



City of Albertville Council Agenda

TUESDAY, February 18, 2014

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 February 3, 2014 regular City Council meeting minutes as presented (pgs 4-12)
- B.** Authorize the Tuesday, February 18, 2014 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 13)
- C.** Approve the 3.2% Mart Liquor License for the Albertville Lions with the following motions (pgs 14-15):
 - I.** Lift the prohibition of consumption of alcoholic beverages at the Albertville Fire Hall, 11350 57th Street NE, for a one-day benefit on March 22, 2014.
 - II.** Approve a one-day temporary 3.2% Malt Liquor License application submitted by the Albertville Lions Club for a benefit to be held from 3:00 p.m. to 9:00 p.m. on March 22, 2014 at the Albertville Fire Hall.

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

A. City Council

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

B. Finance

- 1). **Fire Relief Pension Liability Update (pgs 16-19)**

C. Planning/Zoning

- 1). **Mobile Food Truck Licensing and Regulation (pgs 20-25)**
(Motion to Adopt an ordinance amendment to City Code Chapter 4 (Peddlers, Solicitors and Transient Merchants) and Section 200.2 (Definitions) of the Zoning Ordinance, relating to mobile food unit regulation.)

D. City Clerk – None

E. Public Works / Engineering – None

F. Building - None

G. Legal - None

H. Administration

- 1). **City Administrator's Update (pg 26)**

9. Announcements and/or Upcoming Meetings

February 24	Joint Powers Water Board, 6:30 p.m. Parks Committee, 8:00 p.m.
March 3	City Council, 7:00 p.m.
March 10	STMA Ice Arena Board, 6:00 p.m.
March 11	Planning Commission, 7:00 p.m.
March 17	City Council, 7:00 p.m.
March 24	Joint Powers Water Board, 6:30 p.m.
April 7	City Council, 7:00 p.m.
April 8	Planning Commission, 7:00 p.m.
April 14	STMA Ice Arena Board, 6:00 p.m.
April 21	City Council, 7:00 p.m.
April 23	Local Board of Appeal & Equalization, 5:30 p.m.
April 28	Joint Powers Water Board, 6:30 p.m.

MARCH						
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23	JP 24 ^{PK}	25	26	27	28	29
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APRIL						
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13	Ice 14	15	16	17	18	19
20	CC 21	22	23	24	25	26
27	JP 28	29	30			

10. Adjournment



ALBERTVILLE CITY COUNCIL
February 3, 2014

DRAFT MINUTES

ALBERTVILLE CITY HALL

7:00 PM

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Acting Mayor Vetsch called the meeting to order at 7:00 p.m.

2. ROLL CALL

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

Absent: Mayor Hendrickson

Others Present: City Administrator-PWD Adam Nafstad, City Attorney Mike Couri, City Planner Alan Brixius, Finance Director Tina Lannes, Water/Wastewater Supervisor John Middendorf, City Clerk Olson, and Nathan Jones.

3. RECOGNITIONS, PRESENTATIONS, INTRODUCTIONS - None

4. PUBLIC FORUM

There was no one present to speak.

5. APPROVAL OF THE AGENDA

Brixius requested Item C1, Hunters Pass 2nd Addition Preliminary Plat, Final Plat, and PUD be moved to immediately follow the public hearing for the Hunters Pass 2nd Addition Utility and Drainage Easements.

Motioned by Wagner, seconded by Olson, to approve the agenda as amended. Ayes: Vetsch, Olson, Sorensen, and Wagner. Nays: None. Absent: Hendrickson. 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 January 21, 2014 regular City Council meeting minutes as presented

- B. Authorize the Monday, February 3, 2014 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 the annual permit renewal for Consumption and Display of liquor for the City Hall building located at 5959 Main Avenue NE for the period of April 1, 2014 through March 31, 2015
- D. Adopt Resolution No. 2014-004 titled Resolution Regarding the Administration of the Minnesota Wetland Conservation Act

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

7. PUBLIC HEARING

A. Hunters Pass 2nd Addition Drainage and Utility Easement Vacation

Brixius stated they approved a coved subdivision in 2005 for the Hunters Pass Estates development. Phase I of the development included 63 single family lots and Tollberg Homes is now proposing to develop 12 additional lots. Phase II adheres to the standards of the original plat, but requests reduced rear yard setbacks to implement a wetland buffer zone. The Planning Commission recommended approval of the plats and PUD, but required the lot setbacks recommended by the City Engineer be a condition of approval. The developer will be required to provide signage for the wetland buffer.

Staff identified that 70th Street NE will become a fairly heavily travelled street and a revised landscape plan was requested to address screening. The development will require park dedication payments and the developer has asked to pay those in installments. They propose to pay for four (4) lots at a time and prior to any issuance of building permits or title transfer, the installment for the next four (4) would be due. Brixius stated that the Letter of Credit from the developer's bank would also help to secure payment of the park dedication fees. Staff indicated the applicant will bring the properties into the Home Owners Association and By-Laws in Phase I at final plat.

Motioned by Olson, seconded by Wagner, to open the public hearing. Ayes: Vetsch, Olson, Sorensen, and Vetsch. Nays: None. Absent: Hendrickson. MOTION DECLARED CARRIED.

Couri reported the easements will be over Outlot C. He stated the easements would be lifted and reapplied at the time of final plat. There would be no time where there would not be an easement in place.

There was no public comment.

Motioned by Olson, seconded by Sorensen, to close the public hearing. Ayes: Vetsch, Olson, Sorensen, and Wagner. Nays: None. Absent: Hendrickson. MOTION DECLARED CARRIED.

Vetsch was concerned about some of the lots being narrow. Brixius replied that on those lots, the side and rear yard setbacks are standard with only the front yard setback as a variable.

Couri reviewed the Developer's Agreement. He stated that construction of On and Off site improvements must be completed by October 31, 2014. He stated they would have standard terms for the developer's Letter of Credit from an FDIC insured bank no less than 100 miles from Albertville. Couri felt it would be preferable to collect the park dedication fees upfront to help rather than in installments and would prevent having to go to the future homeowner to collect those fees.

Nathan Jones, Tollberg Homes, stated the new homes are on board to join the existing homeowner's association. Tollberg's Letter of Credit will be issued by the First National Bank of Elk River. Jones reported development has changed over the last few years and it is difficult to get outside funding. Their request to pay the park dedication fees as development progresses will help their upfront costs and help the project get started. He added that the fees would be covered by the Letter of Credit and they are open to options regarding the park dedication fees.

Nafstad inquired if a sunset date could be identified for them to pay the park dedication fees. He stated that he could see this asked by other developers in the future. Couri reported that if it is granted for Tollberg, the City is not required to provide it for future developers. However, he recommended it be part of the Letter of Credit as well as setting a sunset by which payment must be made. Vetsch inquired if they could use an assessment on the properties. Couri stated they could assess the properties with a defined payment date, and this would ensure the City's fees are paid. Ultimately, when the property title changes hands, a special assessment search is normally conducted and the fees paid at that time. Couri stated that park dedication fees are not usually checked against the Letter of Credit.

Wagner did not want to see a scenario where a homeowner would be forced to pay the park dedication fees and didn't feel that would be a very attractive selling point. Jones stated their motivation was to reduce their development loan. If it were an assessment, he felt they could pay off the special assessment when they take out the construction loan to build the house and would avoid the homeowner issue.

Vetsch inquired how long they estimate it will take for this addition. Jones replied that it should take about a year and a half. Vetsch inquired what type of home they are proposing. Jones replied that the homes would be two-stories around 2,300-2,400 square feet.

Brixius stated the development agreement could offer two options for the park dedication fees: pay the amount in full up front or place a special assessment on the properties. Brixius stated that with such a short time frame for development, the assessments should be for a fairly short timeframe. Lannes stated they could also pre-pay on the assessments

when they obtain the construction loans. Wagner stated he did not have issue with the assessments/payments from the construction loan if it is a viable option for the developer. Couri stated this could be viewed as a one-time incentive and could be explained in that manner to any future developer.

Couri suggested that the park dedication fee of \$3,300 per lot be assessed to all lots and then as the developer comes in with their construction loan, they pay down the special assessment on each lot. Lannes felt this would be the cleanest way to handle this situation.

Motioned by Wagner, seconded by Sorensen, to adopt Resolution No. 2014-005 approving the Preliminary Plat, Final Plat, and Planned Unit Development Amendment for Hunters Pass Estates 2nd Addition with recommended changes to be drafted by the City Attorney. Ayes: Vetsch, Olson, Sorensen, and Wagner. Nays: None. Absent: Hendrickson. MOTION DECLARED CARRIED.

Motioned by Wagner, seconded by Olson, to adopt Resolution No. 2014-006 vacating all Easements within Outlot C of Hunters Pass Estates within the City of Albertville. Ayes: Vetsch, Olson, Sorensen, and Wagner. Nays: None. Absent: Hendrickson. MOTION DECLARED CARRIED.

8. DEPARTMENT BUSINESS

A. City Council

- 1). **Committee Updates** (*STMA Arena, Planning, Parks, Fire Board, JPWB, etc.*)
Nafstad reported the February Planning Commission meeting has been cancelled. The Fire Board will be meeting at the end of February.

B. Public Works and Engineering

- 1). **Utility Report – 2013 Year in Review**

Middendorf gave a brief update of the Water/Wastewater Department's activities. Middendorf spoke about utility locate requests and the large volume they process through the department.

Middendorf stated it has been a very busy winter in addition to the snow plowing routes they assist with. Vetsch was concerned with the amount of work hours during the weekend that detracts from family time and stated that routine can be very tiring for employees.

- 2). **57th Street NE and Church of St. Albert Parking Lot Improvements**

Nafstad reported the projects are coordinated to help reduce costs. He is currently in negotiations with the Church for right-of-way acquisition and they are close to an agreement. The cost of the acquisition will be deducted from the Church's share of project costs. The Church is in support of the concept.

Vetsch was concerned with the proposed three (3) accesses off of Lander Avenue NE. Nafstad reported the accesses were lined up with the drive lanes in the parking

lot. He felt that three (3) accesses on Lander Avenue NE would be more beneficial than two (2) accesses on 57th Street NE and there will be on-street parking on both sides of 57th Street NE.

Motioned by Sorensen, seconded by Olson, to approve the January 20, 2014 proposal from Bolton and Menk, Inc. for preparation of plans and specifications of the 57th Street NE and the Church of St. Albert's Parking Improvements at an hourly not to exceed fee of \$58,000. Ayes: Vetsch, Olson, Sorensen, and Wagner. Nays: None. Absent: Hendrickson. MOTION DECLARED CARRIED.

C. Planning/Zoning – CONTINUED

1). Mobile Food Unit Licensing and Regulation

Brixius stated they have received several requests for mobile food trucks to sell food within the City. Though they had been licensed as either temporary seasonal sales or as a transient merchant, there are no regulations that specifically apply to food trucks in the City ordinance. There is also the concern what impact the food trucks will have on established restaurants in the City. The Planning Commission recommended approval of the the proposed ordinance in a 3-1 vote. Support was based on an increase in opportunities for dining and possibly having a food truck located in the City as an established business. The descending vote was concerned with the impact on the brick and mortar dining establishments.

Brixius explained the definitions they assigned to food truck as well as ice cream trucks. He showed a diagram of the location of all food establishments within in the City. Several of the proposed requirements for a food truck would include proof of licensure by the MN Health Department and they must operate in the commercial, industrial and public/institutional districts. The hours of operation would be restricted from 10:00 p.m. to 8:00 a.m. to help abate nuisance complaints. Applicants would have to operate at least 200 feet from an existing food establishment and this would be measured from the existing building (not property line) to the mobile food unit. Staff suggested ice cream trucks be exempted to be able to operate in all zoning districts as they sell pre-packaged goods and would fall under less regulations.

Vetsch expressed concerns about charitable events as well as Albertville Friendly City Days having to receive a permit. Brixius stated they could make an exception to the ordinance. Sorensen inquired about fees and Clerk Olson explained the fee would be nominal and similar to the transient/peddler fees. Brixius stated they would like the licensing process to be simple for staff to utilize. He stated there is a requirement on the part of the applicant to provide sufficient information needed to process the license.

Nafstad inquired if gas stations and the Outlet Mall should also have the 200 foot buffer. Brixius stated that the buffer is in place to allow restaurants to compete in an equitable fashion; however, a restaurant can grant a food truck permission to set up in their parking lot if they so choose. Sorensen was not inclined to include gas

stations. Nafstad had concerns about staff's ability to monitor and enforce the ordinance, specifically in regards to weekend sales.

Couri suggested they may want to consider exempting the Farmers Market; Brixius stated there is room at Central Park to meet the 200 foot buffer requirements from the restaurants along Main Avenue NE. He stated that if there is someone in the park not associated with the Farmers Market and working for profit, he would suggest the requirement for them. Sorensen was not in favor of regulating the Farmers Market with this ordinance and would like to see charitable groups exempted. Brixius suggested he come back at the next meeting with the recommended changes given by Council.

Motioned by Sorensen, seconded by Wagner, to table the ordinance amendment to the next regularly scheduled meeting on Tuesday, February 18, 2014. Ayes: Vetsch, Olson, Sorensen, and Wagner. Nays: None. Absent: Hendrickson. MOTION DECLARED CARRIED.

2). Home Occupations Text Amendment

Olson stated that he will abstain from the discussion and vote due to current daycare in his home.

Brixius stated they received a complaint regarding a home daycare and upon researching the complaint, staff found that many of the home daycares within Albertville have not obtained a home occupation permit per the City Code. However, these daycares are regulated and licensed through Wright County. The proposed ordinance is a text amendment to allow home daycares serving 14 or fewer children as a permitted accessory use in all residential districts. A special use permit would be required if serving more than 14 children, employing additional staff, or bringing in additional equipment. Staff suggested changing this special home occupation to administrative permit, eliminating the escrow required and reducing the fee to \$30. This move would streamline work for staff and take home occupations from a permitting process to an enforcement process.

Motioned by Wagner, seconded by Sorensen, to adopt Ordinance No. 2014-03 amending Appendix A, Zoning Ordinance of the Albertville City Code related to changes to Section 200.2, Definitions; Chapter 1600, Home Occupations; Chapter 3100, A-1 Agricultural District Accessory Uses; Chapter 3200, A-2 Agricultural Transitional District Accessory Uses; and Chapter 3250, R-1A Residential Low Density Single Family District Permitted Uses. Ayes: Vetsch, Sorensen, and Wagner. Nays: None. Abstain: Olson. Absent: Hendrickson. MOTION DECLARED CARRIED.

3). Goals and Priorities

Brixius outlined initiatives identified by the Planning Commission. He stated that a lot of goals outlined in the 2012 Vision Study in the last two (2) years have been realized. Brixius stated he was looking for discussion on upcoming goals and

priorities for the City and asked the Council to come back at the next meeting with some ideas. Council discussed some initiatives as business retention, senior one-level living, and pedestrian crossings near the Outlet Mall.

Motioned by Sorensen, seconded by Olson, to table the topic to the next meeting. Ayes: Vetsch, Olson, Sorensen, and Wagner. Nays: None. Absent: Hendrickson. MOTION DECLARED CARRIED.

D. Finance

1). Albertville Fire Department Annual Retirement Benefit

Lannes stated that annually the Albertville Fire Department receives the same cost of living as other City employees; however, they choose to put that money toward their Fire Relief pension rather than their hourly rate of pay. She stated it would be an additional \$12,000-15,000 increase. Vetsch was concerned about the total liability to the City if there should be a large number of members retiring at the same time. Sorensen didn't see a great likelihood they would see that occur. Lannes stated that the liability lies with the State unless the pension falls below 80% funded and they are meeting that requirement right now. Vetsch would like to see the financials regarding the pension at the next meeting and Lannes stated she would provide them at that time.

Motioned by Sorensen, seconded by Wagner, to approve Resolution No. 2014-007 amending the Annual Retirement Benefit for the Albertville Fire Department effective January 1, 2014. Ayes: Vetsch, Olson, Sorensen, and Wagner. Nays: None. Absent: Hendrickson. MOTION DECLARED CARRIED.

E. City Clerk

1). Set Local Board of Appeals and Equalization for April 23, 2014

Motioned by Vetsch, seconded by Sorensen, to set the Local Board of Appeals and Equalization meeting for April 23, 2014 at 5:30 p.m. in the City Council Chambers. Ayes: Vetsch, Olson, Sorensen, and Wagner. Nays: None. Absent: Hendrickson. MOTION DECLARED CARRIED.

2). Voting Precincts

Clerk Olson reported that staff has identified the need to address the size of the City's precinct and stated it is larger than the MN Secretary of State's recommendation for number of registered voters for one precinct. Issues of concern that prompted the discussion include the demand on election judges, inadequate parking, crowded conditions, slower results totals, and the possibility for increased errors. She stated that she has met with Wright County to determine the appropriate actions to take if the precinct were changed. The County recommended that the Elk River School District be kept in one precinct to eliminate the need for multiple ballot styles in both precincts. Staff included a proposed boundary line if the Council were to choose to split the current precinct. Council had requested all options be presented regarding the polling location. Clerk Olson stated they could move the precinct to a larger facility or split the precinct into two (2) . She outlined

the additional costs for both options. She indicated that staff did not feel it is an option to keep the precinct as is.

Nafstad referenced the report from the Secretary of State and Clerk Olson stated that the State had pulled together information on cities approximately the same size as Albertville and it is very telling that Albertville is the only city with a single precinct for that population size. Council inquired about the other large precincts in Wright County and Clerk Olson stated there are only about three or four larger precincts and all are in larger facilities.

Sorensen stated that he is reluctant to support it because of expenses and felt it hard to justify since elections are every four (4) years. He stated that he has not received any complaints about elections. Lannes reported on the closing procedures after the doors close on Election Day and the toll it takes on the election judges. She stated the addition of equipment and/or precincts was brought up in the 2010 redistricting and capital has been put aside for this since then. Vetsch stated he would not oppose splitting the precincts. Olson stated that he could support either option if it would relieve the parking issues on Election Day. Wagner stated he did not feel strongly either way. Vetsch stated that it is important the election process works smoothly for staff and election judges and doesn't discourage voters.

Staff stated that no action is required at this time and will bring a recommended action forward to Council at the March 3, 2014 meeting.

F. Legal – None

G. Building - None

H. Administration

1). School Funding Letter

Nafstad stated the Elk River School District is supportive of the editorial letter and the City of St. Michael has endorsed it.

Motioned by Olson, seconded by Vetsch, to endorse the editorial prepared by the STMA School Board for publication in the Star Tribune and titled: "In Education, Kids are Not Treated Equally". Ayes: Vetsch, Olson, Sorensen, and Wagner. Nays: None. Absent: Hendrickson. MOTION DECLARED CARRIED.

2). City Administrator's Update

Nafstad stated he, Hendrickson, and Olson attended the State of the Cities and reported Albertville is doing comparatively well.

10. ANNOUNCEMENTS and/or UPCOMING MEETINGS

February 10

STMA Ice Arena Board, 6:00 p.m.

February 17

Presidents' Day, City Offices Closed

February 18	City Council, 7:00 p.m.
February 24	Joint Powers Water Board, 6:30 p.m. Parks Committee, 8:00 p.m. (Moved from Jan. 27)
March 3	City Council, 7:00 p.m.
March 10	STMA Ice Arena Board, 6:00 p.m.
March 11	Planning Commission, 7:00 p.m.
March 17	City Council, 7:00 p.m.
March 24	Joint Powers Water Board, 6:30 p.m. Parks Committee, 8:00 p.m.

11. ADJOURN MEETING

Motioned by Sorensen, seconded by Olson, to adjourn the meeting at 9:32 p.m. Ayes: Vetsch, Olson, Sorensen, and Wagner. Nays: None. Absent: Hendrickson. MOTION DECLARED CARRIED.

Respectfully submitted,

Kimberly A. Olson, City Clerk

February 12, 2014

SUBJECT: CONSENT - FINANCE – PAYMENT OF BILLS

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

MOTION TO: Authorize the Tuesday, February 18, 2014 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)

February 13, 2014

SUBJECT: CONSENT - CITY CLERK - ALBERTVILLE LIONS ONE-DAY TEMPORARY 3.2% MALT LIQUOR LICENSE

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

MOTION TO:

- 1) Lift the prohibition of consumption of alcoholic beverages at the Albertville Fire Hall, 11350 57th Street NE, for a one-day benefit on March 22, 2014.
- 2) Approve a one day temporary 3.2% Malt Liquor License application submitted by the Albertville Lions Club for a benefit to be held from 3:00 p.m. to 9:00 p.m. on March 22, 2014 at the Albertville Fire Hall.

BACKGROUND: Temporary 3.2 Malt Liquor Licenses are available to clubs, charitable organizations, non-profits and religious organizations. The Albertville Lions Club holds several events throughout the year to raise money for community projects and benefits. The Albertville Lions Club has applied for a one-day temporary 3.2% Malt Liquor License for a benefit for one of the members of the Albertville Fire Department to be held on Saturday, March 22, 2014 from 3:00 p.m. - 9:00 p.m.

KEY ISSUES:

- The Albertville Lions Club has submitted an application for the event and will be serving the alcohol for the benefit.
- The Albertville Lions Club carries the necessary insurance to cover the event and the license should be granted conditioned on payment of the fee and submittal of proof of insurance.
- The event will take place at the Albertville Fire Hall and Council will need to grant an exception to the City's Code prohibiting consumption of alcohol at the Fire Hall in order to approve the event.

FINANCIAL CONSIDERATIONS: There is a minimal fee for the one-day license.

POLICY CONSIDERATIONS: The Mayor and City Council have the authority to review and direct staff to take action regarding all liquor license applications received by the City of Albertville. The City Council has the authority and discretion to issue an exemption to liquor consumption on City property (Section 8-4-2).

LEGAL CONSIDERATIONS: Staff has discussed the license and above motions with the City Attorney. No issues exist that would prohibit Council from approving the license.

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

Submitted through: Adam Nafstad, City Administrator-PWD

Attachments: Lions Application



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

APPLICATION FOR ONE-DAY 3.2% MALT LIQUOR LICENSE

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

A license fee of \$10.00 per day is required to accompany this application.

Office Use Only

Date Rec'd: 2-13-14

Amount Pd: _____

Check/Cash: _____

License mailed: _____

- Name of Applicant (organization): Albertville Lions
- Name and Address of President and Secretary of Applicant:
Shawn Treptau St Michael MN
Sharon Edelman Albertville
- Purpose for which funds derived will be used: Benefit
- Date(s) of activity: March 22 2014
- Premises from which 3.2% malt liquor will be dispensed on said date:
Albertville Fire Hall
- Hours of operation: 3-9 PM
- Number of previous license obtained this calendar year: 3?
- Name, address, telephone number and position held with Club of person signing this application: Jay Eull
10463 Karston Circle NE Albertville MN
55301

Applicant's Signature

2-13-14
Date



Mayor and Council Communication

February 13, 2014

SUBJECT: FINANCE – FIRE RELIEF PENSION PROJECTED LIABILITY AS OF 12-31- 2013

BACKGROUND: As requested by the Council, the following information is offered. No action on this item is needed.

INFORMATION: Annually, following the previous year's audit, the Minnesota Office of the State Auditor sends the City an investment report card on the investments for the Albertville Fire Relief Association.

The attached report card, for year ended December 31, 2012, shows the Association's investment percentage and rates of return. The primary element of this report is to verify that the Association is reaching the one-year benchmark, which they did for 2012. We will not receive the 2013 report until the summer of 2014.

In addition, annually, there is a calculation of net assets and liabilities for the next fiscal cycle on form SC-13 (attached). For December 31, 2013 the projected net assets for the Association was \$688,935. The projected liability was \$619,494, and a resulting surplus of \$69,441 in the fund.

The City of Albertville budgets and sets aside capital funds potential pension shortfalls. The City is required to contribute funds if the Association's assets drop below 80% of the total pension liability. Currently, the association is projected to be 112% funded for 2013.

The City's Capital Reserves for Fire Pension is currently \$99,000. Staff recommends building this balance to a minimum of 20% of the total liability.

It should be noted that the Fire Relief Association is doing a very good job with their investments and management of their funds.

Responsible Person/Department: Tina Lannes, Finance Director

Submitted Through: Adam Nafstad, City Administrator-PWD

Attachments: Investment Report card and Form SC-13



REBECCA OTTO
STATE AUDITOR

STATE OF MINNESOTA
OFFICE OF THE STATE AUDITOR

SUITE 500
525 PARK STREET
SAINT PAUL, MN 55103-2139

(651) 296-2551 (Voice)
(651) 296-4755 (Fax)
state.auditor@osa.state.mn.us (E-mail)
1-800-627-3529 (Relay Service)

Investment Report Card

Albertville Fire Relief Association
For the Year Ended December 31, 2012

Rates of Return

One-Year	8.99%
Three-Year	5.21%
Five-Year	1.06%
Ten-Year	4.49%
Fifteen-Year	3.50%
Custom Benchmark (One-Year)	8.20%

Asset Allocations

	Domestic Stock	International Stock	Bonds	Cash	Other
As of 01/01/12	32.87%	5.17%	41.35%	19.54%	1.07%
As of 12/31/12	37.58%	12.45%	35.76%	13.32%	0.89%

Benchmark Information

2012 Index Returns

Russell 3000 (Domestic Stock)	16.42%
MSCI ACWI ex. U.S. (International Stock)	16.83%
Barclays Capital Aggregate (Bonds)	4.21%
90-Day U.S. Treasury Bill (Cash)	0.08%
Russell 3000 (Other)	16.42%

Voluntary Statewide Plan

2012 State Board of Investment Returns

SBI Bond Market	6.67%
SBI Common Stock	16.35%
SBI Growth Share	16.83%
SBI Income Share	12.21%
SBI International Share	17.58%
SBI Money Market	0.27%

Calculation of Normal Cost

	2013	2014	
Total Active Member Liabilities	498,994	548,642	
Total Deferred Member Liabilities	120,500	120,500	
Total Unpaid Installments	0	0	
Grand Total Special Fund Liability	A. 619,494	B. 669,142	
Normal Cost (Cell B minus Cell A)			C. 49,648

Projection of Net Assets for Year Ending December 31, 2013

Special Fund Assets at December 31, 2012 (RF-12 ending assets)		1	597,280
Projected Income for 2013			
State Fire Aid (2012 aid may be increased by up to 3.5%)	D. 41,915		
Municipal / Independent Fire Dept. Contributions	E. 0		
Interest / Dividends	F. 10,019		
Appreciation / (Depreciation)	G. 39,721		
Member Dues (If deposited in Special Fund)	H.		
Other Revenues	I.		
Total Projected Income for 2013 (Add Lines D through I)		2	91,655
Projected Expenses for 2013			
Service Pensions	J.		
Member Names:			
Other Benefits	K.		
Administrative Expenses	L.		
Total Projected Expenses for 2013 (Add Lines J through L)		3	0
Projected Net Assets at December 31, 2013 (Add Lines 1 and 2, subtract Line 3)		4	688,935

Projection of Surplus or (Deficit) as of December 31, 2013

Projected Assets (Line 4)	5	688,935
2013 Accrued Liability (Page 4, cell A)	6	619,494
Surplus or (Deficit) (Line 5 minus Line 6)	7	69,441

Calculation of Required Contribution

Deficit Information - Original			Deficit Information - Adjusted		
Year Incurred	Original Amount	Amount Retired as of 12/31/2012	Original Amount	Amount Retired as of 12/31/2013	Amount Left to Retire 1/1/2014
2004	0	0			
2005	0	0			
2006	0	0			
2007	0	0			
2008	0	0			
2009	0	0			
2010	0	0			
2011	0	0			
2012	26,837	0			
2013					
Totals	26,837				

Normal Cost (Page 4, cell C)		8	49,648
Projected Administrative Expense	Enter 2012 Admin Exp here:	9	0
Amortization of Deficit (Total of Original Amount column x 0.10)		10	0
10% of Surplus (Line 7 x 0.10)		11	6,944
State Fire Aid		12	41,915
Member Dues		13	0
5% of Projected Assets at December 31, 2013 (Line 4 x 0.05)		14	34,447
Required Contribution (Add Lines 8, 9 and 10, subtract Lines 11, 12, 13 and 14. If negative, zero is displayed.)		15	0

No required contribution due in 2014.

Mayor and Council Request for Action

February 7, 2014

SUBJECT: PLANNING DEPARTMENT – MOBILE FOOD UNIT LICENSING AND REGULATION

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

MOTION TO: Adopt an ordinance amendment to City Code Chapter 4 (Peddlers, Solicitors and Transient Merchants) and Section 200.2 (Definitions) of the Zoning Ordinance, relating to mobile food unit regulation.

BACKGROUND: The City Council considered a draft ordinance amendment and permit pertaining to the regulation of food trucks in Albertville during their February 3, 2014 meeting. In that discussion it was determined that the ordinance amendment should be revised to address vendors that should be considered exempt from mobile food unit regulations. In particular, the City wished to exclude vendors associated with non-profit or religious events, and vendors at City events including Friendly City Days and the City-approved farmers market. Chapter 4 Section 4-4-11 of City Code already addresses exemptions from transient merchant licensing and regulation. Planning staff further amended this section to specifically address exemptions for the described vendors.

In addition, the City requested that the amendment clearly define mobile food units as self-contained units that store, cook and prepare food for direct sale to consumers, so as to differentiate them from other food trucks involved in the delivery of prepackaged and prepared food. Ice cream trucks would fall within the later definition, but have still been addressed in regulations proposed for mobile food units given their unique mode of operation.

A current version of the draft ordinance amendment providing regulations for mobile food units in City Code *Ch. 4 Peddlers, Solicitors and Transient Merchants* and a definition for this use in Zoning Ordinance *Section 200.2 Definitions* is being provided to the City Council for review and approval.

POLICY/PRACTICES CONSIDERATIONS: None.

FINANCIAL CONSIDERATIONS: None.

LEGAL CONSIDERATIONS: In accordance with Council procedures, the Mayor and City Council has the authority to approve or deny the draft ordinance amendment.

Responsible Person/Department: Alan Brixius, City Planner

Submitted Through: Adam Nafstad, City Administrator

Attachments: Draft Ordinance Amendment
City Code Chapter 4 Sec. 4-4-11 Exemptions from Provisions

CITY OF ALBERTVILLE
COUNTY OF WRIGHT
STATE OF MINNESOTA

ORDINANCE NO. 2014 –02

AN ORDINANCE AMENDING CITY CODE CHAPTER 4 (PEDDLERS,
SOLICITORS AND TRANSIENT MERCHANTS), AND SECTION 200.2 (DEFINITIONS) OF
CHAPTER 0200 (RULES AND DEFINITIONS) IN APPENDIX A (ZONING ORDINANCE),
OF THE 2005 ALBERTVILLE MUNICIPAL CITY CODE, RELATING
TO MOBILE FOOD UNIT (FOOD TRUCK) REGULATIONS

Section 1. Section 4-4-2 (Definitions) of Chapter 4 (Peddlers, Solicitors and Transient Merchants) is hereby amended as follows:

4-4-2 DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CANVASSER: Any person canvassing for funds door-to-door in the city on behalf of a charitable, religious or nonprofit organization as defined in internal revenue service code section 501(c)(3).

MOBILE FOOD UNIT: A food and beverage service establishment that is a vehicle mounted unit, such as:

- (1) Motorized or trailered, operating no more than twenty-one (21) days annually at any one place, or operating more than twenty-one (21) days annually at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; and a self- contained unit, in which food is stored, cooked, and prepared for direct sale to the consumer.
- (2) Operated in conjunction with a permanent business licensed under Chapter 157 or Chapter 128A of the Minnesota State Statutes at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location; and a self- contained unit, in which food is stored, cooked, and prepared for direct sale to the consumer.
- (3) Food Cart: A food and beverage service establishment that is a non-motorized vehicle self-propelled by the operator.
- (4) Ice Cream Truck: A motor vehicle utilized as the point of retail sales of pre-wrapped or pre-packaged ice cream, frozen yogurt, frozen custard, flavored frozen water or similar frozen dessert products.

PEDDLER: Any person with no fixed place of business dealing in the City who travels around from place-to-place, or street-to-street, carrying or transporting goods, or soliciting for all manner of wares, services and merchandise, offering such wares, service or merchandise for sale or making sales and delivering articles to purchasers.

SOLICITOR: Any person who goes from place-to-place and/or house-to-house soliciting or taking or attempting to take orders for the purchase of any food, wares or merchandise, including magazines, books, periodicals or personal property of any nature whatsoever for delivery in the future, or orders for the performance of a service in or about the home or place of business, such as furnace cleaning, roof repair or blacktopping.

TRANSIENT MERCHANT: Any person, whether as principal, employee or agent, who engages in, does, or transacts any temporary or transient business in the City, either in one locality or traveling from place-to-place in the City selling goods, wares, and merchandise, and who, for the purpose of carrying on such business, hires, leases, occupies or uses a building, structure, vehicle, property, or other place for the exhibition and sale of such goods, wares, and merchandise. (Ord. 2004-14)

Section 2. Section 4-4-6 (Additional Restrictions for Transient Merchants) of Chapter 4 (Peddlers, Solicitors and Transient Merchants) is hereby amended as follows:

4-4-6 ADDITIONAL RESTRICTIONS FOR TRANSIENT MERCHANTS

F. Mobile food units (MFUs) and food carts, with the exception of exempt groups or vendors as provided in Section 4-4-11 of this Chapter, are required to meet the additional following standards:

1. MFUs must be licensed by the Minnesota Health Department, and must adhere to State regulations for food trucks as provided in Food Code Chapter 4626.1860 Mobile Food Establishments; Seasonal Temporary Food Stands; Seasonal Permanent Food Stands. Evidence of the State license must be provided to the City as part of the local license application.
2. MFUs operations are limited to the business, industrial, and public/institutional districts, and are not permitted between the hours of ten o'clock (10:00) p.m. and eight o'clock (8:00) a.m. Ice cream truck vendors may operate in all zoning districts, but must adhere to the described hours of operation.
3. MFU sites shall be kept in a neat and orderly manner, and shall adhere to the following site requirements:
 - a. Trash and/or recycling collection and cleanup must be provided.
 - b. MFUs must provide independent power supply which is screened from view. Generators are permitted.
 - c. MFUs may not maintain or use outside sound amplifying equipment, televisions or other similar visual entertainment devices, lights or noisemakers such as bells, horns or whistles. Ice cream trucks traveling through a residential district may have outdoor music or noise-making devices to announce their presence.

- d. MFUs cannot obstruct the movement of pedestrians or vehicles or pose a hazard to public safety.
- e. MFUs shall be located on an asphalt or concrete surface.
- f. MFUs may not be located within 200 feet of existing restaurants or coffee shops, as measured from the MFU to the food service building.
- g. MFUs must close during adverse weather conditions when shelter is not provided.

4. MFUs must be located on private property, and the applicant must provide written consent from the property owner. However, MFUs may be located in a public park with approval from the City, and ice cream trucks are allowed to operate within the public right-of-way in residential districts.

5. Ice cream truck vendors are required to undergo a criminal background check prior to operating in the community, at the cost of the applicant.

6. If MFU sites are found to be in non-compliance with any conditions as provided in Chapter 4 of the Ordinance, the City reserves the right to revoke the MFU transient merchant license.

Section 3. Section 4-4-11 (Exemptions from Provisions) of Chapter 4 (Peddlers, Solicitors and Transient Merchants) is hereby amended as follows:

4-4-6 EXEMPTIONS FROM PROVISIONS:

A. The city clerk may determine that certain business activities that may have characteristics similar to those regulated by this chapter may be exempt from the requirements of this chapter. Examples include:

- 6. All vendors involved in the following community events: Fourth of July celebration, community festivals (i.e. Friendly City Days), Wright County fair, business expo, the City approved farmers market within a City park, Girl Scouts, Boy Scouts, Fire Department ,and any other community event or fundraisers the City Council deems exempt.

Section 4. Section 200.2 (Definitions) of Chapter 0200 (Rules and Definitions) of Appendix A (Zoning Ordinance) is hereby amended as follows:

200.2: DEFINITIONS:

TEMPORARY OUTDOOR SEASONAL SALES: The temporary sale of agricultural produce, Christmas trees, flowers and the like sold and conducted by the operators of a legitimate, established business within the appropriate zoning district in the City. City licensed mobile food units and food carts as defined in Section 4-4-2 of this code do not fall within this definition, and are exempt from temporary outdoor seasonal sale requirements as provided in Section 1000.22 of the ordinance.

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

Approved by the Albertville City Council this 18th day of February 2014.

Jillian Hendrickson, Mayor

Attest:

Kimberly A. Olson, City Clerk

The City Council may revoke any peddler's or solicitor's license only upon a showing of cause at a public hearing after the licensee has received timely notice thereof and has an opportunity to examine all witnesses in support of revocation of his or her license and the opportunity to present witnesses on his or her behalf. Notice may be given in the same manner as that prescribed for service of process under the Minnesota rules of civil procedure for the district courts. (Ord. 2004-14)

4-4-11: EXEMPTIONS FROM PROVISIONS:

A. The city clerk may determine that certain business activities that may have characteristics similar to those regulated by this chapter may be exempt from the requirements of this chapter. Examples include:

1. A solicitor or canvasser doing business by appointment. A bona fide appointment is one that is not merely obtained by going door-to-door in conjunction with the taking of orders, offering for sale or selling.
2. Solicitation of orders for future door-to-door delivery of newspapers.
3. Representatives of nonprofit, charitable, political, educational or religious groups that register with the city clerk. No fee is required to so register.
4. Canvasser who solicits orders within the state, which orders are filled at a later date with goods yet to be shipped from any state or locale other than the state of Minnesota.
5. Any person selling or peddling the products of the farm or garden occupied and cultivated by such person.
6. All vendors involved in the following community events: Fourth of July celebration, community festival, Wright County fair, business expo, Girl Scouts, Boy Scouts, fire department and any other community event or fundraisers the City Council deems exempt.
7. Garage sales, rummage sales, and craft sales.

B. This chapter does not apply to any organization, society, association or corporation if such organization is registered with the secretary of state pursuant to the provisions of Minnesota statutes section 309.51, if such organization desires to solicit or have solicited in its name money, donations of money or property or financial assistance of any kind, or desires to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization upon the streets, in office or business buildings, by house-to-house canvass or in public places. To qualify for this exemption, the organization or individual shall provide a sworn statement in writing on a form furnished by the City.

GENERAL ADMINISTRATION

STMA Arena: The dehumidification and insulation improvement project is currently out for bid. Bids will be opened on February 18. If bids prove favorable, the Council will be asked to award a contract at their first meeting in March.

County Cost Participation Policy Update: Over the past several months, the County has been collecting comments from cities and townships concerning the current (1993) County Cost Participation Policy. This past week, the County Board held a public input meeting specifically to discuss updating the policy. The primary request of cities is for cities and townships to be treated more equally, and for Federal and State funding to benefit all project partners and not just the County's share. County staff recommended policy changes that will reduce the City-share. For example, under the current policy, Albertville paid 37% of the CSAH 19 Improvement in 2007. With the proposed policy revisions in place, Albertville's share of that same project would be 18%.

Federal Transportation Funding Application: In January, Albertville and Otsego jointly submitted a grant application for Federal funds through the Region 7W Partnership. The two cities requested \$1,000,000 of an estimated \$1,750,000 project that includes construction of 70th Street NE, between CSAH 19 and Maclver Avenue NE, and intersection improvements at CSAH 19 and 70th Street NE. This past week, the R7W Transportation Advisory Committee selected our application and recommended funding in the amount of \$919,000. It is expected that the R7W Policy Board will approve this recommendation at their meeting on February 21. This money will become available in fiscal year 2018.

Spring Newsletter: The spring newsletter will be mailed out around the first week of April. If Council has any suggested topics or items they would like included in the newsletter, please let staff know as soon as possible.

ENGINEERING/PUBLIC WORKS

Public Building Interconnect: The phone/voice upgrades are 95% complete. All public buildings are currently on fiber.

57th Street NE/Church of St. Albert Improvement Project: Final design is underway. Plans and specifications will be presented to the Council in April.

Barthel Industrial Drive and 54th Street NE Drainage: Council member Olson and I met with the consulting engineers to review preliminary design options for flood mitigation. A recommended design concept and cost estimate will be presented to the Council at the second meeting in March.