



# City of Albertville Council Agenda

**Monday, November 18, 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 - None**
- 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 November 4, 2013 regular City Council meeting minutes as presented (pgs 4-9)
- B.** Authorize the Monday, November 18, 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.** Approve Resolution No. 2013-041 declaring City Observed Holidays (pgs 11-13)
- D.** Approve the STMA Youth Hockey Association's Lawful Gambling Exempt Permit Application to hold a raffle on March 22, 2014 at the STMA Ice Arena (pg 14)
- E.** Approve Agreement Establishing Regional Safety Group and Exhibit I of the agreement titled "Resolution No. 2013-042 Authorizing New Member in Regional Safety Group" (pgs 15-20)

- 7. Public Hearings - None**
- 8. Department Business**

**A. City Council**

- 1). Committee Updates** (*STMA Arena, Planning, Parks, Fire Board, JPWB, etc.*)

**B. City Clerk**

**1). 5502 Kali Avenue NE – Verbal Report**

**2). 2014 City Council Regular Meeting Dates (pgs 21-23)**

*(Motion to Approve Resolution No. 2013-043 entitled a Resolution Establishing the 2014 City Council Regular Meeting Dates.)*

**C. Public Works / Engineering**

**1). 54<sup>th</sup> Street NE & Barthel Industrial Drive NE Drainage Improvements (pgs 24-27)**

*(Motion to Approve November 7, 2013, proposal from Bolton and Menk, Inc. for preliminary and final design of the 54<sup>th</sup> Street NE and Barthel Industrial Drive NE intersection, a not-to-exceed fee of \$48,000.)*

**D. Planning/Zoning - None**

**E. Finance – None**

**F. Building - None**

**G. Legal - None**

**H. Administration**

**1). Region 7W TPB Memorandum of Understanding (pgs 28-42)**

**2). City Administrator's Update (pgs 43-44)**

**9. Announcements and/or Upcoming Meetings**

November 25	Joint Powers Water Board, 6:30 p.m. Parks Committee, 8:00 p.m.
November 28	Thanksgiving Day, City Offices Closed
December 2	Truth in Taxation Meeting, 6:00 p.m. City Council, 7:00 p.m.
December 9	STMA Ice Arena Board, 6:00 p.m.
December 12	Joyce Flury Retirement Party, Senior Center 3:00-7:00 p.m., Program at 5:00 p.m.
December 16	City Council, 7:00 p.m.
December 23	Joint Powers Water Board, 6:30 p.m.
December 24	Christmas Eve, City Hall Closes at Noon
December 25	Christmas Day, City Hall Closed

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

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

10. Adjournment



**ALBERTVILLE CITY COUNCIL  
Monday, November 4, 2013**

**DRAFT MINUTES**

**ALBERTVILLE CITY HALL**

**7:00 PM**

**1. CALL TO ORDER – PLEDGE OF ALLEGIANCE**

Mayor Hendrickson called the meeting to order at 7:05 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 Attorney Michael Couri, City Planner Alan Brixius, Finance Director Tina Lannes, Wright County Commissioner Michael Potter, Otsego City Engineer Ron Wagner, Matthew Bedsted, Jacob Bedsted, Amilia Charlesworth, and Spencer Charlesworth.

**3. RECOGNITIONS, PRESENTATIONS, INTRODUCTIONS**

Nafstad reported that two Scouts were present to attend a City Council meeting to earn their merit badges.

**4. PUBLIC FORUM**

There was no one present to speak at the public forum.

**5. APPROVAL OF THE AGENDA**

Brixius added Planning Commission Resignation under Planning.

Nafstad added Accounts Payable for 5964 Main Avenue NE under Finance. Nafstad also added Darkenwald Grading Permit under Public Works/Engineering.

***Motioned by Olson, 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 October 21, 2013 regular City Council meeting minutes as presented
- B. Authorize the Monday, November 4, 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 Lions Gambling Permit for the Willy McCoy's location

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

**7. PUBLIC HEARING – None**

**8. DEPARTMENT BUSINESS**

**A. City Council**

**1). Committee Updates**

Joint Powers Water Board

Hendrickson stated the JWPB approved filling a pond that was drained due to drilling of the well. She stated they have done studies on it and have already tried several solutions. The Board approved a bid that will line the pond to stop it from draining again, since it is used for someone's business.

**B. Finance**

**1). Certification of Outstanding Bills and Invoices**

Lannes reported that on an annual basis, it is the City's procedure to send notification to residents, developers, and other business owners that there are outstanding utility bills or invoices, allowing them sufficient time to pay such fees owed to the City. If such outstanding debt has not been paid before November 14, 2013, the City has the ability to certify such outstanding debt to the appropriate property that would be collected with the Real Estate Taxes.

Lannes stated they need to allow anyone in the audience the opportunity to protest the certification to their property taxes. There was no one in the audience to speak.

*Motioned by Sorensen, seconded by Olson, to Approve Resolution 2013-039 certifying the 2013 uncollected utility bill and invoices to Wright County for collection with real estate taxes. Ayes: Hendrickson, Olson, Sorensen, Vetsch, and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.*

**2). Accounts Payable - 5964 Main Avenue NE Payments**

Nafstad reported he received a number of invoices for improvements to the 5964 Main Avenue NE building and in order to avoid having to wait another two weeks for

payment, he is seeking Council approval to pay the invoices in a cumulative amount no greater than \$80,000.

*Motioned by Olson, seconded by Sorensen, to approve the accounts payable invoices for 5964 Main Avenue NE improvement costs not to exceed \$80,000. Ayes: Hendrickson, Olson, Sorensen, Vetsch, and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.*

### **C. Public Works and Engineering**

#### **1). Darkenwald Grading Permit**

Nafstad reported that John Darkenwald is seeking a grading permit for 12,000 cubic feet for the property located at 10395 70<sup>th</sup> Street NE, PID No. 10500352100.. He stated due to the amount of fill, it will require a grading plan, erosion control, insurance against damages, and a State permit. The intent is to farm the land.

*Motioned by Hendrickson, seconded by Wagner, to approve the grading permit for John Darkenwald for the property located at 10395 70<sup>th</sup> Street NE, PID No. 101500352100 contingent upon City Engineer review and approval. Ayes: Hendrickson, Olson, Sorensen, Vetsch, and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.*

### **D. Planning**

#### **1). STMA Ice Arena Expansion**

Brixius reported the STMA Youth Hockey Association would like to use the southern portion of the Ice Arena property for an outdoor ice rink. They are looking to include lights, bleachers, a warming house, and refrigerated sheet of ice. The proposed ice arena expansion will provide a temporary facility and may not be able to meet architectural and landscaping standards in its current zoning. Staff suggested the City pursue a rezoning of the STMA Arena parcel (PID 101052001010) from B-3 Highway Commercial to P/I Public/Institutional District and the property to the south where the second ice sheet will be located (PID 101139001010) from B2-A Special Business District to P/I Public/Institutional District. The second parcel is currently owned by the St. Michael-Albertville school district who will need to be a party to the application. Staff is also recommending that the hockey association submit a full application for site and building plan review in concert with the rezoning application.

Wagner was concerned about the rezoning requiring lower design standards. Brixius stated they could always require higher standards or rezone the Arena parcel back to commercial design standards. He stated the P/I zoning fits next to Central Park.

#### **2). 11473 58th Street NE Property**

Brixius stated there is already an offer on the house pending an inspection. However, staff did ask for additional information about asbestos or mold and was informed asbestos removal would most likely be necessary.

Brixius asked Council if they would be interested in pursuing any of the neighboring properties if any should come up for sale. The Council indicated they would be interested.

**3). Planning Commission Resignation**

Brixius stated that Commissioner Frank Kocon had submitted his resignation to the Planning Commission and Brixius commented on Kocon's great service to the Commission. Brixius stated the vacancy almost a year ago yielded a limited number of applicants. He encouraged Council to speak to any residents that may be interested and encourage them to apply.

*Motioned by Hendrickson, seconded by Wagner, to accept Frank Kocon's resignation from the Planning Commission and direct staff to proceed in advertising the vacancy. Ayes: Hendrickson, Olson, Sorensen, Vetsch, and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.*

Council directed staff to invite Kocon to an upcoming meeting to recognize him.

**E. Building – None**

**F. City Clerk – None**

**G. Legal – None**

**H. Administration**

**1). City Administrator's Update**

Nafstad reported the Soccer Club's open house at the 5964 Main Avenue NE building this last weekend was a success.

Nafstad stated the administrators from St. Michael, Albertville, and Hanover conducted interviews for Joyce Flury's replacement at the Senior Center and gave a recommendation for a finalist.

**10. ANNOUNCEMENTS and/or UPCOMING MEETINGS**

Olson would like to add Joyce Flury's retirement party on December 12.

November 11	Veterans Day, City Offices Closed
November 12	STMA Ice Arena Board 6:00 p.m. Planning Commission, 7:00 p.m.
November 18	City Council, 7:00 p.m.
November 25	Joint Powers Water Board, 6:30 p.m. Parks Committee, 8:00 p.m.
November 28/29	Thanksgiving, City Offices Closed
December 2	City Council, 7:00 p.m.
December 9	STMA Ice Arena Board, 6:00 p.m.

December 10 Planning Commission, 7:00 p.m.  
December 16 City Council, 7:00 p.m.  
December 23 Joint Powers Water Board, 6:30 p.m.  
December 25 Christmas Day, City Offices Closed

**11. MOVE INTO WORKSHOP – 70<sup>th</sup> Street NE Agreement**

*Motioned by Hendrickson, seconded by Sorensen, to move into the 70<sup>th</sup> Street NE Agreement Workshop Discussion. Ayes: Hendrickson, Olson, Sorensen, Vetsch, and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.*

Nafstad stated the item was table at the last meeting for further discussion. Hendrickson stated she would like to focus on the agreement itself rather than any items to do with I-94.

Nafstad reviewed what he viewed as the big picture items of the 70<sup>th</sup> Street NE Agreement and presented a map of the agreement's conceptual plan.

Wagner asked when applying for Region 7W funds if that will require plans. Nafstad replied that there would be no significant professional fees incurred in order to submit the application for funding.

Nafstad believes there are some timing issues for Otsego to move forward with their future projects and Otsego would like to see this agreement and support before moving forward with those projects.

Hendrickson stated the purpose of the agreement is to have a show of cooperative support while seeking County and Federal funding. Nafstad agreed that is one perk to the agreement. Couri stated that in regards to 70<sup>th</sup> Street NE becoming the new CSAH 37, the previous CSAH 37 would be turned back to the County as County Road 137. It is very unusual for a city road to be an Interstate interchange; they are usually county or state roads. Couri stated they have received their local Wright County Commissioner's support on this aspect. Commissioner Potter stated that the old County Rd 37 still has a lot of traffic and stated it should remain a county road.

Nafstad stated that both 70<sup>th</sup> Street NE, west of CSAH 19, and Kadler Avenue NE improvements are a ways out into the future. He stated that by not including them in the agreement it does not lessen their importance; however, this agreement is more for the short term.

Nafstad explained that St. Michael had tabled the agreement after Albertville tabled it at the last meeting. Otsego approved it at their meeting. Potter stated the Wright County Transportation Board will be meeting on November 19 and the agreement would need to be approved by both the Albertville City Council and the St. Michael City Council, so it can be reviewed and acted upon by the Transportation Board. Nafstad stated if they were successful in their funding applications now, they could see funds in 2018.



*Motioned by Hendrickson, seconded by Sorensen, to approve the Agreement between the Counties of Wright and Sherburne and Cities of Albertville, Otsego and St. Michael regarding portions of County State Aid Highway 37, 70<sup>th</sup> Street in Otsego. Ayes: Hendrickson, Olson, Sorensen, Vetsch, and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.*

**12. ADJOURN MEETING**

*Motioned by Hendrickson, seconded by Sorensen, to adjourn the meeting at 8:32 p.m. Ayes: Hendrickson, Olson, Sorensen, Vetsch and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.*

Respectfully submitted,

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Kimberly A. Olson, City Clerk

November 14, 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, November 18, 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.

**Responsible Person:** Tina Lannes, Finance Director

**Submitted through:** Adam Nafstad, City Administrator-PWD

**Attachment:** List of Claims (under separate cover)

November 12, 2013

**SUBJECT:** CONSENT - CITY CLERK - 2014 CITY OBSERVED HOLIDAYS

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

**MOTION TO:** Approve **Resolution No. 2013-041** entitled a Resolution Establishing the 2014 City Observed Holidays.

**BACKGROUND:** Each year a resolution is required establishing holidays that are observed by the City for the upcoming year.

**POLICY/PRACTICES CONSIDERATIONS:** The Albertville City Offices follow the general practice of observing set U.S. Legal holidays with the exception of Columbus Day, which is viewed as a floating holiday taken on the Friday after Thanksgiving Day. Because City Hall has switched to a four day work week, the holiday hours from the Friday after Thanksgiving are evened out over the remaining holidays to provide 10 hours of vacation for those 10 hour days (see attached resolution and chart). Last year, the City Council allowed City Hall to close at 12:00 noon on Christmas Eve. City employees would be allowed to use vacation or comp-time for the remaining hours and Public Works employees are allotted five hours of holiday pay for Christmas Eve.

**FINANCIAL CONSIDERATIONS:** There are no financial considerations as it relates to approval of the Resolution setting the 2014 City Observed Holidays.

**LEGAL ISSUES:** The City Council has the authority to set the annual holiday schedule.

**Responsible Person/Department:** Kimberly Olson, City Clerk

**Reviewed by:** Adam Nafstad, City Administrator-PWD

**Attachments:** Resolution No. 2013-041

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

**RESOLUTION NO. 2013-041**

**A RESOLUTION ESTABLISHING THE  
2014 CITY OBSERVED HOLIDAYS**

**WHEREAS**, the City Council is desirous of establishing the 2014 City Observed Holidays for the City of Albertville effective December 31, 2013; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Albertville, Wright County, Minnesota, hereby establishes the following 2014 City Observed Holidays:

New Year's Day	January 1
Martin Luther King Jr. Day	January 20
Presidents' Day	February 17
Memorial Day	May 26
Independence Day	July 3 (City Hall) July 4 (Public Works)
Labor Day	September 1
Veterans Day	November 11
Thanksgiving Day	November 27
Friday after Thanksgiving Day	November 28 (Floating holiday – Public Works/Utilities employees only)
Christmas Eve (1/2)	December 24 (Public Works/Utilities employees only)
Christmas Day	December 25

**Adopted by the City Council of the City of Albertville this 18<sup>th</sup> day of November 2013.**

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Jillian Hendrickson, Mayor

ATTEST:

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Kimberly A. Olson, City Clerk

<b>City Hall Employees</b>	
8 hours	New Year's Day
2 hours	New Year's Day - vacation or comp-time
10 hours	Martin Luther King Jr. Day
10 hours	Presidents' Day
10 hours	Memorial Day
10 hours	Independence Day
10 hours	Labor Day
10 hours	Veterans Day
10 hours	Thanksgiving Day
5 hours	Christmas Eve, vacation or comp time
10 hours	Christmas Day
<b>88 hours</b>	<b>Total (city)</b>

<b>Public Works/Utilities Employees</b>	
8 hours	New Year's Day
8 hours	Martin Luther King Jr. Day
8 hours	Presidents' Day
9 hours	Memorial Day
9 hours	Independence Day
9 hours	Labor Day
8 hours	Veterans Day
8 hours	Thanksgiving Day
8 hours	Friday after Thanksgiving Day
5 hours	Christmas Eve Day
8 hours	Christmas Day
<b>88 hours</b>	<b>Total (city)</b>

November 13, 2013

**SUBJECT: CONSENT - CITY CLERK - STMA YOUTH HOCKEY ASSOCIATION RAFFLE PERMIT**

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

**MOTION TO:** Approve the STMA Youth Hockey Association's Lawful Gambling Exempt Permit Application to hold a raffle on March 22, 2014 at the STMA Ice Arena.

**BACKGROUND:** The STMA Youth Hockey Association has requested the City of Albertville approve a Lawful Gambling Permit for a raffle in the spring of 2014. The raffle will occur on March 22, 2014 at the STMA Ice Arena.

**KEY ISSUES:**

- The group has successfully held other lawful gambling permits in surrounding cities.
- The group would like to begin selling tickets this fall for the raffle.
- Council has the option to either approve or deny any gambling applications submitted.
- The group must submit proof of non-profit status such as Articles of Incorporation, Certificate of Good Standing, or a 501(c)3 tax exemption letter.
- The Minnesota Gambling Control Board ultimately issues this type of permit, but requires City 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 activities within the City.

**Department/Responsible Person:** Kimberly Olson, City Clerk

**Submitted through:** Adam Nafstad, City Administrator

**Attachments:** None

November 14, 2013

**SUBJECT: CONSENT - PUBLIC WORKS – AGREEMENT REGARDING SAFETY TRAINING IN COOPERATION WITH THE LEAGUE OF MINNESOTA CITIES INSURANCE TRUST AND ITS REGIONAL SAFETY GROUP INITIATIVE**

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

**MOTION TO:** Approve Agreement titled “AGREEMENT ESTABLISHING REGIONAL SAFETY GROUP” and Exhibit I of the agreement titled “RESOLUTION NO. 2013-042 AUTHORIZING NEW MEMBER IN REGIONAL SAFETY GROUP”

**BACKGROUND:** The Public Works Department has researched options for safety training services and believes the Regional Training Group Initiative offered by the League of MN Cities Insurance Trust (LMCIT) best suites the City’s needs. For a number of years, the City has contracted with a private safety consultant. While the City has been generally satisfied with the training received, it is believed that the League’s program would provide a wider variety of training and assistance as well as a small cost savings.

**KEY ISSUES:**

1. Albertville’s Regional Safety Group (RSG) will include the cities of Rockford, Greenfield, Corcoran, Loretto, and Annandale.
2. Training is provided by the Minnesota Municipal Utilities Association (MMUA).
3. The Region Safety Group will allow for more training dates to choose from and will be meeting once a month year-round. Currently, staff is trying to condense all training sessions and topics into a limited number of days in the winter months.
4. Through the RSG program, training costs will not be impacted by the number of employees attending training.
5. As part of the program, we will receive added support with required reporting at no additional charge.

**FINANCIAL CONSIDERATIONS:** Through the RSG program, the LMCIT pays for ½ the cost of the training provided by the MMUA and the RSG member cities each pay their portion of the remaining cost. In previous years, we paid approximately \$1,600 per year and were limited to training of 6 people. The cost for the RSG program will be approximately \$1,200 per year with no limit on the number people who attend.

**LEGAL CONSIDERATIONS:** The Mayor and City Council have the authority to enter into agreements on behalf of the City.

**Responsible Person/Department:** Tim Guimont and Adam Nafstad/Public Works

**Submitted Through:** Adam Nafstad, City Administrator - PWD

**Attachments:** Agreement with Exhibit I

## **Agreement Establishing Regional Safety Group**

WHEREAS, the Parties have a duty to create a safe workplace for their employees, officials and volunteers; and

WHEREAS, the Parties desire to create a safety group that is innovative and different from a traditional safety and health committee pursuant to Minnesota Rule 5208.700; and

WHEREAS, the League of Minnesota Cities Insurance Trust (LMCIT) has developed the Regional Safety Group Initiative to facilitate safety training for cities/entities; and

WHEREAS, the governing bodies of the Parties believe it is in the best interests of the Parties to cooperatively promote safety and health in the workplace by participating in the Regional Safety Group Initiative; and

WHEREAS, Minnesota Statutes, Section 471.59, authorizes the Parties by agreement of their governing bodies to jointly or cooperatively exercise any power common to them.

NOW, THEREFORE, in consideration of the mutual covenants made herein, the undersigned Parties agree as follows:

1. Purpose. The purpose of this Agreement is to promote workplace safety and health through the sharing of ideas and knowledge among the Parties and by holding regular joint safety and health training, educational programs, and meetings.
2. Name. The Parties hereby establish a safety group to be known as the \_\_\_\_\_ Regional Safety Group (the "RSG").
3. Membership.
  - A. LMCIT Members. All member cities/entities of the RSG are members in LMCIT's workers' compensation program.
  - B. Initial Members. The initial member cities/entities of the RSG shall be the undersigned Parties executing this Agreement upon the approval of their governing bodies.
  - C. New Members. A new member city/entity, that is a member of LMCIT's workers' compensation program, may be added to the RSG upon approval of a majority of the current members, as evidenced by a vote of the group members. Each member city/entity of the RSG shall be entitled to one vote. The matter need not be presented to the member's governing body. Following the approval by the RSG, membership in the RSG is effective upon approval and execution of the resolution attached hereto as Exhibit I, by a prospective member's governing body and its authorized representatives.



- D. Termination of Membership. Any member city/entity may terminate its membership in the RSG upon adoption by the member's governing body of a resolution indicating its intent to withdraw not less than 90 days prior to the end of a current term. Initial term being \_\_\_\_\_ through December 31, 20\_\_\_, and subsequent terms will be on a yearly calendar basis. Termination takes effect at the end of a current term. A copy of the termination resolution must be sent to the safety coordinator of each member city/entity and to Chris White, LMCIT Loss Control Program Coordinator, or other staff person as designated by LMCIT. Any terminated member shall remain responsible for its share of any costs incurred prior to the effective date of termination. A member city/entity shall also be terminated from the RSG if it is no longer a member of LMCIT's workers' compensation program.
4. Officers and Bylaws. The RSG may, but is not required to, elect officers to govern its actions. The duties and terms of any officers shall be determined by a majority vote of the RSG members. All members agree to act in good faith to further the interests of the RSG and to resolve disputes in an equitable and timely manner. The RSG may adopt bylaws or other rules governing the group that are not inconsistent with this Agreement. The RSG and its officers are not authorized to do any of the following: (a) to receive and expend funds; (b) to enter contracts; (c) to hire employees; (4) to purchase or otherwise acquire and hold real or personal property; or (5) to bring a lawsuit in the name of the RSG.
5. LMCIT Sponsored Training/Meetings. LMCIT offers the RSG safety training/meetings to be conducted by the Minnesota Municipal Utilities Association (MMUA).
- A. Number of Training/Meeting Sessions. The RSG is entitled to twelve (12) MMUA training sessions per calendar year with a maximum of 1 per month and a minimum of 1 every-other month. Each training session will be at a site to be determined by the RSG. The date of each training session shall coordinate with the designated MMUA representative.
- B. LMCIT Cost. LMCIT will pay one-half of the cost of each MMUA training session up to the maximum of twelve (12) sessions per calendar year. LMCIT will not reimburse members for travel, meals, or other charges. To be eligible for LMCIT cost-sharing, any MMUA training session not on the pre-approved training list, must be approved in advance by Chris White, LMCIT Loss Control Program Coordinator, or other staff person designated by LMCIT.

- C. Member Cost. The remaining cost of each MMUA training session shall be paid in equal proportions by each RSG member to LMCIT.\* Each member city/entity agrees to pay its share of training costs after receiving an invoice from LMCIT. No member shall be responsible for the unpaid costs of another member. Each member is responsible for its cost even if it does not have a representative attend the training session.
  - D. Program Changes. RSG members acknowledge that LMCIT may, at any time, change its obligations to RSG members. Any changes made in the RSG program will be communicated to RSG members within thirty (30) days of the change.
6. Education and Training.
- A. Online Education and Training. LMCIT has established an interactive web-based training program in cooperation with FirstNet Learning. RSG members and their employees, officers, and volunteers are entitled to free access to this online training.
  - B. Other Education and Training. A RSG may hold other training and educational sessions or meetings as determined by the group at the members' expense. Approval from LMCIT is not needed for training or meetings for which no LMCIT subsidy is requested.
7. Safety Committee Meeting. As a part of any training session, the members may discuss any matters that would typically be discussed in a "joint labor-management safety and health committee" meeting under Minnesota Statutes, Section 182.676 and take any action authorized under Minnesota Rules, Chapter 5208. LMCIT requires each RSG to hold a Safety Committee Meeting every-other-month at a minimum.
8. General Provisions.
- A. Modification. No provision of this Agreement may be modified, altered, or rescinded except by a vote of the governing body of a majority of all members. Approved modifications take effect thirty (30) days after the date of approval by the last member approving the modification.
  - B. Effective Date. This Agreement shall be effective after approval by the governing body of the last initial member to approve this Agreement and execution by that member's authorized representatives.
  - C. Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Minnesota.

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\* The members may choose some other method to share their remaining cost of the MMUA training, e.g., based on population. If an alternative method is chosen, LMCIT will not invoice the member cities/entities for the remaining cost. The RSG will need to develop an alternate method to collect and remit the members' costs to LMCIT. Section 5(C) of this agreement will need to be amended to reflect the alternate method chosen by the group.

- D. Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute one and the same instrument.
- E. Savings Clause. If any court finds any provision of this Agreement to be contrary to law or invalid, the remainder of the Agreement will remain in full force and effect.

IN WITNESS WHEREOF, the Parties, by action of their respective governing bodies, caused this Agreement to be approved on the dates below.

**City/Entity of Albertville, Minnesota**

The City/Entity Council of Albertville, Minnesota duly approved this Agreement on the 18<sup>th</sup> day of November, 2013.

---

Jillian Hendrickson, Mayor

ATTEST:

---

Kimberly A. Olson, City Clerk

**EXHIBIT I**

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

**RESOLUTION 201-042**

**RESOLUTION AUTHORIZING NEW  
MEMBER IN REGIONAL SAFETY GROUP**

WHEREAS, Minnesota Statutes, Section 471.59 authorizes governmental units by agreement of their governing bodies to jointly or cooperatively exercise any power common to them; and

WHEREAS, the League of Minnesota Cities Insurance Trust has created the Regional Safety Group Initiative to offer training to cities/entities who form regional safety groups; and

WHEREAS, the City/Entity Council finds that it is in the best interest of the City/Entity to join the \_\_\_\_\_ Regional Safety Group (the “RSG”) previously formed by an agreement of other cities/entities (the “Establishing Agreement”); and

WHEREAS, the Establishing Agreement allows other cities/entities to become members of the RSG upon adoption of a resolution agreeing to all terms of the Establishing Agreement,

NOW, THEREFORE, BE IT RESOLVED, the City/Entity of Albertville, Minnesota:

1. Authorizes the Mayor and City Clerk to sign this resolution evidencing the city/entity’s intent to become a member of the RSG; and
2. The City/Entity agrees to be bound by all the terms of the Establishing Agreement.

IN WITNESS WHEREOF, the City/Entity, by action of its governing body, caused this Resolution to be approved on the 18<sup>th</sup> day of November, 2013.

---

Jillian Hendrickson, Mayor

ATTEST:

---

Kimberly A. Olson, City Clerk

December 13, 2012

**SUBJECT:** CITY CLERK- 2014 CITY COUNCIL MEETING DATES

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

**MOTION TO:** Approve Resolution No. 2013-043 Establishing the 2014 City Council Regular Meeting Dates.

**BACKGROUND:** Each year the City Council shall identify its official meeting dates for the coming year.

**KEY ISSUES:**

- The General Election for 2014 falls on November 4, the Tuesday after the first City Council meeting of the month. The Council Chambers must be set up the previous Monday as a polling location for voting early Tuesday morning. Staff suggests rescheduling the Monday, November 3 City Council meeting to the following Monday, November 10 at 7:00 p.m. A meeting on the 10<sup>th</sup> will also allow the Council to canvass the results of the 2014 General Election which can only occur between November 7 and November 14, 2014.
- Generally, if a fifth month falls during a calendar month, the Cities of Albertville and St. Michael and the STMA School Board set a joint meeting for that fifth Monday.

**POLICY/PRACTICES CONSIDERATIONS:** Council may choose to change, add or delete meetings as needed throughout the year and will be required to post notice at least 72 hours in advance of changes, cancellations or additional meetings.

**FINANCIAL CONSIDERATIONS:** There are no financial considerations.

**LEGAL ISSUES:** The City Council has the authority to set its official meeting dates each year.

**Responsible Person/Department:** Kimberly A. Olson, City Clerk

**Submitted by:** Adam Nafstad, City Administrator-PWD

**Attachments:** Resolution No. 2013-043  
2014 Calendar of City Meetings

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

**RESOLUTION NO. 2013-043**

**A RESOLUTION ESTABLISHING THE  
2014 CITY COUNCIL REGULAR MEETING SCHEDULE**

**WHEREAS**, the City Council may declare its official regular meeting schedule each year, and;

**WHEREAS**, the regular City Council meetings are scheduled the first and third Mondays of each month and will be scheduled to Tuesday should it fall on an observed holiday, and;

**WHEREAS**, the regular City Council meetings begin at 7:00 p.m. and are to be held in the City Hall Council Chambers unless noticed in advance, and;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Albertville, Wright County, Minnesota, hereby establishes the following 2014 Regular City Council meetings:

January 6	July 7
January 21 – Tuesday	July 21
February 3	August 4
February 18 – Tuesday	August 18
March 3	September 2 – Tuesday
March 17	September 15
April 7	October 6
April 21	October 20
May 5	November 10 – 2 <sup>nd</sup> Monday
May 19	November 17
June 2	December 1
June 16	December 15

**Adopted by the City Council of the City of Albertville this 18<sup>th</sup> day of November 2013**

---

Jillian Hendrickson, Mayor

ATTEST:

---

Kimberly A. Olson, City Clerk

## 2014 Official Meeting Calendar

JANUARY						
Su	M	Tu	W	Th	F	Sa
			H 1	2	3	4
5	CC 6	7	8	9	10	11
12	Ice 13	PC 14	15	16	17	18
19	H 20	CC 21	22	23	24	25
26	JP 27 <sup>PK</sup>	28	29	30	31	

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

MARCH						
Su	M	Tu	W	Th	F	Sa
						1
2	CC 3	4	5	6	7	8
9	Ice 10	PC 11	12	13	14	15
16	CC 17	18	19	20	21	22
23	JP 24 <sup>PK</sup>	25	26	27	28	29
30	31					

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

MAY						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	CC 5	6	7	8	9	10
11	Ice 12	PC 13	14	15	16	17
18	CC 19	20	21	22	23	24
25	H 26	JP 27 <sup>PK</sup>	28	29	30	31

JUNE						
Su	M	Tu	W	Th	F	Sa
1	CC 2	3	4	5	6	7
8	Ice 9	PC 10	AFCD 11	12	13	14
15	CC 16	17	18	19	20	21
22	JP 23	24	25	26	27	28
29	JM 30					

JULY						
Su	M	Tu	W	Th	F	Sa
		1	2	H 3	H 4	5
6	CC 7	PC 8	9	10	11	12
13	Ice 14	15	16	17	18	19
20	CC 21	22	23	24	25	26
27	JP 28 <sup>PK</sup>	29	30	31		

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

SEPTEMBER						
Su	M	Tu	W	Th	F	Sa
	H 1	CC 2	3	4	5	6
7	Ice 8	PC 9	10	11	12	13
14	CC 15	16	17	18	19	20
21	JP 22 <sup>PK</sup>	23	24	25	26	27
28	JM 29	30				

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

NOVEMBER						
Su	M	Tu	W	Th	F	Sa
						1
2	CC 3	4	5	6	7	8
9	Ice 10	H 11	PC 12	13	14	15
16	CC 17	18	19	20	21	22
23	JP 24 <sup>PK</sup>	25	26	H 27	H 28	29
30						

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

\* City Offices Close at Noon

- CC City Council Meeting, 7:00 p.m.
- Ice STMA Arena Board, 6:00 p.m.
- JP Joint Powers Water Board, 6:30 p.m.
- PK Parks Committee, 7:30 p.m.

- PC Planning Commission, 7:00 p.m.
- H Holiday (City offices closed)
- AFCD Albertville Friendly City Days
- JM Joint Mtg with St. Michael & STMA School Dist.

November 14, 2013

**SUBJECT: ENGINEERING – 54<sup>TH</sup> STREET NE AND BARTHEL INDUSTRIAL DRIVE NE DRAINAGE IMPROVEMENTS**

**RECOMMENDATION:** This space on the agenda is reserved for the City Council to consider authorizing preliminary and final design, preparation of plans and specifications, and cost estimates for the proposed 2014 drainage improvements of the 54<sup>th</sup> Street NE and Barthel Industrial Drive NE intersection. It is respectfully requested that the Mayor and Council consider the following motion:

**MOTION TO:** Approve November 7, 2013, proposal from Bolton and Menk, Inc. for preliminary and final design of the 54<sup>th</sup> Street NE and Barthel Industrial Drive NE intersection, a not-to-exceed fee of \$48,000.

**BACKGROUND INFORMATION:**

The 54<sup>th</sup> Street NE/Barthel Industrial Drive NE intersection routinely experiences flooding during heavy rain events. In 2008, the City studied the intersection's drainage and later incorporated the project in the City's 5-year Capital Improvement Plan for construction in 2014.

The attached proposal is to develop improvement recommendations and ultimately prepare construction plans for bidding.

**KEY ISSUES:**

- The project is identified on the City's CIP for construction in 2014.
- Recent rain events have caused property damage to several residential homes.
- The intersection does not meet standard storm sewer design requirements for roads.
- Bolton and Menk, Inc. proposes to perform the engineering on an hourly basis for a not-to-exceed fee of \$48,000.
- Staff is working towards a bid opening in late March/early April 2014.

**FINANCIAL CONSIDERATIONS:** The proposed project would be funded primarily through storm water funds. Engineer estimates will be prepared along with the plans to identify costs and budget impacts prior to approving the project.

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

**Submitted Through:** Adam Nafstad, City Administrator -PWD

**Attached:** Bolton and Menk – Nov. 7, 2013 Engineering Proposal

**On File:** January 2008 Flood Study for Barthel Industrial Park & 54<sup>th</sup> Street Intersection





# BOLTON & MENK, INC.<sup>®</sup>

## Consulting Engineers & Surveyors

7533 Sunwood Drive NW • Ramsey, MN 55303  
Phone (763) 433-2851 • Fax (763) 427-0833  
www.bolton-menk.com

November 7, 2013

Mr. Adam Nafstad  
City Administrator  
City of Albertville  
P.O. Box 9  
Albertville, MN 55301

RE: 54<sup>th</sup> Street NE & Barthel Industrial Drive Drainage Project  
City of Albertville  
Project No.: R16.107440

Dear Adam:

Bolton & Menk, Inc. is pleased to provide this proposal for engineering services for the analysis and development of drainage improvements in the vicinity of the 54<sup>th</sup> Street NE and Barthel Industrial Drive intersection. This intersection experiences localized flooding following heavy rain events which has caused private property impacts, both in the area of the intersection and also to properties which are abutting a stormwater pond on the Albertville Primary School property. This stormwater pond is hydraulically connected to the City storm sewer system in the subject intersection.

The goal of any proposed drainage improvement would be to greatly reduce the frequency of intersection flooding and subsequent property impacts. Our proposed scope of services to accomplish this goal is as follows:

### **Preliminary Design Phase**

- Obtain additional topographic data in the school stormwater pond and downstream channel areas.
- Update and calibrate the hydrologic model for this drainage area based on marked high water elevations in the school drainage pond. The hydrologic basis for the design will be precipitation data from Atlas 14.
- Evaluate the downstream drainage channel to determine if there are backwater affects which are influencing the existing storm sewer system. We propose to evaluate this channel to the point where it crosses the railroad tracks and runs along the south side of Interstate 94.
- Develop recommendations for storm sewer improvements to achieve the desired goal. These improvements may include:
  - Providing additional storm sewer piping or upsizing of the existing storm sewer between the intersection and the outlet channel.
  - Upsizing downstream channel culverts.
  - Developing additional stormwater retention ponding along the outlet channel to mitigate backwater and downstream impacts.
  - Installing check valves to prevent surcharging of the school pond from the storm sewer system.



- Provide assistance in meetings with property owners from whom easements may be required.
- Develop a Preliminary Engineering Report to document the findings, cost opinions and recommendations of the preliminary evaluation.

**Final Design Phase**

We will proceed to final design and development of plans and specifications based on the authorized project alternative. Final design phase services shall include the following:

- Develop final plans and specifications.
- Conduct the utility design meeting with all private and public utility companies/agencies.
- Develop easement descriptions and maps for utilization in easement acquisition.
- Submit plans and specifications for staff review and comment.
- Submit corrected plans and specifications for City Council approval and authorization for bids.
- Develop Engineer’s opinion of construction cost.
- Conduct a project open house with project stakeholders.
- Administrate the project bidding process.
- Assist in bid opening and bid evaluation.
- Provide a recommendation for bid award.
- Assemble and issue the construction contracts to the successful bidder.

The final design phase scope assumes that the authorized alternative includes only a storm water pipe solution between the intersection and the downstream channel. Development of any stormwater retention basin or downstream channel modifications that could become part of the recommendation is not included in the scope of final design services but can be provided via an amended cost proposal.

**Schedule**

Our proposed schedule for the described work is as follows:

- Complete and submit Preliminary Engineering Report ..... December 20, 2013
- Obtain Project Authorization from City Council ..... January 13, 2014
- Complete Final Plans and Specifications ..... February 25, 2014
- Obtain Plan Approval and Authorization to Bid ..... March 3, 2014
- Open Bids ..... March 26, 2014
- Conduct Project Open House ..... March 31, 2014
- Award Bid ..... April 7, 2014

The schedule can be modified as needed to meet City objectives.

**Fee Proposal**

We propose to perform the scope of services as described on an hourly basis for a not-to-exceed fee of \$48,000. Our fees do not include the cost of any permits that may be required or of any geotechnical exploration that may be needed.



Mr. Adam Nafstad  
November 7, 2013  
Page 3

Thank you for the opportunity to provide this proposal for engineering services for this project. We look forward to assisting the City of Albertville in developing a feasible solution to this major drainage issue. Should you require additional information or wish to discuss the scope of services and fee in more detail, please contact me.

Sincerely,

BOLTON & MENK, INC.

A handwritten signature in black ink that reads "Kevin F. Bittner". The signature is fluid and cursive, with a large loop at the end of the last name.

Kevin F. Bittner, P.E.  
Principal Engineer

November 14, 2013

**SUBJECT: ENGINEERING - REGION 7W TRANSPORTATION POLICY BOARD MEMORANDUM OF UNDERSTANDING (MOU)**

**INTRODUCTION:** This item is on the agenda for discussion and Council consideration. No action is needed at this time. This MOU is the result of several meetings with multiple entities and is being presented to the Council for the first time on November 18.

**BACKGROUND** (provided by Region 7W Chair, Steve Voss):

On June 15, 2012, the Region 7W TPB was made aware of the U.S. Census Bureau's updated list of urban areas based on the 2010 Census. With this announcement came the news that for the first time the Census Bureau extended the urbanized boundary of the Twin Cities metropolitan area beyond the legislatively defined 7-county boundary for the Metropolitan Council to include portions of Sherburne and Wright Counties, including areas within the cities of Albertville, Elk River, Hanover (Wright County), Otsego, and St. Michael.

Urbanized areas (UZA) are defined as contiguous urban areas with populations of 50,000 or more residents or urban clusters (UC) with populations of 2,500 to 49,999 residents. Under federal transportation planning laws, UZAs are required to have a designated metropolitan planning organization (MPO) so transportation investments, especially those made with federal money, can be coordinated. The Metropolitan Council is designated as the MPO for the Twin Cities metropolitan area by the governor and in state law.

With the changes to the Twin Cities UZA boundary extending into Wright and Sherburne Counties, federal transportation planning law requires that local jurisdictions within this extended area now be included in the Metropolitan Council's transportation planning and programming process. The UZA boundary changes only pertain to the Metropolitan Council's transportation planning responsibilities as the MPO. These functions include:

- Establishing a setting for transportation decisions to occur
- Evaluating transportation alternatives
- Maintaining a long-range transportation plan (LRP); the Metropolitan Council must update its LRPs every four years
- Developing a 4-year transportation improvement program (TIP), that includes all state and local projects seeking federal transportation funds
- Involving the public in transportation decisions

A special workgroup consisting of staff and elected officials from each local jurisdiction within the extended area, along with Minnesota Department of Transportation (MnDOT), Federal Highway Administration (FHWA), and the Metropolitan Council have been meeting to discuss

ideas and offer recommendations for addressing the changes to the Twin Cities UZA boundary and its impact on Region 7W.

The workgroup has met five times between July 25, 2012 and October 1, 2013, culminating with the development of the enclosed MOU. Modeled after similar agreements prepared for other metropolitan areas, the MOU is intended to establish a communication and coordination framework for addressing the Metropolitan Council's MPO transportation planning and programming responsibilities in the extended area.

The MOU builds upon the existing practices and procedures of the Region 7W TPB to address the MPO requirements, while at the same time respecting the individual sovereignty and decision-making authority and structures of the region and the communities within the extended area.

**KEY ISSUES:**

- On October 25, 2013, the Region 7W Transportation Policy Board (TPB) reviewed the attached Memorandum of Understanding (MOU) to conduct federally required regional transportation planning activities and approved the attached agreement as written.
- Region 7W TPB's Statement of Purpose, as defined in the Joint Powers Agreement, is "to address regionally-significant transportation issues, conduct regional transportation studies and plans, and solicit and select projects seeking federal transportation funding that support the activities of MnDOT and the Central Minnesota ATP." The Board retains this significant role under this MOU, and wanted to demonstrate its support for the MOU by taking early action to encourage the other seven signatories to approve the proposed MOU.
- This MOU emphasizes that 7W will continue its existing role as the body that selects local projects for federal funding within the Wright and Sherburne portions of the MPO, which are also part of the Central Minnesota ATP.
- The Region 7W TPB encourages each local jurisdiction to take action to approve the MOU by December 31, 2013.

**LEGAL CONSIDERATIONS:** The Mayor and City Council have the authority to enter into agreements on behalf of the City.

**Submitted Through:** Adam Nafstad, City Administrator-PWD

**Attachments:** Memorandum of Understanding

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE METROPOLITAN COUNCIL, REGION 7W TRANSPORTATION POLICY BOARD,  
WRIGHT AND SHERBURNE COUNTIES, THE CITIES OF ALBERTVILLE, ELK RIVER,  
HANOVER, OTSEGO, and ST. MICHAEL  
TO  
CONDUCT FEDERALLY-REQUIRED METROPOLITAN PLANNING ACTIVITIES**

The parties to this Memorandum of Understanding (MOU) are the Metropolitan Council of the Twin Cities (Council), the Region 7W Transportation Policy Board (Region 7W TPB), Wright and Sherburne Counties (Counties), the cities of Albertville, Elk River, Hanover, Otsego, and St. Michael;

**WHEREAS**, federal transportation law and regulations (23 USC 134 and 135; 49 USC 5303 and 5304; 23 CFR 450 Subpart A – *Transportation Planning and Programming Definitions*; and 23 CFR 450 Subpart C – *Metropolitan Transportation Planning and Programming*) require a metropolitan planning organization (MPO) to be designated for all urbanized areas with a population of more than 50,000 to establish and maintain a continuing, coordinated, and comprehensive transportation planning process;

**WHEREAS**, the Council was established by the Minnesota Legislature in 1967 to plan for the orderly and economic development of the seven county Minneapolis-St. Paul region and was designated by the governor as the MPO for the Minneapolis-St. Paul Urbanized Area in 1973;

**WHEREAS**, on March 27, 2012, the U.S. Census Bureau identified portions of Albertville, Hanover, Otsego, and St. Michael in Wright County and portions of Elk River and Big Lake Township in Sherburne County, hereinafter referred to as “the extended area,” as part of the Minneapolis-St. Paul Urbanized Area, which is the first time the Minneapolis-St. Paul Urbanized Area has extended beyond the Council’s seven county jurisdictional area;

**WHEREAS**, under federal regulations, the MPO transportation planning area boundary must encompass, at a minimum, the entire “Urbanized Area” or UZA as defined by the U.S. Census Bureau and the area expected to become urbanized within the next 20 years;

**WHEREAS**, federal law does not require a re-designation of an MPO solely due to expansion of its boundary;

**WHEREAS**, US DOT policy encourages boundary changes be accomplished through agreements between affected jurisdictions;

**WHEREAS**, MN Statute 473.146, subd. 4 says “(a) The Metropolitan Council is the designated planning agency for any long-range comprehensive transportation planning required by section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and other federal transportation laws. The Council shall assure

administration and coordination of transportation planning with appropriate state, regional and other agencies, counties, and municipalities;”

**WHEREAS**, Wright and Sherburne Counties are part of the Central Minnesota Area Transportation Partnership (ATP) for federal transportation funding;

**WHEREAS**, Wright and Sherburne Counties are part of the Region 7W TPB established by Joint Powers Agreement duly executed by Benton, Sherburne, Stearns, and Wright Counties on January 4, 2000;

**WHEREAS**, the Region 7W TPB’s Statement of Purpose, as defined in the Joint Powers Agreement, is “to address regionally-significant transportation issues, conduct regional transportation studies and plans, and solicit and select projects seeking federal transportation funding that support the activities of MnDOT and the Central Minnesota ATP”;

**WHEREAS**, Section 176(c) of the CAA, 42 U.S.C. § 7506(c), requires federally-funded transportation plans, programs, and projects that are funded or approved under 23 U.S.C. (Highways), or the Federal Transit Act, 49 U.S.C. ch. 53 (Public Transportation) to conform with State and Federal air quality implementation plans; and

**NOW, THEREFORE**, the parties recognize and agree:

1. **AGREEMENT PURPOSE.** As part of its charge from the state legislature to “assure administration and coordination of transportation planning with appropriate state, regional and other agencies, counties, and municipalities” the Council desires to enter into an agreement with the above named counties and cities in the “extended area” to meet the metropolitan transportation planning requirements as required by federal law;
2. **APPLICABILITY.** This agreement only applies to federal metropolitan transportation planning requirements; it does not extend any of the Council’s other statutory roles and responsibilities, such as provision of wastewater treatment or transit service, nor the requirement for local land planning in conformance to the Metropolitan Development Guide, to be applicable to these parties;
3. **PLANNING AREA BOUNDARIES.** The metropolitan planning area boundary selected by the “extended area” parties in accordance with federal law will be accepted by the Council as metropolitan transportation planning area for the affected areas of Wright and Sherburne Counties;
4. **TRANSPORTATION PLANNING.** The parties will conduct a transportation planning process that is continuing, cooperative, and comprehensive and provide for the consideration of projects, strategies, and services that address the requirements in 23 CFR 450 Subpart C – *Metropolitan Transportation Planning and Programming*. A primary responsibility of the MPO is to prepare an updated long range transportation plan every four years. Under federal law, this plan must be “fiscally constrained” so it does not plan for expenditures beyond those revenues expected to be reasonably available within the time frame of the plan. The Council will coordinate with the Region 7W TPB, as representatives of the extended area, to discuss and agree upon projects

in the extended area that are to be included in the MPO's fiscally constrained plan, and will also discuss and agree upon any "illustrative projects" in the extended area that could be reflected in the plan as projects that could be built if additional resources are secured within the plan timeframe. The Council will coordinate with the Region 7W TPB if plan amendments that impact the extended area are needed prior to the usual four year plan update cycle;

5. **TRANSPORTATION PROGRAMMING.** A primary responsibility of the MPO is to prepare a short range Transportation Improvement Program to cover a four year period. The Council and its Transportation Advisory Board (TAB) will work cooperatively with the extended area participants, and the Region 7W TPB, the Central Minnesota ATP, and MnDOT District 3 to develop the Transportation Improvement Program for the Twin Cities Metropolitan Area, adopt it and transmit it to MnDOT for incorporation into the State Transportation Improvement Program (STIP) by October 1 of each year. The TAB will continue to select projects for the seven- county area through its regional solicitation process. Projects to be funded with federal money in the extended area will be selected through the existing District 3/7W ATP process, and transmitted to the Council for inclusion in the MPO's TIP. If a TIP amendment that impacts the extended area is needed prior to the usual annual TIP update cycle, MnDOT District 3 and the Region 7W TPB will submit the amendment to the Metropolitan Council for inclusion in the MPO's TIP and subsequently the STIP;
6. **METROPOLITAN PLANNING FUNDING.** The parties agree that the Council will utilize PL and Section 5303 funds from the US DOT to carry out this planning work and will not request additional funding from the other parties;
7. **AIR QUALITY CONFORMITY.** The MPO must assure that its transportation plan and TIP are in conformity with the federal Clean Air Act. This will continue to be accomplished under the process described in the "Transportation Conformity Procedures for Minnesota." Portions of Wright County, as well as portions of the original seven county MPO area, have been included in the air quality maintenance area for the region since the maintenance area was designated by US EPA in 1999;
8. **COMMUNICATION.** Provision of a forum for interaction among local jurisdictions, between local jurisdictions and state agencies, and between state/local agencies and the public is a key responsibility of MPOs. In order to maintain open communication on transportation planning issues, the Council will coordinate at least one meeting each year between the chair of the Council or the chair of the Council's transportation committee, the chair of the Council's Transportation Advisory Board, and local elected officials of the affected communities in the extended area. At a staff level, each of the two counties (Sherburne and Wright) will be invited to send a representative to the MPO's Technical Advisory Committee (TAC). The TAC reviews and recommends for approval the long-range transportation plan, the TIP, UPWP and other studies and plans undertaken by the Council;



9. **PUBLIC PARTICIPATION.** Public participation in the preparation of all transportation planning documents, including the long range plan and the TIP, will be facilitated by provision of public meeting and/or public hearing locations convenient to residents of the extended area and dissemination of information through local channels in Sherburne and Wright Counties, such as libraries and community media. Material will also be electronically available on the Council's website;
10. **LEGAL AUTHORITY.** This MOU is not a legally binding agreement and creates no legally binding obligations for any party. Because of the mutual desire to proceed and achieve the goals stated in this MOU, each party fully intends to make a good faith effort to achieve the goals described above to work together to comply with the federal and state laws;
11. **GOVERNMENT DATA.** The parties acknowledge that this MOU, as well as any data created, collected, stored, or received under the terms of this MOU, are "Government Data" within the meaning of the Minnesota Government Data Practices Act (Minnesota Statutes Chapter 13), and that they must comply with the provisions of the Act as if related to such data;
12. **EFFECTIVE DATE.** This MOU shall be effective when all appropriate signatures have been obtained by the Council, the Region 7W TPB, Wright and Sherburne Counties, and the cities of Albertville, Elk River, Hanover, Otsego, and St. Michael;
13. **MODIFICATION.** Any amendments to this MOU must be mutually agreed to in writing. All parties agree to review the MOU (and amend as necessary) following the release of urban areas boundaries by the U.S. Census Bureau based on the 2020 U.S. Census;
14. **TERMINATION.** The terms of this MOU may be terminated by any one of the parties by giving 90 days written notice to each of the other parties. This MOU will remain in effect until terminated as provided in this clause, or until replaced by a new MOU.

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intentionally left blank.*

**I concur with this Memorandum of Understanding**

Sherburne County

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

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intentionally left blank.*

**I concur with this Memorandum of Understanding**

Wright County

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

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intentionally left blank.*

**I concur with this Memorandum of Understanding**

City of Albertville

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

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intentionally left blank.*

**I concur with this Memorandum of Understanding**

City of Elk River

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

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intentionally left blank.*

**I concur with this Memorandum of Understanding**

City of Hanover

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

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intentionally left blank.*

**I concur with this Memorandum of Understanding**

City of Otsego

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

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intentionally left blank.*

**I concur with this Memorandum of Understanding**

City of St. Michael

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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intentionally left blank.*



**I concur with this Memorandum of Understanding**

Region 7W Transportation Policy Board

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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intentionally left blank.*

**I concur with this Memorandum of Understanding**

Metropolitan Council

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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## GENERAL ADMINISTRATION

**5964 Main Avenue NE Lease:** Staff has arranged to have the two service doors to the office building replaced. Other than the doors, the project is complete and looks great.

**54<sup>th</sup> Street NE and Barthel Industrial Drive NE Intersection:** We have provided the League with all the requested documents regarding the flood claims and are awaiting a decision from the LMCIT. A proposal for design and plan preparation is included on the agenda

**70<sup>th</sup> Street NE Agreement:** The agreement has been approved by the three cities and the County Board will be discussing the agreement at their November 19<sup>th</sup> transportation committee meeting.

**Senior Center Director Position:** On November 4<sup>th</sup>, the selection committee interviewed the three finalists for the position and ultimately offered the job to Mrs. Vonnie Waters. Mrs. Waters has accepted the position and will begin work on November 25<sup>th</sup>, approximately one month before Joyce retires.

## ENGINEERING/PUBLIC WORKS

**I-94 Coalition:** We are anxiously awaiting the announcement of the Corridor for Commerce funding recipients. Based on several very positive stakeholder meetings arranged by MnDOT, we believe the I-94 6-lane project between 101 and 241 has an excellent chance of being funded. A formal press release is expected later this week.

**CSAH 19 Speed Limit:** We have received notice from the County Highway Department that MnDOT will be changing the posted speed limit, between 57<sup>th</sup> Street and the Outlet Mall intersection, from 40 MPH to 45 MPH. The revised speed limit is based on MnDOT speed studies and at the direction of MnDOT's Central Office.

**Hunter's Pass 2<sup>nd</sup> Addition:** We have received a plat application for 12 residential lots in Hunter's Pass. The application will be presented to the Planning Commission in December and the City Council in January.

**Guardian Angels:** We have delivered the consent to plat from Guardian Angel's mortgage company to the county surveyor. Once the surveyor delivers the plat to the recorder's office, all development documents will be recorded.

**Public Building Interconnect:** The installation of the fiber is complete and installation of the new internal hardware on hook-ups in the buildings is underway. Staff expects to have the project completed by year-end. Staff has made arrangements with TIES (the School District's provider) for internet service.

**57<sup>th</sup> Street N.E. – 2014 Project:** Staff will be meeting with Church of St. Albert’s building and grounds committee next week to discuss the potential 2014 project concept and right-of-way impacts.

**Darkenwald Grading Permit:** The grading permit discussed at the last Council meeting has been issued to the Darkenwalds.

**UPCOMING EVENTS and ANNOUNCEMENTS**

- December 9 (Monday) – Informational meeting regarding the new RiverRider transit service, 2:00 PM at the Senior Center
- December 12 (Thursday) – Retirement party for Senior Center Director Joyce Flurry, 3:00 PM – 7:00 PM (short program at 5:00 PM) at St. Michael City Center

**ATTACHMENTS:** None