



City of Albertville Council Agenda

Monday, June 1, 2015
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**
4. **Public Forum** – (time reserved 5 minutes)
5. **Amendments to the Agenda**
6. **Consent Agenda**

All items under the Consent Agenda are considered to be routine by the City staff and will be enacted by one motion. In the event an item is pulled, it will be discussed in the order it is listed on the Consent agenda following the approval of the remaining Consent items. These items will be approved by a separate motion.

- A. Approve the May 18, 2015 regular City Council meeting minutes as presented (pgs 3-9)
- B. Authorize the Monday, June 1, 2015 payment of claims as presented, except bills specifically pulled which are passed by separate motion. The claims listing has been provided to City Council as a separate document and is available for public view at City Hall upon request (pg 10)

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

A. City Council

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

B. Fire

- 1). **Fire Update (pg 11)**
- 2). **Emergency Operations Plan (pgs 12-13)**
(*Motion to Approve Resolution No. 2015-023 entitled A Resolution Adopting the Wright County Emergency Operations Plan.*)

C. Legal

- 1). **Joint Powers Fire Agreement (pgs 14-16)**

2). City Attorney Report (pgs 17-18)

D. Finance – None

E. City Clerk – None

F. Public Works/Engineering – None

G. Planning/Zoning – None

H. Building – None

I. Administration

1). City Administrator’s Update (pgs 19-21)

9. Announcements and/or Upcoming Meetings

- June 2 Parks Committee, 8:00 p.m.
- June 8 STMA Ice Arena Board, CANCELLED
- June 9 Planning Commission, 7:00 p.m.
- June 10-14 Friendly City Days
- June 15 City Council, 7:00 p.m.
- June 22 Joint Powers Water Board, 6:30 p.m.
- July 2 Independence Day Observed, City Hall Closed
- July 3 Independence Day Observed, Public Works Closed
- July 6 City Council, 7:00 p.m.
- July 13 STMA Ice Arena Board, CANCELLED
- July 14 Planning Commission, 7:00 p.m.
- July 20 City Council, 7:00 p.m.
- July 27 Joint Powers Water Board, 6:30 p.m.

I

JUNE						
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JULY						
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10. Adjournment



**ALBERTVILLE CITY COUNCIL
Monday, May 18, 2015**

DRAFT MINUTES

ALBERTVILLE CITY HALL

7:00 PM

1. CALL TO ORDER - PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

Present: Mayor Hendrickson and Council members Hudson, Olson, and Vetsch

Absent: Council member Sorensen

Others Present: City Administrator-PWD Adam Nafstad, City Attorney Mike Couri, City Planner Alan Brixius, Water/Wastewater Supervisor John Middendorf, City Clerk Kimberly Olson, Laurie Summerland, Richard Kolles, and Tim Niemeyer

3. RECOGNITIONS – PRESENTATIONS – INTRODUCTIONS – None

4. PUBLIC FORUM – (time reserved 5 minutes)

There was no one present to speak.

5. AMENDMENTS TO THE AGENDA

Motioned by Olson, seconded by Hudson, to approve the Agenda as presented. Ayes: Hendrickson, Hudson, Olson, and Vetsch. Nays: None. Absent: Sorensen. 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 May 4, 2015 City Council workshop meeting minutes as presented
- B.** Approve the May 4, 2015 City Council regular meeting minutes as presented
- C.** Authorize the Monday, May 18, 2015 payment of claims as presented, except bills specifically pulled which are passed by separate motion. The claims listing has been

provided to City Council as a separate document and is available for public view at City Hall upon request

- D. Authorize the Utilities Department to purchase a Towmaster dump trailer from Titan Machinery at a cost of \$9,406.25
- E. Approve purchasing a 20' x 20' shelter to be installed at Oakside Park for \$18,778
- F. Approve a Temporary 3.2% Malt Liquor License for the Foxtailers Snowmobile Club on Saturday, June 13, 2015 during the 2015 Albertville Friendly City Days festival held in Central Park contingent upon proof of liquor liability insurance
- G. Approve Resolution No. 2015-016 approving the Minnesota Lawful Gambling LG230 application to conduct bingo on Saturday, June 13, 2015 during Albertville Friendly City Days at St. Albert Parish Center, located at 11400 57th Street NE
- H. Final Payment to Omann Brothers Paving, Inc. in the amount of \$33,992.40 for 2013 Street, Trail, and Utility Improvements Project
- I. Accept 1st Quarter Report
- J. Accept Accounts Receivable Report

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

7. PUBLIC HEARINGS – None

8. DEPARTMENT BUSINESS

A. Planning/Zoning

1). Conditional Use Permit for Building Relocation for Lisa DeMars at 5158 Main Avenue NE

Brixius reported that Michael and Lisa DeMars have requested a Conditional Use Permit to relocate a single family home to the property located at 5158 Main Avenue NE. The home at the site was dilapidated and the applicants have demolished it. They are now requesting a single story rambler to be moved to the site. They also plan to construct an attached garage to the home. Brixius stated staff indicated the home must comply with the character of the neighborhood. He also indicated the property shall be similar to the market valuation of adjacent principal structures and shall not result in depreciation of the neighborhood or adjacent properties. The travel route of the building move is subject to the approval of the City Engineer. Brixius stated that the applicant would be responsible for providing sod or seeding and would also incur the expense of curb cut for a new driveway.

Brixius reported that a CUP generally requires occupancy within in six months. At the Planning Commission meeting, the applicant indicated that could be difficult to achieve. The Planning Commission recommended approval of the CUP that requires occupancy within twelve months.

Motioned by Vetsch, seconded by Hudson, to Adopt Resolution Number 2015-017 Conditional Use Permit for Building Relocation at 5158 Main Avenue NE. Ayes: Hendrickson, Hudson, Olson, and Vetsch. Nays: None. Absent: Sorensen. MOTION DECLARED CARRIED.

2). Building and Site Plan Review For Mold Tech, 5166 Barthel Industrial Drive NE

Brixius reported that Mold Tech is seeking approval of an additional 12,000 square foot expansion of their building. He reported the expansion is consistent with the City's Vision Study to retain and expand industrial land use, tax base, and local employment opportunities. He stated the site exceeds City parking standards. He stated there are some concerns with the loading area for the smaller trucks and the ramp and retaining walls must be evaluated. Staff recommends additional trees along the north side of the building and any turf areas disturbed by site grading will need to be restored.

The Planning Commission recommended approval of the site and building plan application.

Motioned by Hendrickson, seconded by Hudson, to adopt Resolution Number 2015-018 Site Plan and Building Plan Review for Mold Tech. Ayes: Hendrickson, Hudson, Olson, and Vetsch. Nays: None. Absent: Sorensen. MOTION DECLARED CARRIED.

3). Planned Unit Development Amendment to Allow Portable Storage Containers for Temporary Use, and Banners on Light Fixtures at the Property Known as Albertville Premium Outlets

Brixius reported that Albertville Premium Outlets has requested an amendment to their Planned Unit Development (PUD) to allow temporary storage containers behind the shopping center and banner signs on light poles within the parking lot. Previously, the applicant has requested and received permits for annual temporary storage containers (pods) during times which their anchor tenants do not have enough storage room to accommodate their sales. They are seeking this amendment in order to avoid seeking the annual permit. The pods would be limited to a total of six pods and two 60-day periods. The applicant has also asked for banner signs on their light poles and has identified three phases for the banner signs. There would be a total of 11 light pole locations in Phase I of the shopping center and 12 locations in Phase II of the center.

Brixius reported that the applicant has agreed to meet the light performance standards for commercial lighting that will include exterior lighting to be 90 degree cutoff lighting. Glare from the shopping center's exterior lights was a previous complaint from the residents south of I-94.

Nafstad introduced the new manager at Albertville Premium Outlets, Laurie Summerland, to the Council.

Motioned by Olson, seconded by Hudson, to Adopt Resolution Number 2015-019 Albertville Premium Outlet Planned Unit Development Amendment to Include Temporary Storage Units and Banners on Light Fixtures. Ayes: Hendrickson, Hudson, Olson, and Vetsch. Nays: None. Absent: Sorensen. MOTION DECLARED CARRIED.

4). Conditional Use Permits for Building Relocation and Placement of a 16' x 22' Accessory Building for Richard Kolles at 5098 Lansing Avenue NE

Brixius reported the applicant has requested a Conditional Use Permit (CUP) to relocate and place an accessory building at the property located at 5098 Lansing Avenue NE. The site currently has a single family home, attached garage, and detached garage. The applicant plans to remove the detached structure prior to relocation of the accessory building. Brixius stated the relocated

accessory must comply with the character of the neighborhood, be ready for occupancy within six months, landscaping must be restored, and the travel route must be approved by the City Engineer. The accessory building must also meet all setbacks and will be verified.

The Planning Commission recommended approval on a four to one vote. The vote against felt the relocated accessory building is oversized.

Motioned by Vetsch, seconded by Hendrickson, to Adopt Resolution Number 2015-020 Conditional Use Permits for Building Relocation and Placement of a 16' x 22' Accessory Building at 5098 Lansing Avenue NE. Ayes: Hendrickson, Hudson, Olson, and Vetsch. Nays: None. Absent: Sorensen. MOTION DECLARED CARRIED.

5). Conditional Use Permit for Propane Service and Sales for Niemeyer Trailer Sales at 6550 Karston Way NE

Brixius reported the site was previously zoned PUD/BW, Planned Unit Development/Business-Warehouse. The applicant is now applying to amend the PUD site plan to include a propane filling station. The location of the station was selected in order to keep the station in a secured area and best fit the operational needs of the site. The location chosen is generally prohibited in the Zoning Code by preventing accessory uses being located in yards abutting a street. However, a similar situation was approved for Emma's Express along CSAH 37. Due to the location concerns, the applicant will secure the tank with a fence screen on three sides of the tank and will be integrated into a proposed chain link fence. Brixius reported the Planning Commission recommended the applicant be allowed a chain link fence on the west side of the tank. Hendrickson inquired about that recommendation rather than full screening around the tank. Hudson replied the Commission felt it was an opportunity to allow for some cost savings for the applicant and landscaping would also be provided. Olson stated that the propane tank at Emma's Express only has landscaping and inquired if the same could be done for the applicant. Niemeyer explained there is asphalt around those other sides of the tank and since the one side is visible, he would fence it regardless.

Motioned by Hendrickson, seconded by Olson, to Adopt Resolution Number 2015-021 Conditional Use Permit for Propane Sales and Service at Niemeyer Trailer Sales. Ayes: Hendrickson, Hudson, Olson, and Vetsch. Nays: None. Absent: Sorensen. MOTION DECLARED CARRIED.

6). Zoning Ordinance Amendment for Outdoor Storage and Retaining Wall Location

Brixius reported there are two areas of the Zoning Ordinance staff wishes to bring into alignment. Currently, retaining walls are required to maintain a five-foot side yard setback. However, outdoor storage is allowed within two feet of the property line and must be on asphalt, concrete, or crushed rock. Brixius indicated that many residents are using retaining walls to maintain a level surface for their outdoor storage within five feet of the property, hence violating the Zoning Ordinance. Staff is recommending that retaining walls be allowed to encroach within two feet of the property line if it does not change drainage patterns, negatively impacting neighboring property. He indicated that the retaining wall placed in a public easement may be at risk if the City needs to access the utility easement and the retaining wall may not be replaced.

Motioned by Vetsch, seconded by Olson, to Adopt Ordinance No. 2015-02 Amending the City Code Relating to Outdoor Storage Pad Construction and Retaining Walls. Ayes: Hendrickson, Hudson, Olson, and Vetsch. Nays: None. Absent: Sorensen. MOTION DECLARED CARRIED.

7). Vision Study Goal Setting – 2015 Update

Brixius reported at the Joint Planning Commission and City Council meeting, it was discussed that projects that were not in line with the Land Use Plan or Vision Study still be brought forth to City Council for possible consideration. Staff was directed to change language in the Goals and Policies to accommodate that request. Brixius stated he included new language in Goal 2 of Pace of Growth in the Vision Study that the City Council is open to land use and/or development options that are not stated in the Vision Study and outlined how concept plans would be addressed by the City Council.

Vetsch stated that he did not see in the ten-year goals list how to address the repairs needed to the railroad crossing on Main Avenue NE. Nafstad replied they will be doing patching this year, but a true fix of the crossing would consist of concrete pads between the timbers and would be the City's cost. A true fix would also require the City to extend the sidewalks by the tracks out fifteen feet. Brixius stated that Main Avenue NE is on the ten-year list, they could add the railroad crossing as a separate item. Hendrickson would like to see the word "totally" removed from the language in Goal 2, Pace of Growth.

Motioned by Hendrickson, seconded by Olson, to Adopt Resolution Number 2015-022 Approving an Amendment to the Albertville Comprehensive Plan/Vision Study Adopting the 2015 Ten Year Goal List with the addition of Main Avenue NE Railroad Crossing, Goals and Policies Changes with a change to remove the word "totally" from Goal - Pace of Growth, and the Proposed Land Use Plan as an Addendum to Said Plan. Ayes: Hendrickson, Hudson, Olson, and Vetsch. Nays: None. Absent: Sorensen. MOTION DECLARED CARRIED.

B. City Council

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

STMA Ice Arena Board

Hudson reported the Board did not have a quorum to hold the last meeting. The Board meetings will be cancelled until the end of summer and will resume at that time.

Parks Committee

Hudson reported that Explore Your Parks Night was a success and had a good turnout.

Fire Board

Olson reported the Fire Department had their business meeting. Three new reserves were sworn in, two from Otsego and one from Albertville. He stated Fire Chief Bullen is working on changing over to quarterly business meetings rather than monthly business meetings.

C. Finance

1). Prairie Run Fund 473 – Information Only

Nafstad indicated this was a previous request from Council to see how the Prairie Run fund would be paid back with the projected sales of the residential lots and how much of the assessments on the commercial lot is needed for the payback. Couri explained the sales of the residential lots is better

than they anticipated. Collection of assessments on the commercial lot is needed for the payback plan. Nafstad indicated the payback plan appears to working well.

D. City Clerk

1). Sunday Liquor Sales

Clerk Olson reported Governor Dayton signed an omnibus liquor bill that amended the hours of operation for Sunday On-Sale Intoxicating Liquor sales and Sunday growler sales. She stated the change in operating hours moves the time intoxicating liquor could be sold on Sundays from 10:00 a.m. to 8:00 a.m. and cities have the authority to approve the change in their cities or keep it at 10:00 a.m. This would be a policy decision for the City Council. Hendrickson asked if any of the bar owners had asked about the change in hours. Clerk Olson responded staff has not been approached yet.

Motioned by Hendrickson, seconded by Olson, to Adopt Ordinance No. 2015-03 Amending Section 4-1-12 of the City Code Relation to Hours of Operations for Sunday Intoxicating Liquor Sales. Ayes: Hendrickson, Hudson, Olson, and Vetsch. Nays: None. Absent: Sorensen. MOTION DECLARED CARRIED.

E. Public Works/Engineering – None

F. Building – None

G. Legal – None

H. Administration

1). City Administrator's Update

Nafstad reported that Shop St. Michael has now become Shop STMA. They officially changed their name and will be holding an event at Cedar Creek Golf Course to invite Albertville businesses to learn more about the program.

Nafstad stated that ISD #728 had inquired about a potential location for a new E-8 school within Albertville. Staff will be meeting with the district and will have more information for Council after that meeting.

Nafstad reported that they received over 100 applications for the Public Works Maintenance position. They hope to have the position filled in early July.

2). Vacant 58th Street NE Lot – Discussion

Nafstad stated the property at the corner of Main Avenue NE and 58th Street NE is vacant and will be listed for sale. He inquired if the Council had any interest in purchasing the lot. He stated the market value is approximately \$85,000. Vetsch suggested purchasing the lot for Central Park. Hendrickson inquired if the parcel could be used for a parking lot. Nafstad replied that there are not funds currently available to construct a parking lot and it would have to be a future project.

Vetsch suggested they make an offer and see what the response is. He was concerned they may not get another opportunity to purchase the land for Central Park, if this opportunity is lost. Hudson

stated he did not see a practical reason to take action on it at this time. Olson inquired what could be put on the lot and Brixius stated it is zoned for B-4, downtown business district. Vetsch and Hendrickson indicated they would like some time to think about it.

Hendrickson inquired about the status of the winnings from the KRAFT Hockeyville USA contest. Nafstad reported they received the paperwork and have submitted the required materials.

Olson inquired if there were any calls from the neighborhood where the storm sewer was replaced at 54th Street NE and Barthel Industrial Drive NE in regard to the recent rain events. Nafstad replied he did not receive any calls.

9. ANNOUNCEMENTS AND/OR UPCOMING MEETINGS

- May 25 Memorial Day, City Offices Closed
- May 26 Joint Powers Water Board, 6:00 p.m. (Tuesday)
- June 1 City Council, 7:00 p.m.
- June 8 STMA Ice Arena Board, CANCELLED
- June 9 Planning Commission, 7:00 p.m.
- June 10-14 Albertville Friendly City Days
- June 15 City Council, 7:00 p.m.
- June 22 Joint Powers Water Board, 6:30 p.m.
- June 29 Joint Governance Meeting, TBD
Parks Committee, 8:00 p.m.

MAY						
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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 ^{PK}	30				

10. ADJOURNMENT

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

Respectfully submitted,

Kimberly A. Olson, City Clerk

May 28, 2015

SUBJECT: CONSENT - FINANCE – PAYMENT OF BILLS

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

MOTION TO: Authorize the Monday, June 1, 2015 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)

May 28, 2015

SUBJECT: FIRE DEPARTMENT UPDATE

CALLS FOR SERVICE:

- 110 total calls for the year
- 14 calls in Albertville from May 1-27, 2015

GENERAL ADMINISTRATION:

- Wright County has just released copies of the updated Emergency Operations Plan from the 2014 revision.
 - Proposed Resolution adopting the Wright County EOP as the Emergency Operations Plan for the City
- DNR Matching Grant submitted for a radio for the new Command Vehicle

UPCOMING EVENTS:

- Friendly City Days – 75 Year Anniversary of the Fire Department
 - Open House Saturday, June 13th (0900 – 1200)
 - Parade Sunday, June 14th

Responsible Person/Title: Eric Bullen, Fire Chief

Submitted Through: Adam Nafstad, City Administrator-PWD

Attachments: None

Mayor and Council Request for Action

May 28, 2015

SUBJECT: FIRE DEPARTMENT – ADOPT EMERGENCY OPERATIONS PLAN (EOP)

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

MOTION TO: Approve Resolution No. 2015-XXX entitled A Resolution Adopting the Wright County Emergency Operations Plan.

BACKGROUND: In 2010, there were preliminary discussions and work done on an emergency preparedness plan specific to the City of Albertville, but no formal approval of a plan was ever taken. The Wright County Emergency Management Division has a response plan, called the Wright County Emergency Operations Plan (EOP), for the overall County, including all cities and townships, schools, and businesses/industries located within the County. Staff believes the City of Albertville should formally adopt an emergency response plan and recommends approval of the Wright County EOP.

KEY ISSUES:

- The Wright County EOP was recently updated in December of 2014.

POLICY/PRACTICES CONSIDERATIONS:

- Wright County has many capabilities and resources, which could be used in the response to any major disaster. These include: facilities, equipment, personnel, and skills of both government and non-government professions and groups in Wright County. The purpose of this plan is to ensure the effective, coordinated use of these resources so as to:
 1. Maximize the protection of life and property.
 2. Ensure the continuity of government.
 3. Provide support to all areas and political subdivisions in the county, which require assistance.

Responsible Person/Title: Eric Bullen, Fire Chief

Submitted Through: Adam Nafstad, City Administrator-PWD

Attachments: Resolution No. 2015-XXX
Wright County EOP (On File in City Clerk's Office)

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

RESOLUTION NO. 2015-023

**A RESOLUTION ADOPTING THE WRIGHT COUNTY
EMERGENCY OPERATIONS PLAN**

WHEREAS, emergency response to critical incidents, whether natural or manmade, requires integrated professional management; and,

WHEREAS, unified command of such incidents is recognized as the management model to maximize public safety response; and,

WHEREAS, the Wright County Emergency Management Division provides coordination in emergency management to the overall County, including all cities and townships, schools, and businesses/industries located within Wright County; and,

WHEREAS, the Wright County Emergency Management Division has developed the Wright County Emergency Operations Plan, herein referred to as Wright County EOP, and the EOP has been identified as the emergency management system by which to protect life and property of the citizens of Wright County; and,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Albertville does hereby adopts the Wright County Emergency Operations Plan (EOP) and authorizes the implementation of such when deemed necessary.

Adopted by the City Council of the City of Albertville this 1st day of June, 2015.

Jillian Hendrickson, Mayor

Kimberly A. Olson, City Clerk

Memo

To: Adam Nafstad, City Administrator; Albertville City Council
From: Mike Couri
Date: May 27, 2015
Re: Possible Joint Powers Fire Agreement with City of Otsego.

Listed below are the main issues that I anticipate will be part of any Joint Powers Fire Agreement between the City of Albertville and the City of Otsego. These issues are being identified for the purpose of discussion at the Council level to provide general guidance to the Fire Committee members at their next meeting with the City of Otsego.

The main issues related to the formation and operation of a Joint Powers Agreement for Fire Service are as follows:

- 1. Ownership of Equipment and Fire Hall.** The Joint Powers entity would likely own the Fire fighting equipment, but what about the current Fire Hall and any future Fire Halls? Who will own and maintain them? What will become of them when their useful lives as Fire Halls have ended?
- 2. How to Value the Equipment Albertville Will Bring to the Table.** Currently, Albertville owns all of the fire fighting equipment. If ownership is eventually to be transferred to a new joint entity, how will Albertville be compensated for its equipment? Will Albertville receive cash? If so, where will it come from? Will Albertville receive a “credit” to be applied to its share of the fire department expenses for a period of years? If so, Otsego will need to pay much more during those years to keep the Department properly funded.
- 3. How to Structure the Membership and Voting Power of the Joint Powers Board.** Will Albertville and Otsego each have equal representation on the Board?

If so, will there be a third party appointed to break ties? If so, who appoints that person and how long do they serve?

- 4. Will Representation Be Static for the Life of the Joint Powers Agreement or Will it Change with Changes in Population or Funding.** As Otsego's tax base and population increase, will its voting power on the Joint Powers Board stay the same or increase? This will likely be a very important long-term issue. Essentially, the question is whether Albertville is prepared at any time in the future to accept less than an equal voting share in the Joint Powers Fire entity.
- 5. What Will the Funding Formula be Based Upon.** Currently, each City's contribution to the Fire Department budget is based upon the tax capacity served in each City. Will this continue or will some other formula be used?
- 6. Will the Joint Powers Board Have the Authority to Set the Joint Fire Department Budget Independent of the Two City Councils.** If so, is Albertville's Council willing to face years where it may have to increase its levy to fund the purchase of equipment that may really only benefit Otsego, but is necessary for the joint operation of the Department? There may be times Otsego feels the same way about equipment that will primarily benefit Albertville.
- 7. How Will Otsego's Future Fire Hall and Equipment to be Housed in it be Funded.** Will Otsego's satellite station be funded by Otsego or in part by Albertville through the regular Fire budgeting process? Who will own the satellite Fire Hall? Who will pay for the equipment that will be placed in that satellite facility?
- 8. How Will Disagreements Between the Parties be Handled.** Rather than have "showdown" votes at the Joint Powers Board Meetings which may lead to irreconcilable differences, will there be some process or procedure that the parties will agree to go through when things get difficult? Perhaps jointly consulting with the State Fire Marshall? Perhaps consulting with other fire departments' chiefs?
- 9. Will There be Any Way for the Parties to Terminate the Joint Powers Agreement.** Because reconstituting two separate fire departments from one joint department that dissolved would be a monumental task, our recommendation is that whoever leaves the Joint Powers Agreement leaves all of their investment behind so that the remaining party does not have to start a fire department from scratch. This arrangement may sometimes resemble a dysfunctional marriage, as

both parties may at times despise each other, but neither one wants to lose its investment to date. Can the City live with this arrangement?

Memo

To: Adam Nafstad, City Administrator; Albertville City Council
From: Mike Couri
Date: May 27, 2015
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. The State is preparing the deed with the language it wants. Once we receive it, we will work with the developer of Albertville Marketplace to get the deed signed.
- **Prairie Run.** Fieldstone will be closing on their third lot on Friday, May 29th and will close on two additional lots in the next two weeks or so. Staff is negotiating a tentative purchase agreement with Fieldstone for the sale of the 15 tax forfeit townhome lots and will bring that to Council for consideration shortly. The closing on the two cul-de-sac lots has been delayed due to title objections raised by the title insurance company. We have already obtained one document required by the title company from Alpine Capital (Pete Scherer). Pete Scherer recently returned a mortgage release document applicable to all of the tax forfeit lots—he has been very good to work with and we appreciate his cooperation. We are now waiting on one more certification from the County Auditor which I expect any day. That will clear the way for the closing on the two cul-de-sac lots, which should occur sometime in the first week of June.

- **Westbridge Church Rezoning.** I have been contacted by an attorney representing Westbridge Church. He had several procedural questions and sought information regarding the rezoning process and a copy of the 2007 special assessment appraisal for the Leuer property. Staff is waiting for Westbridge to submit what we believe will be a request for the Council to allow Westbridge to reapply for a modified rezoning request.
- **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 them 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.
- **Joint Fire Department Issues.** I have included in this agenda packet a list of points for discussion by the City Council to guide the City's Fire Committee members at the next Fire Committee meeting. I assume the Council will want to discuss these at one or both June City Council meetings.
- **Old Castle Glass Expansion.** I am working with bond counsel regarding the purchase and development agreement for the property that Old Castle will be expanding on.

GENERAL ADMINISTRATION

Old Castle Building Envelope: Site and building plans will be presented to the Planning Commission at their June 9 meeting and the public hearing for the TIF plan will be held at the June 15 Council meeting.

Elementary School: Staff met with ISD #728 last week regarding potential locations for a new E-8 school. The District is still examining whether or not the undeveloped Towne Lakes area is a viable option.

STMA Ice Arena: Staff is getting quotes to jack the settled concrete walk along the front of the building. It is estimated that the work will cost approximately \$1,500. The sunken panels are trip hazards and we plan to have them corrected this summer. The summer Arena Board meetings are tentatively canceled unless agenda items arise.

July Workshop on CIP: Tina and I met with the City's financial advisors, AE&M, and are working to update the City's long term CIP. We plan to have AE&M present at a workshop on July 20.

ENGINEERING/PUBLIC WORKS

Sanitary Sewer Service Area: We have reviewed the available capacities and the ability to serve the property south of Fieldstone Elementary and east of Jamison Avenue NE. Albertville's system has capacity to serve this area. Two connection options exist and depth is believed to be sufficient to serve 80 plus acres. St. Michael staff is going to work with the potential developer to determine if a gravity system to one of the connection options can accommodate their site.

57th Street NE/Church of St. Albert Improvement Project: Private utility relocation is underway, the Church has executed the right-of-way agreement, and construction contracts are being circulated for execution. Construction will not commence until after Friendly City Days.

Street and Parks Position: We received a total of 114 employment applications for the position. Staff is currently reviewing and scoring the applications and plan to interview the week of June 15.

Greenhaven Streets: We are looking into reclaiming and paving the Greenhaven streets (58th Circle NE and 59th Street NE) late summer/early fall. I plan to have construction plans and cost estimates for Council approval in July.

UPCOMING EVENTS and ANNOUNCEMENTS

AFCD Social Event: Friday, June 12, 5:00 p.m. at Central Park (invite attached)

LMC Annual Conference: June 24 -26, Duluth

Attachments: AFCD Social Event Invite



The Albertville City Council
invites you to visit with
friends and neighbors and
have a refreshment at the
annual AFCD celebration on:

FRIDAY, JUNE 12

5:00 p.m.

NEAR CENTRAL PARK
SHELTER, 5801 Lander
Ave NE



Albertville
Friendly City
Days
**SOCIAL
EVENT**

An RSVP is appreciated to:
763.497.3384 ext. 4

For more AFCD event information,
visit:

<http://albertvillefriendlycitydays.com>