



City of Albertville Council Agenda

Monday, December 1, 2014

City Council Chambers

7:00 PM

REMINDER: 6:00 p.m. – Truth-in-Taxation Meeting

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**
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 17, 2014 regular City Council meeting minutes as presented (pgs 4-8)
- B. Authorize the Monday, December 1, 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 9)
- C. Approve Resolution No. 2014-041 entitled a Resolution Establishing the 2015 City Observed Holidays (pgs 10-12)
- D. Approve Resolution No. 2014-042 establishing the 2015 City Council Regular Meeting Dates (pgs 13-15)

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

A. City Council

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

B. Public Works/Engineering

- 1). **Streets and Parks Update (pg 16) – No action required**

C. Finance

- 1). **2015 Property Tax Levy and Final Budget (pgs 17-21)**
(Motion to Approve Resolution No. 2014-043 entitled a Resolution Adopting Property Tax Levy Collectible in 2015; and, approve Resolution No. 2014-044 entitled a Resolution Adopting the 2015 Final Budget.)

D. Legal

- 1). **City Attorney's Report (pgs 22-27)**

E. City Clerk – None

F. Planning/Zoning – None

G. Building – None

H. Administration

- 1). **Set Date for Administrator & Consultant Review**
(Motion to set the date for the City Administrator and Consultant Reviews for Monday, December 15, 2014 immediately following the regular meeting.)
- 2). **City Administrator's Report (pgs 28-31)**

9. Announcements and/or Upcoming Meetings

December 8	STMA Ice Arena Board, 6:00 p.m.
December 9	Planning Commission, 7:00 p.m.
December 15	City Council, 7:00 p.m.
December 22	Joint Powers Water Board, 6:30 p.m.
December 24	City Offices Close at 12:00 Noon, Christmas Eve
December 25	City Offices Closed, Christmas Day
January 1	City Offices Closed, New Year's Day
January 5	City Council, 7:00 p.m.
January 12	STMA Ice Arena Board, 6:00 p.m.
January 13	Planning Commission, 7:00 p.m.
January 19	City Offices Closed, Martin Luther King, Jr. Day
January 20	City Council, 7:00 p.m.
January 26	Joint Powers Water Board, 6:30 p.m. Parks Committee, 8:00 p.m.

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	24	H 25	26	27
28	JM 29	30	31			

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

10. Adjournment



ALBERTVILLE CITY COUNCIL

Monday, November 17, 2014

DRAFT MINUTES

ALBERTVILLE CITY HALL

7:00 PM

1. CALL TO ORDER - PLEDGE OF ALLEGIANCE

Mayor Hendrickson called the meeting to order at 7:03 p.m.

2. ROLL CALL

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

Others Present: City Administrator-PWD Adam Nafstad, City Planner Alan Brixius, City Attorney Mike Couri, City Clerk Kimberly Olson, Fire Chief Tate Mills, Assistant Fire Chief Jay Eull, and Dana Berg

3. RECOGNITIONS-PRESENTATIONS-INTRODUCTIONS - None

4. PUBLIC FORUM

5. APPROVAL OF THE AGENDA

Vetsch made an amendment to the agenda and added Fire Chief Job Description under Legal.

Motioned by Vetsch, seconded by Hendrickson, 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 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 3, 2014 regular City Council meeting minutes as presented
- B.** Approve the November 10, 2014 Canvass Board meeting minutes as presented
- C.** Approve the November 10, 2014 special City Council meeting minutes as presented

- D. Authorize the Monday, November 17, 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
- E. Approve a Therapeutic Massage Enterprise License for Impress Nails & Spa, located at 6957 Laketowne Place NE, to provide massage therapeutic services contingent upon final inspection and approval of the Building Official
- F. Authorize intoxicating liquor retail sales at the STMA Ice Arena by Millside Tavern for “A Knight to Remember” fundraiser to be held on March 21, 2015 contingent upon the receipt proof of general and liquor liability insurance, proof of current liquor licenses held, and approval of the STMA Ice Arena Board
- G. Adopt Resolution 2014-038 approving a new Lawful Gambling Premises Permit for the STMA Youth Hockey Association for Space Aliens, located at 11166 County Road 37

Vetsch and Hendrickson abstained from the vote as they were not present for the Canvass Board meeting.

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

7. PUBLIC HEARING – None

8. DEPARTMENT BUSINESS

H. City Council

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

There were no committee updates.

I. Legal

- 1). **Partial Release of Albertville Crossing and Park View Developer’s Agreements**
Couri reported that Hemple Companies has entered into an agreement to purchase Coborn’s and the surrounding buildings located on the southeast corner of CSAH 19 and 57th Street NE. They are currently involved in their due diligence process and have requested partial release of the three developer’s agreement that apply to one-time obligations that have already been met.

Couri stated they have generally released those items, but retain the permanent obligations such as zoning, etc. that will stay with the property. Couri reviewed the areas of the three developer’s agreements that would be partially released.

Vetsch inquired about the installation of the traffic signal at CSAH 19/57th Street NE and if that applied to any future improvements. Couri replied that the installation of the light was fully performed and any future improvements or upgrades could be special assessed. He stated the provision would not apply to upgrades.

Motioned by Sorensen, seconded by Hendrickson, to approve Resolution 2014-039 Releasing Selected Albertville Crossing Properties from Portions of Developer's Agreements. Ayes: Hendrickson, Olson, Sorensen, Vetsch, and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.

2). Fire Chief Job Description

Vetsch inquired if the proposed job description was designed to fit more than one individual. Couri replied that knowledge and skills listed in the description are representative of the knowledge and skills needed and not necessarily mandatory; however, language could be included to state that those knowledge and skills are desirable and it may prove difficult to find someone with all those skills. Vetsch clarified that he wanted to make sure that more than one individual could qualify under the job description, and not solely Mills. Mills stated that a committee was created from the Fire membership and that Committee felt the qualifications in the job description were needed. Mills also stated that he believed there were members within the Department that would qualify. Vetsch stated that he just wanted to make sure there were no misconceptions in the community.

J. Planning/Zoning

1). Mobile Food Unit (MFU) Hours of Operation (pgs 92-95)

Brixius reported that staff has received inquiries to extend the hours of operation for MFU's during the Black Friday sales events Thanksgiving weekend. This suspension of the operating hours would apply to all retail events within the City, so long as the MFU's do not cause a nuisance or land use issue.

Olson inquired if the ordinance should be changed to allow for this annually. Brixius stated that this is not a zoning issue, so they can always do so in the future but recommends allowing it this year as a test trial.

Motioned Olson, seconded by Sorensen, to adopt Resolution No. 2014-040 entitled A Resolution Suspending the Hours of Operation for Mobile Food Units (MFUs) for November 27-30, 2014 to coincide with Black Friday retail events in the City of Albertville. Ayes: Hendrickson, Olson, Sorensen, Vetsch, and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.

K. Finance

1). Preliminary 2015 Budget Review (pgs 96-98)

Nafstad reported that the Council adopted the preliminary budget and levy in September and at that time, Council directed staff to bring the budget back to the Council prior to final approval to see if they had changes to the budget and levy prior to final approval.

Sorensen stated he received his proposed tax statement over the weekend and inquired if the City had received any calls. Clerk Olson reported she had one and

Hendrickson reported she had two, but also involved house value which can be addressed in April.

Hendrickson added that the law enforcement increase could be limited to a four hour increase and could always be reduced to current levels if the added enforcement was determined to be unnecessary.

Council had no changes to the proposed budget and levy.

L. City Clerk - None

M. Public Works / Engineering - None

N. Building - None

O. Administration

1). Extension of Fire Chief Mill's Term (pgs 99)

Nafstad reported the Fire Committee recommended that Chief Mills' term be extended until the hire of the full-time fire chief and then to appoint Mills as Assistant Chief for the remainder of that term to expire December 31, 2016.

Sorensen stated it made sense to have Mills serve as the assistant Chief to the new position.

Motioned by Sorensen, seconded by Hendrickson, to extend Fire Chief Mills' term as Chief until the full-time chief position has been filled and to appoint Mill's as Assistant Chief upon the hire of the full-time chief, for the remainder of the two year term beginning January 1, 2015 and expiring December 31, 2016. Ayes: Hendrickson, Olson, Sorensen, Vetsch, and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.

2). City Administrator's Update (pgs 100-109)

Nafstad reported they are working on Planning Commission appointments and Brixius is checking with current Commission on whether they wish to continue to serve. Nafstad stated that there are currently five applicants.

Council inquired about other scenarios that would allow the Commission to have a quorum if not all members arrived for the meeting, such as an alternate. Brixius stated that he believed this has been addressed with the ordinance change granting the Council liaison to the Commission voting powers. Both Sorensen and Olson would prefer to see an alternate rather than the Council liaison have voting powers. Brixius asked to communicate with the current Commissioners on their attendance and ability to commit to the coming year's meetings. Couri suggested amending the Code to incorporate an attendance policy for the Commission.

Nafstad reported the City has been able to give the Hanover Food Shelf a check for over \$300.00 from the savings the residents incur with the electronic billing and payment options that they dedicate to go to the food shelf.

Nafstad stated staff is currently working with FEMA and Homeland Security to identify areas where Albertville may be able to qualify for funding through the Public Assistance Program or Hazard Mitigation Grant Program.

Vetsch inquired if the 54th Street NE/Barthel Industrial Drive NE project could have been started earlier. Nafstad reported the project start was pushed back anticipating that fall would be dryer than that summer months. He also stated the project encountered delays due to a few unforeseen circumstances such as a utility conflict with an Xcel line, a statewide cement short, and the early snowfall. Vetsch would like to see construction projects begin immediately after Albertville Friendly City Days. Hendrickson stated the only complaint she had received was that the mail was not delivered for several days due to construction. Wagner thought the project went well.

9. Announcements and/or Upcoming Meetings

November 18	LBAE Training, Glencoe, 9:00 a.m. – 12:00 p.m.
November 24	Joint Powers Water Board, 6:30 p.m. Parks Committee, 8:00 p.m.
November 27/28	Thanksgiving Day/Day After Thanksgiving, City Offices Closed
December 1	Truth-in-Taxation Meeting, 6:00 p.m. City Council, 7:00 p.m.
December 8	STMA Ice Arena Board, 6:00 p.m.
December 9	Planning Commission, 7:00 p.m.
December 15	City Council, 7:00 p.m.
December 22	Joint Powers Water Board, 6:30 p.m.
December 24	Christmas Eve, City Hall Closes at 12:00 Noon
December 25	Christmas Day, City Hall Closed

10. ADJOURNMENT

Motioned by Olson, seconded by Sorensen, to adjourn the meeting at 7:48 p.m. Ayes: Hendrickson, Olson, Sorensen, Vetsch, and Wagner. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully submitted,

Kimberly A. Olson, City Clerk

November 26, 2014

SUBJECT: CONSENT - FINANCE – PAYMENT OF BILLS

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

MOTION TO: Authorize the Monday, December 1, 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)

November 26, 2014

SUBJECT: CONSENT - CITY CLERK - 2015 CITY OBSERVED HOLIDAYS

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

MOTION TO: Approve Resolution No. 2014-041 entitled a Resolution Establishing the 2015 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 has previously been taken as a floating holiday for 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 2015 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. 2014-041

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

RESOLUTION NO. 2014-041

**A RESOLUTION ESTABLISHING THE
2015 CITY OBSERVED HOLIDAYS**

WHEREAS, the City Council is desirous of establishing the 2015 City Observed Holidays for the City of Albertville effective December 31, 2014; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Albertville, Wright County, Minnesota, hereby establishes the following 2015 City Observed Holidays:

New Year's Day	January 1
Martin Luther King Jr. Day	January 19
Presidents' Day	February 16
Memorial Day	May 25
Independence Day	July 2 (City Hall) July 3 (Public Works)
Labor Day	September 7
Veterans Day	November 11
Thanksgiving Day	November 26
Friday after Thanksgiving Day	November 27 (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 1st day of December 2014.

Jillian Hendrickson, Mayor

ATTEST:

Kimberly A. Olson, City Clerk

City Hall Employees	
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, comp time must be used
10 hours	Christmas Day
88 hours	Total

Public Works/Utilities Employees	
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
88 hours	Total

November 26, 2014

SUBJECT: CONSENT - CITY CLERK- 2015 CITY COUNCIL MEETING DATES

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

MOTION TO: Approve Resolution No. 2014-042 Establishing the 2015 City Council Regular Meeting Dates.

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

KEY ISSUES:

- There are several recognized holidays that fall on the first and/or third Mondays throughout the year. These include:
 - Monday, January 19, 2015 – Martin Luther King Jr. Day
 - Monday, February 16, 2015 - President's Day
 - Monday, September 7, 2015 – Labor DayThe City Council meetings that would normally meet on these days have been moved to the Tuesday immediately following the holiday.
- Generally, if a fifth Monday falls during a calendar month, the Cities of Albertville and St. Michael and the STMA School Board have generally set a joint meeting for the 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. 2014-042
2015 Calendar of City Meetings

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

RESOLUTION NO. 2014-042

**A RESOLUTION ESTABLISHING THE
2015 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 2015 Regular City Council meetings:

January 5	July 6
January 20 – Tuesday	July 20
February 2	August 3
February 17 – Tuesday	August 17
March 2	September 8 – Tuesday
March 16	September 21
April 6	October 5
April 20	October 19
May 4	November 2
May 18	November 16
June 1	December 7
June 15	December 21

Adopted by the City Council of the City of Albertville this 1st day of December 2014.

Jillian Hendrickson, Mayor

ATTEST:

Kimberly A. Olson, City Clerk

2015 Official Meeting Calendar

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

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

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

APRIL						
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		

MAY						
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	H 25	JP 26 ^{PK}	27	28	29	30
31						

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

JULY						
Su	M	Tu	W	Th	F	Sa
			1	H 2	H 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 ^{PK}	28	29	30	31	

AUGUST						
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	25	26	27	28	29
30	JM 31					

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

OCTOBER						
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	JP 26	27	28	29	30	31

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

DECEMBER						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	CC 7	PC 8	9	10	11	12
13	Ice 14	15	16	17	18	19
20	CC 21	22	23	*H 24	H 25	26
27	JP 28	29	30	H 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, 8:00 p.m.
(may not meet monthly, contact City Hall for info)

- 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 26, 2014

SUBJECT: PUBLIC WORKS – STREETS AND PARKS UPDATE

STREETS:

The first snow of the season turned out to be challenging, but Public Works was ready. Plowing during the daytime hours has proven difficult. Plowing began on Monday at 8:00 a.m. Round one was completed on the entire City by noon and then we plowed all of the routes curb to curb finishing at 7:00 p.m. Snow continued to fall and with the forecast of more snow overnight, Public Works was back out at 2:00 a.m. Tuesday to do clean up.

A good amount of street patching was completed this fall.

The 2014 sidewalk inspection has been completed. I contracted grinding and mud jacking to repair trip hazards; this saves money over replacement. 295 feet of sidewalk was replaced on the east side of Main Avenue NE, three sections were replaced in the Towne Lakes addition, and two sections along 50th Street NE.

New street name and stop signs were purchased for the Main Avenue NE corridor. When weather and time allows, they will be installed.

PARKS:

Several broken hockey rink boards have been replaced and staff has started to flood the ice rinks. With the changing weather conditions, there is not a scheduled date to open the rinks as of yet, but we are ahead of schedule.

All of the parks and building grounds have been aerated and the soccer and ball fields have been fertilized.

Aglime was added to the ball fields that needed it and Public Works edged the infield on field one.

Responsible Person/Department: Tim Guimont, Public Works Supervisor

Submitted Through: Adam Nafstad, City Administrator-PWD

Attachments: None

November 25, 2014

SUBJECT: FINANCE DEPARTMENT – 2015 PROPERTY TAX LEVY AND FINAL BUDGET

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

MOTION TO: Approve Resolution No. 2014-043 entitled a Resolution Adopting Property Tax Levy Collectible in 2015; and, approve Resolution No. 2014-044 entitled a Resolution Adopting the 2015 Final Budget.

BACKGROUND: On September 15, 2014, the City Council certified a preliminary levy of \$3,497,147 to Wright County. Based on the preliminary levy, Wright County has prepared and mailed projected tax statements to all residents. On Monday, December 1, the City Council will host a public hearing, known as a Truth-In-Taxation, for the Council to take public comments on the proposed budget and levy. Following public comments, the City Council at a regularly convened meeting may approve or make adjustments to the final levy, which is then certified to Wright County for taxes payable in 2015. Coinciding with the adoption of the City's Levy, the City Council officially adopts a 2015 budget detailing projected revenue and expenses.

KEY ISSUES:

- The public Truth-in-Taxation hearing was held prior to Council approvals.
- The proposed budget and levy represents a total levy increase of 5.97%.
- The debt service budget has increased by \$47,826 and the general fund operations levy has increased by \$149,197.
- The proposed budget includes anticipated LGA funding (estimated \$87,000) which will assist with infrastructure expenses.
- The final levy is due to the County Auditor no later than end of business day December 15, 2014.

POLICY CONSIDERATIONS: The Council reviews and approves all budgets and tax levies.

FINANCIAL CONSIDERATIONS: In reviewing the projected 2015 budget, staff anticipates maintaining the Office of the State Auditors recommendation of 40% of the budget in designated funds for general reserve. It is recommended that the City Council continue to increase the General Funds reserve in the future.

Responsible Person/Department: Tina Lannes, Finance Director

Submitted Through: Adam Nafstad, City Administrator-PWD

Attachments: Resolution No. 2014-043 and Resolution No. 2014-044

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

RESOLUTION NO. 2014-043

**A RESOLUTION ADOPTING THE
2014 TAX LEVY COLLECTIBLE IN 2015**

BE IT RESOLVED by the Council of the City of Albertville, County of Wright, Minnesota, that the following sums of money be levied for the current year, collectible in 2015, upon taxable property in the City of Albertville for the following purposes:

Total Levy \$3,497,147

The City Clerk is hereby instructed to transmit a certified copy of this resolution to the county auditor of Wright County, Minnesota.

Adopted by the City Council of the City of Albertville this 1st day of December, 2014.

Jillian Hendrickson, Mayor

Attest:

Kimberly A. Olson, City Clerk

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

RESOLUTION NO. 2014-044

A RESOLUTION ADOPTING THE 2015 FINAL BUDGET

WHEREAS, the City Council of the City of Albertville has adopted a final budget; and,

WHEREAS, the Albertville City Council has adopted a final tax levy to be placed upon the taxable property in the City of Albertville; and,

WHEREAS, the Albertville City Council desires to reserve within the General Fund those monies designated as capital outlays within various budget classifications, such that those monies can be disbursed only for those capital outlays so specified within the budget; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALBERTVILLE, MINNESOTA:

1. The attached budget is hereby adopted as the final budget for the City of Albertville for the period January 1, 2015, through December 31, 2015.
2. All monies designated within the budget, as capital outlays shall be reserved within the Capital Reserves Fund, such that those monies can be disbursed only for those capital outlays so specified within the budget.
3. The Albertville City Council has hereby complied with Minnesota Statutes.
4. The Finance Director is hereby authorized to transmit certification of compliance with Minnesota Statutes to the Commissioner of Revenue as required.

Adopted by the Albertville City Council this 1st day of December, 2014.

Jillian Hendrickson, Mayor

Attest:

Kimberly A. Olson, City Clerk



**2015 BUDGET SUMMARY COMPARISON
 GENERAL FUND**

General Fund Revenue:		2014 Budget	2015 Budget	Difference 14 to 15 \$	Difference 14 to 15 %
31010	Current Ad Valorem Taxes	2,397,983	2,547,180	\$149,197	6.22%
34113	Franchise Fee - Cable	65,000	67,500	\$2,500	3.85%
32100	Business Licenses & Permits	22,000	22,000	\$0	0.00%
32110	Liquor Licenses	29,150	29,150	\$0	0.00%
32120	3.2 Liquor Licenses	150	150	\$0	0.00%
32150	Sign Permits	1,500	1,500	\$0	0.00%
32210	Building Permits	55,000	75,000	\$20,000	36.36%
32240	Animal Licenses	400	500	\$100	25.00%
33405	Police Aid	28,000	28,000	\$0	0.00%
33406	Fire Aid	42,000	43,000	\$1,000	2.38%
33422	Other State Aid Grants	8,200	9,500	\$1,300	15.85%
34000	Charges for Services	2,000	2,000	\$0	0.00%
34001	Administration fees	136,721	154,901	\$18,179	13.30%
34005	Engineering As Built Fee	1,500	2,000	\$500	33.33%
34101	Zoning & Subdivision Fees	1,500	1,500	\$0	0.00%
34103	Plan Check Fee	25,000	32,000	\$7,000	28.00%
34106	Title Searches	1,000	1,500	\$500	50.00%
34107	Fire Protection Contract Charges	160,533	225,710	\$65,177	40.60%
34202	Rental Fees	6,000	10,000	\$4,000	66.67%
34780	Other Revenues	9,000	10,500	\$1,500	16.67%
35000	Interest Earnings	25,000	25,000	\$0	0.00%
36210	Arena	11,616	11,964	\$348	3.00%
	LGA Revenue expected	79,651	87,000	\$7,349	9.23%
	Electric Franchise Fee	115,000	115,000	\$0	0.00%
	I-94 Engineering Transfer	50,000			
	Total Revenues	3,273,904	3,502,554	\$228,650	6.98%

General Fund Department Expenditures:		2014 Budget	2015 Budget	Difference 14 to 15 \$	Difference 14 to 15 %
41100	Council	38,969	43,319	\$4,350	11.16%
41300	Combined Administrator/Engineer	96,930	100,426	\$3,496	3.61%
41400	City Clerk	135,984	137,181	\$1,197	0.88%
41440	Elections	15,500	15,500	\$0	0.00%
41500	Finance	179,039	188,752	\$9,713	5.43%
41550	City Assessor	29,355	29,000	-\$355	-1.21%
41600	City Attorney	40,000	40,000	\$0	0.00%
41700	City Engineer	20,000	20,000	\$0	0.00%
41800	Economic Development	28,000	5,000	-\$23,000	-82.14%
41910	Planning & Zoning	40,507	38,507	-\$2,000	-4.94%
41940	City Hall	135,605	141,280	\$5,675	4.18%
42000	Fire Department	316,187	429,433	\$113,246	35.82%
42110	Police	547,500	613,020	\$65,520	11.97%
42400	Building Inspection	154,184	158,133	\$3,949	2.56%
42700	Animal Control	4,080	4,080	\$0	0.00%
43100	Public Works - Streets	482,694	525,790	\$43,096	8.93%
41000	Add'l Consulting	30,000	30,000	\$0	0.00%
45000	Culture & Recreation	58,600	67,910	\$9,310	15.89%
45100	Parks & Recreation	211,126	211,062	-\$64	-0.03%
45000	Library Debt Service	26,030	26,811	\$781	3.00%
43160	Electric street lights	115,000	85,000	-\$30,000	-26.09%
102	Transfer Capital to 102	568,614	592,350	\$23,736	4.17%
Total Expenditures		3,273,904	3,502,554	228,650	6.98%

Levy	2014	2015		Difference 14 to 15 %
General Fund & EDA	2,397,983	2,547,180		6.22%
Total Tax Levy (Oper. Levy)	2,397,983	2,547,180		6.22%
357	GO Improvement Bond 03	287,086	275,948	
354	Bonds 03 PF Lease Rev	77,456	80,800	
359	City Hall 05	276,723	262,452	
360	Go Imp 2012A CSAH 19	70,157	26,157	
358	PW Facility 04	100,719	103,449	
361	Go Imp 2012A Lach	0	31,600	
362	Go Imp 2012A Ind Park	0	109,561	
468	I-94	90,000	60,000	
Total Debt Service Levy	902,141	949,967	Debt Levy	5.30%
Total Levy	3,300,124	3,497,147	Total Levy	5.97%

Memo

To: Adam Nafstad, City Administrator; Albertville City Council

From: Mike Couri

Date: November 25, 2014

Re: Attorney Report

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

- **I-94 Ramp Easement.** The State is asking the City to obtain I-94 ramp easement from Albertville Marketplace using a revised legal description as the State wants clearer language in the deed from the City to the State for the ramp easement. The easement area remains unchanged—the State simply wants its specific language used in the easement document. Adam and I will be working with Albertville Marketplace to obtain the proper language.
- **Prairie Run.** We are still waiting for Fieldstone to prepare the changes to the Association documents. In the meantime, Fieldstone would like to close on one of the less valuable lots (instead of three lots which the purchase agreement requires) so that it can get a home started in time for it to be completed by the spring Parade of Homes. Because they are proposing to buy one of the harder lots to sell, Staff recommends allowing Fieldstone to purchase this single lot so it can get started on its model home. We will continue to work with Fieldstone to get the Association documents changed.
- **Albertville Crossing.** The Albertville Crossing closing is scheduled for the first week in December. I am working on the formal releases of the developer's agreement provisions that were approved at the last meeting.

- **Charter Cable.** I have still not heard back from Charter Cable regarding proposed changes to their service to City buildings that runs counter to our franchise agreement. Charter has provided the City with cable boxes, but we will likely have a problem with these next fall unless we get this issue straightened out in the meantime. I will continue to periodically call Charter until I reach someone or get a return call.
- **Unfair Campaign Practices Complaint.** A complaint was filed with the Office of Administrative Hearings on October 30, 2014 by Brad Cedergren against Mayor Hendrickson alleging a violation of Minnesota's campaign laws involving postings on the STMA Youth Hockey Association's (STMA YHA) Facebook page. The issue appears to have arisen from a posting on STMA YHA's Facebook that indicated that Mayor Hendrickson was seeking reelection and was a strong supporter of the expansion of a second ice rink. Mayor Hendrickson then acknowledged the post. Mr. Cedergren alleged that this exchange was a violation of STMA YHA's charitable organization and a violation of Minnesota law. The Administrative Law Judge (ALJ) dismissed the complaint for failure to state a claim.

This issue has resulted in many questions regarding the impact of this decision on the City and STMA YHA. From my read of the decision, there appears to be no impact on the City nor on the STMA YHA. The ALJ found no violation of law on either Mayor Hendrickson's part nor on STMA YHA's part. I see nothing in this decision which in any way implicates the City. Some have questioned whether the posting jeopardizes STMA YHA's tax exempt status. I do not believe it would, but that is a matter better taken up between STMA YHA and their attorney, if they feel the need to consult one. In my opinion, nothing more needs to be done by anyone at this point. I have attached a copy of the ALJ's decision in the event some of the Council members have not yet read it.

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Brad Cedergren

v.

Jillian Hendrickson

**ORDER FINDING NO
PRIMA FACIE VIOLATION
AND DISMISSING COMPLAINT**

TO: Parties

On October 30, 2014, Brad Cedergren, a candidate for election to the office of Mayor of Albertville, Minnesota, filed a campaign complaint with the Office of Administrative Hearings.

The complaint alleges that Jillian Hendrickson, the incumbent Mayor of Albertville, and a candidate for re-election, violated Minn. Stat. § 211B.15, subd. 17. Specifically, the Complaint asserts that Ms. Hendrickson violated the law by asking for the votes of members of the STMA Youth Hockey Association in a posting to the Association's Facebook webpage.¹

The Chief Administrative Law Judge assigned this matter to the undersigned Administrative Law Judge pursuant to Minn. Stat. § 211B.33.

After reviewing the Complaint and the attached documents, and for the reasons set out in the attached Memorandum, the Administrative Law Judge finds that the Complaint fails to set forth a *prima facie* violation of the Fair Campaign Practices Act.

ORDER

IT IS ORDERED THAT:

The Complaint filed by Brad Cedergren against Jillian Hendrickson is **DISMISSED**.

Dated: November 3, 2014

s/Eric L. Lipman

ERIC L. LIPMAN
Administrative Law Judge

¹ COMPLAINT, at 1-2.

NOTICE

Under Minn. Stat. § 211B.36, subd. 5, this Order is the final decision in this matter. A party aggrieved by this decision may seek judicial review as provided in Minn. Stat. §§ 14.63 to 14.69.

MEMORANDUM

Factual Background

The complaint filed by Mr. Cedergren makes the following assertions:

On October 8, 2014, the STMA Youth Hockey Association, a non-profit 509(a)(2) corporation, posted on their Facebook page the following sentence: "Jillian Hendrickson, current Mayor of Albertville is seeking re-election. She is a strong hockey proponent and supporter of an expansion for a second rink."

Jill Hendrickson acknowledged this post, which is a violation of a charitable organization, on October 15 and asked for people's vote

As detailed in the attachments accompanying the complaint, Ms. Hendrickson made the following subsidiary comment to the posting on the Association's Facebook page:

We are going out now each night this week from 5:30-dark and collecting food for the local food shelf. If anyone would like to help please give me a call ... I definitely could use some additional hands! I am happy also to talk with anyone who has city questions or concerns. I definitely want to respectfully earn your reelection vote on Nov. 4th.

Let me know how I can help you all as well!!

...

Please also, visit my [Facebook] site (Chris hyperlinked it above) and invite your friends in town to do so as well. I have been very active in supporting business development in our town as well as doing what's best for residents. I enjoy serving the Albertville community hope to continue on for two more years. Happy MEA week!

To assert a prima facie violation of the Fair Campaign Practices Act, the Complainant must allege sufficient facts to show that a violation of law has occurred.²

² Minn. Stat. § 211B.32, subd. 3.
[35208/1]

To set forth a prima facie case that entitles a party to a later hearing, the party must either submit evidence or allege facts that, if accepted as true, would be sufficient to prove a violation of Minnesota Statutes chapters 211A or 211B.³

For purposes of a prima facie determination, the tribunal must accept the facts that are alleged in the Complaint as true without further proof.⁴

A complaint must be dismissed if it does not include evidence or allege facts that, if they were accepted as true, would prove a violation of Minnesota Statutes chapters 211A or 211B.⁵

Corporate Contributions - Safe Harbor Provision (Minn. Stat. § 211B.15, subd. 17)

Minn. Stat. § 211B.15, subd. 17 provides that:

It is not a violation of this section for a nonprofit corporation to provide administrative assistance to one political committee or political fund that is associated with the nonprofit corporation and registered with the Campaign Finance and Public Disclosure Board under section 10A.14. Such assistance must be limited to accounting, clerical or legal services, bank charges, utilities, office space, and supplies. The records of the political committee or political fund may be kept on the premises of the nonprofit corporation.

The administrative assistance provided by the nonprofit corporation to the political committee or political fund is limited annually to the lesser of \$5,000 or 7-1/2 percent of the expenditures of the political committee or political fund.

This law permits nonprofit corporations to provide some administrative support to political action committees and political funds that are affiliated with the corporation, without violating Minnesota's ban on corporate political contributions. This safe harbor provision permits entities such as "Planned Parenthood Minnesota, North Dakota, South Dakota Action Fund" and the "Minnesota Chamber of Commerce Leadership Fund," for example, to receive modest amounts of administrative support from their corporate affiliates (Planned Parenthood and the Minnesota Chamber, respectively) without violating the state's campaign finance laws.

This is not our case here. It is not alleged that the STMA Youth Hockey Association has an affiliated political committee or political fund, nor does Mr. Cedergren maintain that his opponent, Ms. Hendrickson, provided too much administrative assistance to such a fund.

³ *Barry, et al., v. St. Anthony-New Brighton Independent School District, et al.*, 781 N.W.2d 898, 902 (Minn. App. 2010).

⁴ *Id.*

⁵ *Id.*

More problematic still, the basis for Mr. Cedergren's claim that Ms. Hendrickson may not lawfully acknowledge complimentary Facebook posts about her is not made clear in the filings. The cited statute, Minn. Stat. § 211B.15, subd. 17, does not bar such acknowledgements.

Even if the complaint could be read to challenge the Hockey Association's assertion that Ms. Hendrickson is "a strong hockey proponent and supporter of an expansion for a second rink," the complaint still fails to state a proper claim for relief.

First, and significantly, Mr. Cedergren does not name the Hockey Association as a party-respondent. The complaint names Ms. Hendrickson as the Respondent. A complaint against Ms. Hendrickson does not provide the Hockey Association with fair notice of any claims for relief that Mr. Cedergren may have against it.⁶

Further, in 2010, the United States Supreme Court held that the First Amendment prohibited governmental entities from restricting independent political expenditures by nonprofit corporations.⁷ Later that same year, the Minnesota Legislature modified state law so as to permit expenditures by corporations in support of particular candidates so long as the expenditure was "made without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate or any candidate's principal campaign committee or agent."⁸

There is no suggestion in the complaint materials that the statement regarding Ms. Hendrickson, and support for local hockey programming, was coordinated between the candidate and the nonprofit corporation. The only claim is that the statement was acknowledged by Ms. Hendrickson after it was made.

Because Mr. Cedergren does not allege any facts that could lead the tribunal to conclude that Ms. Hendrickson violated Minn. Stat. § 211B.15, the complaint is dismissed in its entirety.

E. L. L.

⁶ *Save Our Creeks v. City of Brooklyn Park*, 682 N.W.2d 639, 647 (Minn. Ct. App. 2004) *aff'd*, 699 N.W.2d 307 (Minn. 2005) ("A summons and complaint are sufficient to commence an action and confer jurisdiction over a defendant if they clearly inform the defendant that it was intended for him or her, require the defendant to answer the complaint, and give the defendant fair notice of the theory on which the claim for relief is based."); *Corporate Financers, Inc. v. Voyageur Trading Co.*, 519 N.W.2d 238, 241 (Minn. Ct. App. 1994) ("Pleadings serve to give fair notice to the adverse party of the incident giving rise to the claim and the theory upon which the claim for relief is based") (citing cases).

⁷ *Citizens United v. Federal Election Commission*, 588 U.S. 310 (2010).

⁸ Minn. Stat. § 10A.01, subd. 18; Minn. Stat. § 211B.15, subds. 2 and 3.

GENERAL ADMINISTRATION

Planning Commission Vacancy: Staff is working to coordinate a time for the Personnel Committee to interview the four applicants and provide a recommendation to the Council.

Board and Commission Appointments for 2015: Council will need to appoint committee members to the City's various boards and advisory groups, preferably at the first meeting in 2015. New in 2015 will be WCAT (Trailblazer Transit) and Yellow Ribbon appointments. For your reference, attached is the resolution for this past year's appointments.

Trailblazer Transit: On November 18, the Wright County Area Transportation (WCAT) partnership met to review service reports, 2015 funding, and the status of the Joint Powers Agreement between WCAT and Sibley and McLeod Counties. In general, service implementation in participating Wright County cities is going very well. Since start-up of service in July, monthly ridership has continued to climb. In October approximately 5,200 riders were provided in Wright County. The goal is to have 7 buses dedicated to WCAT by the end of 2014 and 14 buses in Wright County by the end of 2015. The 14 buses are included in the approved MnDOT budget for 2015. Albertville's cost for service in 2014 will be nominal, if any, and the 2015 local projection for WCAT is approximately \$19,000. The 12 WCAT cities will split this cost proportionately to each city's ridership. WCAT also approved the Joint Powers agreement with some last minute changes requested by McLeod County pertaining to the number of voting members. The Trailblazer Board will consist of 2 WCAT members, 2 Sibley members, 3 McLeod members, with cost share to be 25%, 25% and 50%, respectively. Please let me know if you would like a copy of the Joint Powers agreement or materials from the meeting.

Fire Department: The advertisement for the full time chief position will go out next week with applications due back on January 5. Interviews will likely begin mid- to late-January.

Annual Evaluations: Department Heads will begin the process of completing annual employee reviews. I will present an employee performance summary to the Personnel Committee towards the end of the year. The planner, attorney, and administrator reviews are scheduled to occur immediately following the December 15th regular meeting.

ENGINEERING/PUBLIC WORKS

FEMA and Homeland Security Funding: Staff is working with FEMA and HSME to determine if Albertville is eligible for funding through the Public Assistance Program and/or Hazard Mitigation Grant Program.

UPCOMING EVENTS and ANNOUNCEMENTS

STMA Youth Hockey Meeting with MASC: Tuesday, December 2, 2:00 p.m., National Sports Center, Blaine. Please let me know if you plan to attend.

Wright County School Legislative Forum: Thursday, December 4, 7:00 p.m., Discovery Elementary School, Buffalo. Please let me know if you plan to attend.

I-94 Chamber Congressional Breakfast: Monday, December 8, 7:30 a.m., Otsego City Hall. Please let me know by December 3 if you would like attend.

Attachments: 2014 Committee Appointments

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

RESOLUTION NO. 2014-002

**A RESOLUTION APPOINTING CITY COUNCIL MEMBERS TO
BOARDS AND COMMITTEES**

WHEREAS, it has been the policy of the Albertville City Council to make annual appointments to its various boards and committees at the beginning of each year, and;

WHEREAS, the City Council of Albertville, Minnesota, establishes the following are appointed for the year 2014:

Cable TV Board	John Vetsch
Civil Defense Director	Fire Chief
Economic Development Authority (EDA)	Mayor and all Council members
Fire Board – Albertville & Otsego	Larry Sorensen Rob Olson Fire Chief Finance Director City Administrator
Fire Relief Association Representatives	Asst. Fire Chief Dan Wagner City Administrator
FYCC	Rob Olson Alternate – Dan Wagner
Joint Powers Water Board	Jillian Hendrickson John Vetsch Alternate – Dan Wagner
Library	Jillian Hendrickson
Otsego Creek Authority	John Vetsch Alternate – Dan Wagner Planning Commission Rep

Parks & Recreation Committee	John Vetsch Larry Sorensen Public Works Supervisor
Personnel Committee	Jillian Hendrickson Rob Olson
Planning Commission	Dan Wagner Alternate – Rob Olson
Public Safety Committee	Larry Sorensen Jillian Hendrickson Fire Dept. Representative Alternate – Dan Wagner
Public Works Committee	Larry Sorensen John Vetsch Public Works Supervisor City Administrator
STMA Ice Arena Board	Dan Wagner Larry Sorensen Alternate – John Vetsch Arena Manager

NOW, THEREFORE, BE IT RESOLVED, that such appointments shall take effect on the date thereof and shall continue for the remainder of the year or until such time as a successor is appointed by the City Council.

Adopted this 6th day of January, 2014 by the Albertville City Council.

Jillian Hendrickson, Mayor

Kimberly A. Olson, City Clerk