has developed and approved plans and specifications for their 2013 Street Maintenance Project and subsequently bid and awarded the project to Pearson Bros., Inc. of Hanover (low bidder). Albertville's cost to seal coat one-half of the approximate 1-mile shared segment is approximately \$11,050, which generally includes seal coating and re-striping of pavement markings.

KEY ISSUES:

- The proposed cost share is generally consistent with the 2007 70th Street NE Agreement.
- Seal coating is a common street preservation practice designed to extend the life of pavement and is recommended for MacIver.
- Otsego Plans and Specifications and Bid Abstract are on file.

FINANCIAL CONSIDERATIONS: Budgeted 2013 Street Improvement funds would be used to reimburse Otsego Albertville's share of the project.

LEGAL CONSIDERATIONS: The Mayor and Council possess the authority to order and authorize municipal improvements.

Department/Responsible Person: Adam Nafstad, City Administrator/PWD

Attachments: Engineer's Estimated Cost Share

**Engineers Estimate
City of Otsego
2013 70TH STREET SEAL COAT AND FOG SEAL**

Schedule "A" - FOG & SEAL COAT

	Item No.	Description	Estimated Quantity		Unit Price	Extension
1	2355.502	BITUMINOUS MATERIAL FOR FOG SEAL - CSS-1H	1,397	GAL	\$0.29	\$405.13
2	2356.505	BITUMINOUS MATERIAL FOR SEAL COAT (CRS-2P)	2,934	GAL	\$2.99	\$8,772.66
3	2356.XXX	SEAL COAT AGGREGATE (FA-2)	13,975	SY	\$0.73	\$10,201.75

Total FOG & SEAL COAT \$19,379.54

Schedule "B" - STRIPING

	Item No.	Description	Estimated Quantity		Unit Price	Extension
1	2582.501	PAVEMENT MESSAGE (ARROW) - PAINT	3	EACH	\$29.00	\$87.00
2	2582.502	4" DOUBLE SOLID LINE YELLOW - PAINT	4,644	LF	\$0.14	\$650.16
3	2582.502	4" SOLID LINE WHITE - PAINT	9,796	LF	\$0.08	\$783.68
4	2582.502	24" SOLID LINE WHITE - PAINT	46	LF	\$3.20	\$147.20

Total STRIPING \$1,668.04

Bid Schedule "A" SEAL COAT \$19,379.54

Bid Schedule "B" STRIPING \$1,668.04

Engineering and Construction Administration (5%) \$1,052.38

TOTAL \$22,099.96

Alberville Portion (1/2 of Total Cost) \$11,049.98

GENERAL ADMINISTRATION

5964 Main Avenue NE Lease: The lease has been executed and the City is coordinating construction documents with the architect to solicit quotes.

Knechtl Assessment Appeal: Mediation has been scheduled for June 17th at City Hall.

Memorial Park: The park project is progressing well. To date, the flagstone patio and boulders have been set and the planting materials have been ordered. The Fire Chief has organized a volunteer day to finish the landscaping for June 15th.

Zoning Complaints: In the past few weeks staff has received several complaints regarding zoning related items. Generally the complaints are related to tall grass/weeds and outside storage. For the most part, property owners have been willing to address and correct the issues.

Washington Congressional Visit: Itineraries for the Mayor and Councilmember Olson are set for their June 13th meetings in Washington.

ENGINEERING/PUBLIC WORKS

57th Street: St. Albert's Church is looking to make parking lot improvements and has inquired about the City's timing of improvements to 57th Street. Due to right-of-way needs, I would like to coordinate the two projects and potentially exchange right-of-way for parking improvements incorporated into a bid package for 57th Street. Staff will discuss in more detail at the meeting on June 3rd.

Marlow Avenue NE: Staff has had requests to repair Marlow and is getting quotes to gravel the road.

MSAS: Due to revisions on how "Needs" are calculated, staff will be working to revise the City's current MSA system. Revisions will be presented to Council at the first meeting in June.

2013 Street, Trails, and Utility Improvement Project: Bids for the project have been received and will be presented to the Council at the June 3rd meeting. Staff is working to finalize the needed trail easements with the residents on CSAH 18.

Safety Grant: The grant agreement has been approved by the Department of Labor and Public Works has ordered the vehicle lift. We hope to have the project completed by mid-July.

UPCOMING EVENTS and ANNOUNCEMENTS

- June 15, 2013 – Memorial Park volunteer construction of landscaping
- June 19 thru 21 – Annual LMC Conference in St. Paul (please let me know if anyone would like to attend)