



# City of Albertville Council Agenda

**Monday, June 3, 2024**  
**City Council Chambers**  
**7 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**

Pages

**3. Recognitions – Presentations – Introductions**

**A. Civil Air Patrol Presentation (CAP)**

CAP is a volunteer organization dedicated to serving America's communities. With missions encompassing emergency & disaster response, aviation and aerospace education services, and a robust youth leadership development program, Civil Air Patrol members serve and benefit the local communities. Ms. Marybeth Slocumb will deliver a brief presentation about the activities of the Civil Air Patrol in Minnesota and beyond.

**B. Employee Service Award**

20 Years – Tina Lannes (May 24)

**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 listed on the Consent Agenda following the approval of the remaining Consent items. Items pulled will be approved by a separate motion.

- A.** Approve the April 15, 2024, regular City Council Meeting minutes as presented. 3-8
- B.** Approve the May 6, 2024, regular City Council Meeting minutes as presented. 9-11
- C.** Approve the May 13, 2024, special City Council Meeting minutes as presented. 12
- D.** Authorize the Monday, June 3, 2024, 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. 13
- E.** Approve a Community Festival Permit Application for Neighbors Eatery and Saloon located at 5772 Main Avenue NE for Wednesday, June 5 through Sunday, June 9, 2024. 14
- F.** Approve Special Event Permit including a Temporary Outdoor Music Permit for the 152 Club located at 5794 Main Avenue for the Chad Smith Ride for Life Benefit event on June 15, 2024. 15
- G.** Approve the purchase of a Toro 4000 Z master HDX Pro With 52" deck and bagger for the amount of \$14,669 from Minnesota Equipment. 16-17
- H.** Approve Payment Application No. 13 to Gridor Construction in the amount of \$391,713 for the Wastewater System Improvements.

- I. Approve Payment Application No. 14 to Gridor Construction in the amount of \$190,600 for the Wastewater System Improvements.
- J. Approve Payment Application No. 1 to Fehn Companies in the amount of \$161,794.84 for the 2024 Concrete Improvements

**7. Public Hearing – None**

**8. Wright County Sheriff’s Office – Updates, reports, etc.**

**9. Department Business**

**A. City Council**

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

**B. Building – None**

**C. City Clerk**

- 1. **Set Preliminary 2024 Budget Workshops**

*(Motion to set workshops for July 15, August 5, and August 19 at \_\_\_\_ pm to discuss the 2025 preliminary budget.)*

**D. Finance – None**

**E. Fire**

- 1. **Albertville Fire Department – May 2024 Incident Data** 18-19

**F. Planning and Zoning – None**

**G. Public Works/Engineering – None**

**H. Legal**

- 1. **Potter Property Ordinance Enforcement** 20-34

- 2. **Everbrooke Daycare Developer’s Agreement Amendment** 35-43

*(Motion to approve First Amendment to Planned Unit Development Shoppes at Towne Lakes Two (Everbrook Daycare Developer’s Agreement).)*

**I. Administration**

- 1. **City Administrator’s Update** 44-45

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

- June 5-9 2024 Albertville Friendly City Days
- June 10 STMA Arena Board, 7 pm
- June 11 Planning Commission, 7 pm
- June 17 City Council, 7 pm
- June 19 City Offices closed in observance of Juneteenth
- June 24 Joint Power Water Board, 6 pm  
Parks Committee, 7 pm

**11. Adjournment**



## ALBERTVILLE CITY COUNCIL

### DRAFT REGULAR MEETING MINUTES

April 15, 2024 – 7 pm  
Council Chambers  
Albertville City Hall

#### 1. Call to Order

Mayor Hendrickson called the meeting to order at 7:02 pm.

#### 2. Pledge of Allegiance – Roll Call

**Present:** Mayor Hendrickson, Councilmembers Hayden, Olson and Zagorski.

**Absent:** Councilmember Cocking

**Staff Present:** City Administrator Nafstad, City Attorney Couri, Fire Chief Bullen, City Planner Brixius, Public Works Supervisor Guimont, Utilities Supervisor Middendorf, Finance Director Lannes and City Clerk Luedke.

#### 3. Recognitions – Presentations – Introductions

##### A. Recognize Michael Jenkins on his Retirement – 23 years

The City Council recognized Michael Jenkins on his retirement and thanked him for his 23 years of service to the City of Albertville.

City Administrator Nafstad said the City would miss Michael and appreciated all he did. He reported a retirement get together was planned for May 3, 2024, at the Albertville City Hall.

##### B. 2023 Financial Statement Audit Presentation

Mr. Tyler See, ABDO, presented the draft 2023 Audit report which included the auditor's opinion, fund results and the key performance indicators. He said the City received a clean opinion from the firm and did not have any compliance issues. He stated the only minor concern was regarding the limited segregation of duties, but that this has been a regular finding due to the size of the City. Mr. Alex Trippel, Senior Associate provided an overview of the City's capital, water, sewer, storm water and recycling funds and answered questions from Council.

**MOTION** made by Councilmember Hayden, seconded by Councilmember Zagorski to adopt the draft 2023 Audit Report as presented. Ayes: Hendrickson, Hayden, Olson and Zagorski. Nays: None. Absent: Cocking. The motion carried.

#### 4. Public Forum – None

#### 5. Amendments to the Agenda

City Administrator Nafstad requested to add Item 9I2 under Administration entitled "Discussion of Property Owned by Luann Daniels."

**MOTION** made by Councilmember Olson, seconded by Councilmember Zagorski to approve the April 15, 2024, agenda as amended. Ayes: Hendrickson, Hayden, Olson and Zagorski. Nays: None. Absent: Cocking. The motion 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 listed on the Consent Agenda following the approval of the remaining Consent items. Items pulled will be approved by a separate motion.

- A. Approve the April 1, 2024, regular City Council Meeting minutes as presented.
- B. Authorize the Monday, April 15, 2024, 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. Account Receivable Report.
- D. 1<sup>st</sup> Quarter Budget to Actual.
- E. Adopt **Resolution No. 2024-14** authorizing and documenting Inter-Fund Loans to Fund Negative Fund balances.
- F. Adopt **Resolution No. 2024-15** authorizing the Transfer of Funds.
- G. Approve On-sale Temporary Liquor License for the Church of St. Albert's fundraiser events located at St. Albert Parish Center, 11458 57<sup>th</sup> Street NE on June 7 and June 8, 2024.
- H. Approve Driveway Replacement Contract for property owner Paul & Hillary Gonsior located at 6508 West Laketowne Drive NE Albertville, MN 55301 – PID 101-083-004040.
- I. Approve Payment Application No. 12 to Gridor Construction in the amount of \$658,827 for Wastewater System Improvements.
- J. Approve Final Payment to Fehn Companies in the amount of \$4,265.13 for the 50<sup>th</sup> Street Retaining Wall Improvements.

**MOTION** made by Councilmember Zagorski, seconded by Councilmember Olson to approve the April 15, 2024, Consent Agenda as submitted. Ayes: Hendrickson, Hayden, Olson and Zagorski. Nays: None. Absent: Cocking. The motion carried.

## 7. Public Hearing – None

## 8. Wright County Sheriff's Office – Updates, reports, etc.

There were no updates from the Wright County Sheriff's Office.

## 9. Department Business

### A. City Council

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

There were no City Council Updates.

### B. Building – None

### C. City Clerk – None

### D. Finance

- 1. **10% Annual Gambling Contribution Discussion**

Finance Director Lannes presented the staff report which included the current contribution balance, the amount expected to be collected annually and the guidelines that cities are required to follow in spending the funds collected. She answered questions from Council regarding items the funds can be spend on.

City Administrator Nafstad provided additional information on the annual gambling contributions and reported City staff would provide a quarterly report for Council's review. He answered questions from Council regarding possible expenditures.

## **E. Fire**

### **1. Fire Contract Discussion – Tabled from April 1, 2024, Council Meeting**

Fire Chief Bullen provided an update on the City's fire service contract with the City of Otsego. He reported Albertville had not received any formal updates from Otsego regarding their upcoming plans but provided background information on what has occurred within their City as they work towards having their own fire department. He reviewed the current contract, Otsego's possible phases for implementing their department and the concerns Albertville Fire Department has. He suggested that Albertville may want to review the current contract language. Chief Bullen reported on Albertville Fire Department's response times to the areas in Otsego, the emergency needs on I-94, the City's mutual aid agreement with the City of St. Michael and his concerns as the date gets closer to the end of the current fire contract. He answered questions from Council and reported he was working with a company which provides a public facing dashboard with actual response times of the Fire Department.

City Administrator Nafstad provided additional information on the contract, the location of the proposed Otsego Fire Station, his concerns on mutual aid and answered questions from Council.

There was Council discussion regarding the current fire contract with the City of Otsego.

## **F. Planning and Zoning**

### **1. Everbrooke Daycare Subdivision and PUD/CUP for a Commercial Daycare**

City Planner Brixius presented the staff report which included background information on the previous approvals, the need for an agreement on the shared road, and the development application. He said the Planning Commission held a public hearing on April 9, 2024, and recommended approval of the application with the conditions outlined in the resolution. Planner Brixius answered questions from Council.

City Administrator Nafstad provided additional information on the requirement of the establishment of a functioning business association to oversee the maintenance and repair of the private road. He answered questions from Council.

The applicant, Paul Tucci of Oppidan Holdings, answered questions from Council regarding the Council's concerns about the placement of the play area injunction to the County Road 19. He reported the play area would be surrounded by a six-foot fence, large boulders and the landscape design would include additional protection. Mr. Tucci said their only concern was regarding the establishment of the business association and who would manage it.

There was Council discussion regarding the Everbrooke Daycare development applications, issues with private roads and the establishment of the business association.

**MOTION** made by Councilmember Zagorski, seconded by Councilmember Hayden to adopt **Resolution No. 2024-16** addressing the development applications for Everbrooke Daycare to allow for the construction of a 11,500+ sq. ft. commercial daycare on lot 2 and 3, block 1 Shoppes at Towne Lakes Two in the City of Albertville. Ayes: Hendrickson, Hayden, Olson and Zagorski. Nays: None. Absent: Cocking. The motion carried.

## **G. Public Works/Engineering**

### **1. Approve Purchase of Kubota Utility Tractor**

Public Works Supervisor Guimont presented the staff report, provided information on the vehicle, and said it would be used in the summer for irrigation and field maintenance and in the winter for clearing sidewalks. He answered questions from Council.

**MOTION** made by Councilmember Olson, seconded by Councilmember Hayden to approve purchase of a Kubota LX3520HSDC Utility tractor, 51” snow blower, 72” plow blade and a broadcast fertilizer spreader for \$42,645.05. Ayes: Hendrickson, Hayden, Olson and Zagorski. Nays: None. Absent: Cocking. The motion carried.

### **2. Approve Purchase of Fiberglass Service Body**

Waste Water Supervisor Middendorf presented the staff report which included information on the vehicle that the City had already received and answered questions from Council.

**MOTION** made by Councilmember Olson, seconded by Councilmember Zagorski to approve purchase of a Brand FX Fiberglass Service Body from ABM Equipment for \$24,698. State Bid Contract # 224090. Ayes: Hendrickson, Hayden, Olson and Zagorski. Nays: None. Absent: Cocking. The motion carried.

### **3. 2024 Street Improvements**

City Administrator Nafstad presented the staff report and reviewed the streets included in the 2024 Street Improvement project. He provided information on the bids received for the improvements and reported the project would begin after Albertville Friendly City Days.

**MOTION** made by Councilmember Hayden, seconded by Councilmember Zagorski to adopt **Resolution No. 2024-17** accepting the Low Bid for the 2024 Overlay Improvements project. Ayes: Hendrickson, Hayden, Olson and Zagorski. Nays: None. Absent: Cocking. The motion carried.

### **4. 2024 Concrete Improvement**

City Administrator Nafstad presented the staff report and reported this project would be separate from the street improvement project and would begin before Friendly City Days. He stated the quote came in at a lower cost of \$165,788 due to some items being deleted from the quote. He answered questions from Council.

**MOTION** made by Councilmember Olson, seconded by Councilmember Zagorski to accept Low Quote for 2024 Concrete Improvements submitted by Fehn Companies, Inc. in the amount of \$165,788. Ayes: Hendrickson, Hayden, Olson and Zagorski. Nays: None. Absent: Cocking. The motion carried.

## **H. Legal**

### **1. Amendment to AVA Second Addition Developer's Agreement**

City Attorney Couri presented the staff report which included background information on the AVA Second Addition. He reported the development agreement needed to be revised to be consistent with the Council's approvals at the last meeting and provided information on the provisions in the agreement. He said there may be some minor amendments from the developer because the City was still waiting for them to provide any changes. He reported he did not believe these changes would be major therefore he recommended that the approval motion allowed for minor amendments from the Attorney. He answered questions from Council.

City Administrator Nafstad provided information on the easement the City has over the water main and sewer stubs. He answered questions from the Council.

There was Council discussion regarding the developer's agreement and the Council's consensus was to approve the agreement allowing for minor attorney amendments if needed.

**MOTION** made by Councilmember Hayden, seconded by Councilmember Zagorski to approve the First Amendment to AVA Second Addition Developer's Agreement and authorizing City staff to fill in the required letter of credit amounts per the City Engineer's recommendations allowing for minor amendments from the Attorney. Ayes: Hendrickson, Hayden, Olson and Zagorski. Nays: None. Absent: Cocking. The motion carried.

## **I. Administration**

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

City Administrator Nafstad reviewed the City Administrator's Update which included upcoming events in the City.

### **2. Discussion of Property Owned by Luanne Loewen**

City Administrator Nafstad reported Ms. Luanne Loewen is working to either develop or sell the two commercial properties she owns on Mackenzie Ave NE. He noted the parcels in the area are not served by municipal utilities and as such are challenging to develop. Administrator Nafstad explained that development of the 26 acre Zachman parcel would require the extension of municipal utilities and would require street access. He believes Ms. Loewen's parcels would provide a good utility and street corridor to the Zachman property and would like to work with Ms. Loewen to determine if there is an option for the City to purchase the parcels. Administrator Nafstad stated he did not believe Ms. Loewen would be interested in selling just one of the lots and thought the City would need to acquire both. Nafstad said if there were no Council objections he and City Attorney Couri would like to reach out to Ms. Loewen regarding the City's intention.

There was Council discussion regarding the two parcels and possible surrounding developments. The Council consensus was to have the City Administrator and City Attorney contact the landowner and then report back to the Council.

### **Announcements and/or Upcoming Meetings**

April 22	Joint Powers Water Board, 6 pm Parks Committee, 7 pm
April 29	Joint Governance Meeting, 6 pm (Albertville City Hall)
May 6	City Council, 7 pm

May 13 STMA Arena Board, 6 pm  
May 14 Planning Commission, 7 pm  
May 20 City Council, 7 pm

### **10. Adjournment**

**MOTION** made by Councilmember Hayden, second by Councilmember Olson to adjourn the meeting at 8:54 pm. Ayes: Hendrickson, Hayden, Olson and Zagorski. Nays: None. Absent: Cocking. The motion carried.

Respectfully submitted,

---

Kristine A. Luedke, City Clerk





## ALBERTVILLE CITY COUNCIL

### DRAFT REGULAR MEETING MINUTES

May 6, 2024 – 7 pm  
Council Chambers  
Albertville City Hall

#### 1. Call to Order

Acting Mayor Olson called the meeting to order at 7 pm.

#### 2. Pledge of Allegiance – Roll Call

**Present:** Acting Mayor Olson, Councilmembers Cocking, Hayden, and Zagorski.

Mayor Hendrickson arrived at 7:05 pm

**Staff Present:** City Administrator Nafstad, Fire Chief Bullen, City Attorney Couri, Finance Director Lannes, and City Clerk Luedke.

#### 3. Recognitions – Presentations – Introductions

##### A. 2023-2024 Albertville Royalty Court

The 2023-2024 Royalty Court were present and listed some of their favorite activities they participated in over the last year. The 2024-2025 Royalty candidate introduced herself. The Royalty Court thanked the Council for their continued support.

The City Council thanked the Royal Court for their service to the Albertville Community.

#### 4. Public Forum

There was no one present for the public forum.

#### 5. Amendments to the Agenda

There were no amendments to the agenda.

**MOTION** made by Councilmember Olson, seconded by Councilmember Zagorski to approve the May 6, 2024, agenda as submitted. Ayes: Cocking, Hayden, Hendrickson, Olson and Zagorski. Nays: None. The motion 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 listed on the Consent Agenda following the approval of the remaining Consent items. Items pulled will be approved by a separate motion.

- A. Approve the April 15, 2024, Local Board of Appeals and Equalization Meeting minutes as presented.
- B. Authorize the Monday, May 6, 2024, 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 a Temporary On-Sale Liquor License for Albertville Friendly City Days for June 5 through June 9, 2024, for the Annual Albertville Friendly City Days Festival contingent upon receipt of liquor liability insurance certificate.
- D. Approve a temporary on-sale liquor license for Albertville Lions for June 7 through 9, 2024, for the Annual 2024 Friendly City Days Festival event.
- E. Approve street closures as requested for Albertville Friendly City Days and extended hours for Central Park for June 5 through June 9, 2024.
- F. Approve Special Event Permit for the Family Youth Community Connections to hold their Dueling Pianos event on June 14, 2024, from 6 pm to 10 pm in Central Park contingent upon receipt of certificate of liability insurance.
- G. Approve Special Event Permit including a Temporary Outdoor Music Permit for BJ's Sport Tavern located at 5788 Main Avenue NE for their Special Event on June 8, 2024, during Albertville Friendly City Days.
- H. Approve Driveway Replacement Contract for property owner Tyren Schmidt located at 11420 54th Street NE, Albertville, MN 55301 – PID 101-016-003010.
- I. Approve Special Event Permit for Cirque Entertainment LLC for their Cirque Italia event located at the Albertville Premium Outlet Mall, 6415 Labeaux Avenue on May 16 through May 19, 2024 contingent upon receipt of the certificate of liability insurance.
- J. Adopt **Ordinance No. 2024-03** amending Title 9, Utilities and Public Services, Chapter 2, Water Use and Service relating to maintenance and repair responsibility in the Albertville City Code.
- K. Approve the City of Albertville's Personnel Policy retirement language as amended.

There was Council discussion regarding the special event permit application for Cirque Entertainment. City Clerk Luedke answered questions from Council regarding the application.

Finance Director Lannes answered questions from Council regarding the amendment to the City of Albertville's Personnel Policy.

**MOTION** made by Councilmember Cocking, seconded by Councilmember Hayden to approve the May 6, 2024, consent agenda as submitted. Ayes: Cocking, Hayden, Hendrickson, Olson and Zagorski. Nays: None. The motion carried.

**7. Public Hearing – None**

**8. Wright County Sheriff's Office – Updates, reports, etc.**

The Wright County Sheriff's deputy who was presented reviewed the incidents that occurred in the City within the past few weeks.

**9. Department Business**

**A. City Council**

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

Councilmember Olson provided an update from the Parks Committee meeting and said Park's Night was scheduled for May 16 at Oakside Park, Linwood Park and Four Seasons Park.

**B. Building – None**

**C. City Clerk – None**

**D. Finance – None**

**E. Fire**

Fire Chief Bullen reported at the last Council meeting, Council inquired about the Albertville Fire Department’s new Analytics Dashboard. He said the dashboard would provide the actual response data that was submitted to the National Fire Academy. He discussed which statistics would be available on the dashboard and answered questions from Council.

City Administrator Nafstad provided additional information regarding the current fire contract with the City of Otsego and answered questions from Council.

**F. Planning and Zoning – None**

**G. Public Works/Engineering – None**

**H. Legal – None**

**I. Administration**

**1. City Administrator’s Update**

City Administrator Nafstad presented the City Administrator’s Update and recognized Michael Jenkins on his retirement and Kyle Anderson on leaving the City to pursue a career as a full time firefighter. He reported the City posted the job openings and were beginning interviews to fill their positions. He said the City also had an additional budgeted public works position that the City would be accepting applications for. City Administrator Nafstad provided information on upcoming events.

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

May 13	STMA Arena Board, 6 pm
May 14	Planning Commission, 7 pm
May 20	City Council, 7 pm
May 27	City Offices closed in observance of Memorial Day
May 28	Joint Power Water Board, 6 pm (Tuesday) Parks Committee, 7 pm (Tuesday)
June 3	City Council, 7 pm
June 5-9	2024 Albertville Friendly City Days

**11. Adjournment**

**MOTION** made by Councilmember Cocking, second by Councilmember Olson to adjourn the meeting at 7:46 pm. Ayes: Cocking, Hayden, Hendrickson, Olson and Zagorski. Nays: None. The motion carried.

Respectfully submitted,

---

Kristine A. Luedke, City Clerk



## ALBERTVILLE CITY COUNCIL SPECIAL MEETING

### DRAFT MINUTES

May 13, 2024 – 6:30 pm  
Council Chambers  
Albertville City Hall

#### 1. Call to Order

Acting Mayor Cocking called the special meeting to order at 6:59 pm.

**Present:** Acting Mayor Cocking, Councilmembers Hayden and Zagorski.

**Absent:** Mayor Hendrickson and Councilmember Olson

**Staff Present:** City Administrator Nafstad and City Clerk Luedke

#### 2. Full-time Maintenance Worker (Streets and Parks)

City Administrator Nafstad presented the staff report which included background information on the interview process and the individuals being recommended for the positions. He answered questions from Council regarding the process.

**MOTION** made by Councilmember Hayden, second by Councilmember Zagorski to hire Jericho Siegle and Samuel maves for the full-time Maintenance Worker (Streets and Parks) position at a starting wage of \$32.28 per hour, conditioned on successful completion of a background check. Ayes: Cocking, Hayden, and Zagorski. Nays: None. Absent: Hendrickson and Olson. The motion carried.

#### 3. Hire Albertville Reserve Firefighter

**MOTION** made by Councilmember Hayden, second by Councilmember Zagorski to authorize the hiring of Matthew Norloff for the position of Reserve Firefighter with the Albertville Fire Department. Ayes: Cocking, Hayden, and Zagorski. Nays: None. Absent: Hendrickson and Olson. The motion carried.

#### 4. Cancel May 20, 2024, City Council Meeting

**MOTION** made by Councilmember Hayden, second by Councilmember Zagorski to cancel the regularly scheduled City Council meeting of May 20, 2024. Ayes: Cocking, Hayden, and Zagorski. Nays: None. Absent: Hendrickson and Olson. The motion carried.

#### 5. Adjournment

Acting Mayor Cocking adjourned the meeting at 7:07 pm.

Respectfully submitted,

---

Kristine A. Luedke, City Clerk

June 3, 2024

**SUBJECT: CONSENT – FINANCE – PAYMENT OF BILLS**

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

**MOTION TO:** Authorize the Monday, June 3, 2024, 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)

June 3, 2024

**SUBJECT: CONSENT – CLERK – APPROVE COMMUNITY FESTIVAL PERMIT  
APPLICATION FOR NEIGHBOR’S EATERY AND SALOON**

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

**MOTION TO:** Approve a Community Festival Permit Application for Neighbors Eatery and Saloon located at 5772 Main Avenue NE for Wednesday, June 5 through Sunday, June 9, 2024.

**BACKGROUND:** The 2024 Albertville Friendly City Days festival will be held Wednesday, June 5 through Sunday, June 9, 2024. Neighbors Eatery and Saloon has applied for a community festival permit for the event in order to expand their patio into their parking lot during the event.

Minn. Stat. 340A.404 subd. 4(b) authorizes the governing body of a municipality to authorize a holder of an on-sale intoxicating liquor license issued to dispense intoxicating liquor off premises at a community festival held within the City. The authorization shall specify the area in which the intoxicating liquor must be dispensed and consumed, and shall not be issued unless the licensee shows that it has liability insurance as prescribed by Minn. Stat. 340A.409 to cover the event.

**KEY ISSUES:**

- Neighbors Eatery and Saloon has submitted a Community Festival Permit for June 5 through June 9, 2024, during the 2024 Albertville Friendly City Days Festival.
- Neighbors has submitted a map of the proposed permit area as to where the alcohol will be served and consumed. The proposed area includes part of their parking lot. The area will be fenced in with controlled entrances and must follow requirements set forth by the Albertville Fire Chief.
- Neighbors has submitted the required insurance liability certificate for their Community Festival Permit.

**POLICY/PRACTICES CONSIDERATIONS:** The Mayor and City Council have the authority to approve or deny requests for community festival permits applications.

**Responsible Person:** Kris Luedke, City Clerk

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

**On File:**

- Neighbor’s Community Festival Permit Application is on file in the City Clerk’s office

June 3, 2024

**SUBJECT: CONSENT – CLERK – SPECIAL EVENT PERMIT FOR THE 152 CLUB FOR THE CHAD SMITH RIDE FOR LIFE EVENT**

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

**MOTION TO:** Approve a Special Event Permit including a Temporary Outdoor Music Permit for The 152 Club located at 5794 Main Avenue NE for the Chad Smith Ride for Life Benefit event on June 15, 2024.

**BACKGROUND:** The 152 Club has submitted a special event permit application which included an outdoor music permit for the Chad Smith Ride for Life event on Saturday, June 15, 2024. The benefit event will be held at The 152 Club starting at 5 pm.

**KEY ISSUES:**

- The event will be held at the 152 Club located at 5794 Main Ave NE on June 15, 2024.
- The applicant has submitted a site plan showing the location of the bike parking to allow for biker's safety in and out of area and has indicated the St. Michael Fire Department will be escorting the bikers.
- The bike parking area will be controlled by manned cones which will not completely block the street from 9 am to 10:30 am and again from 4:30 pm to 5:30 pm. The applicant will follow the requirements set forth by the Albertville Fire Chief.
- The 152 Club's special event permit application includes a request for a temporary outdoor music permit for the event. They are requesting outdoor music from 7:30 pm to 11:59 pm.

**POLICY/PRACTICES CONSIDERATIONS:** Special events permits are subject to the approval of the City Council.

**LEGAL CONSIDERATIONS:** The applicant shall comply with the regulations for a special event permit and outdoor music ordinance.

**Responsible Person:** Kris Luedke, City Clerk

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

**On File:**

- The 152 Club's special event permit application is on file in the City Clerk's Office

Jun 3, 2024

**SUBJECT: CONSENT – PUBLIC WORKS – PURCHASE OF ZERO TURN TORO 4000 SERIES MOWER**

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

**MOTION TO:** Approve the purchase of a Toro 4000 Z master HDX Pro With 52” deck and bagger for the amount of \$14,669 from Minnesota Equipment.

**INFORMATION:** The City has received a quote from Minnesota Equipment and Lano Equipment for a mower for the Public Works department.

**KEY ISSUES:**

- The pricing for the mower is based on the Minnesota State Contract Pricing.
- The mower will ultimately replace the 2014 Toro 3000 series mower
- The purchase is consist with the city’s CIP and planned for 2024.

**POLICY CONSIDERATIONS:** It is the Mayor and Council’s policy to review and approve the purchases for the Public Works Department.

**FINANCIAL CONSIDERATIONS:** The funds for mower would come from capital reserves designated for public works equipment.

**LEGAL CONSIDERATIONS:** The Mayor and Council have the authority to approve equipment purchases.

**Responsible Person:** Tim Guimont, Public Works Supervisor

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

**Attachment:**

- Proposal from Minnesota Equipment



**Quote Summary**

**Prepared For:**  
 CITY OF ALBERTVILLE  
 PO BOX 131  
 ALBERTVILLE, MN 55301  
 TGUIMOUNT@CITYOFALBERTVILLE.COM

**Prepared By:**  
 Shane Fisher  
 Minnesota Equipment, Inc.  
 13725 Main Street  
 Rogers, MN 55374  
 Phone: 763-428-4107  
 Mobile: 763-204-1171  
 shanefisher@mnequip.com

**Quote Id:** 30912892  
**Created On:** 07 May 2024  
**Last Modified On:** 28 May 2024  
**Expiration Date:** 31 May 2024

<b>Equipment Summary</b>	<b>Selling Price</b>	<b>Qty</b>	<b>Extended</b>
TORO 4000 Z MASTER HDX PRO - 52" DECK - 74010 MINNESOTA STATE CONTRACT PRICING - CONTRACT #243333	\$ 10,787.00 X	1 =	\$ 10,787.00
TORO TWIN BAGGER ASSEMBLY MINNESOTA STATE CONTRACT PRICING - CONTRACT #243333	\$ 3,882.00 X	1 =	\$ 3,882.00
<b>Equipment Total</b>			<b>\$ 14,669.00</b>

<b>Quote Summary</b>	
Equipment Total	\$ 14,669.00
SubTotal	\$ 14,669.00
Est. Service Agreement Tax	\$ 0.00
Total	\$ 14,669.00
<b>Balance Due</b>	<b>\$ 14,669.00</b>



## Albertville Fire Department – May 2024 Incident Data



Total Incidents

54

Turn Out Time (Median)

5m 57s

Travel Time (Median)

3m 54s

Time to Arrival (Median)

9m 42s

### Top Incidents by Category (Grouped)

Show  entries

Search

Incident Broad Category	# of Incidents
100 Series - Fire	6
300 Series - Rescue and Emergency Medical Services	22
400 Series - Hazardous Condition (No Fire)	2
500 Series - Service Call	2
600 Series - Good Intent Call	17
700 Series - False Alarm and False Call	5
<b>Totals</b>	<b>54</b>

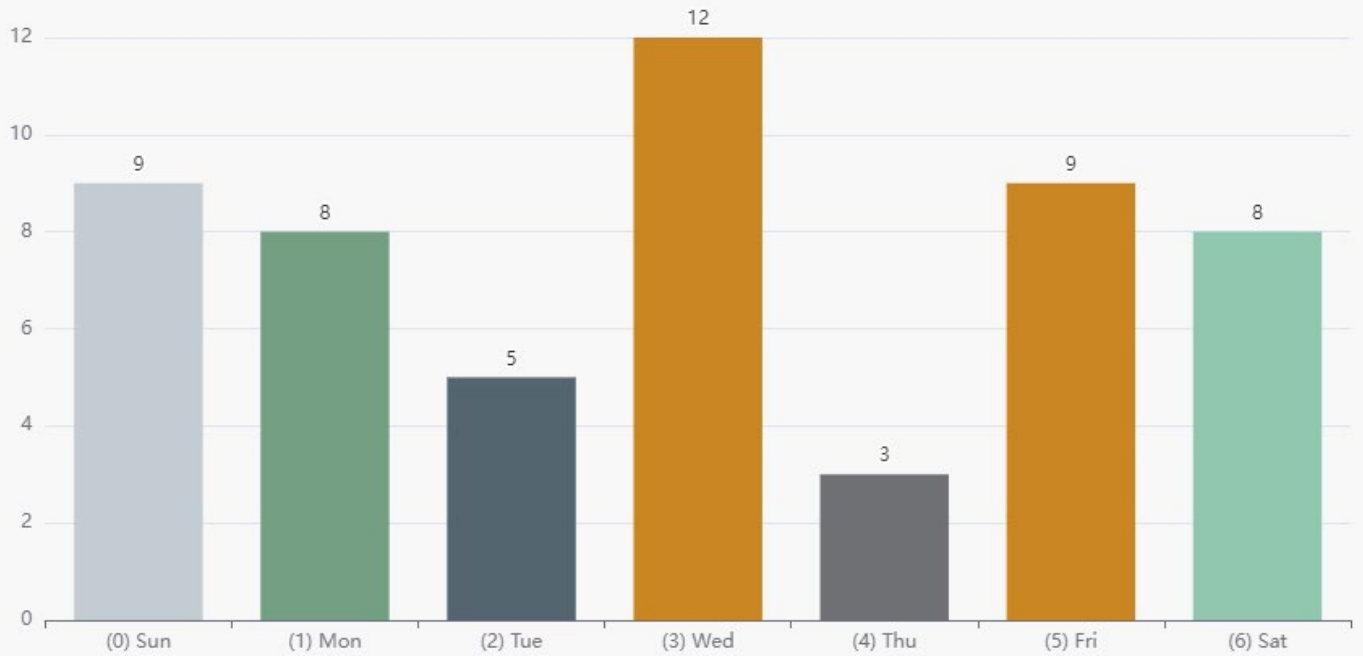
Incident Data Thru 5/30/2024



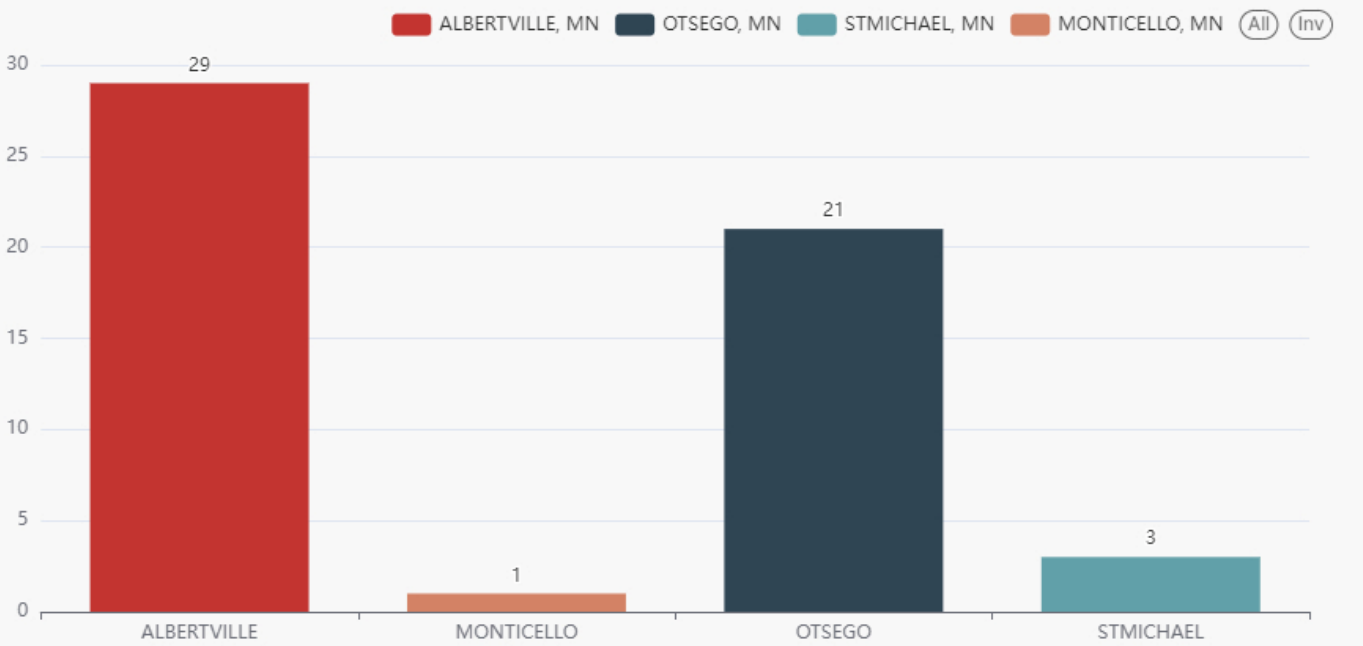
# Albertville Fire Department – May 2024 Incident Data



### Total Calls by Day of Week



### Incidents by City



Incident Data Thru 5/30/2024

June 3, 2024

**SUBJECT: LEGAL – POTTER PROPERTY ORDINANCE ENFORCEMENT**

**RECOMMENDATION:** The purpose of this memo is to update the City Council on the progress of the cleanup on Mike Potter’s property.

**BACKGROUND:** For many years Mike Potter has used his property on the corner of County Highway 137 and Mackenzie Avenue to store a significant amount of construction materials, equipment, tree waste, used pallets and miscellaneous junk as well as leasing a portion of the property to a landscaping company. None of these uses were permitted by the City’s Zoning Ordinance and the City had received many nuisance complaints on the property. Last fall the City brought suit against Mike and Heidi Potter as well as Potter’s tenant, Norby Landscaping, seeking to have the property cleaned up and to halt uses that are not consistent with the Zoning Ordinance.

Norby Landscaping moved out of the property this spring and appears to have cleaned up its portion of the site. In the last two months, Mike Potter has made good progress in getting rid of many of the items causing the nuisance on the property. There still remains on the property a semi-trailer, a 5<sup>th</sup>-wheel attachment used to move semi-trailers, some piping, the Villas restaurant sign, a small amount of miscellaneous construction supplies, a shipping container, and a few tractors. The property as a whole appears to be about three-quarters cleaned up at this point. Mike Potter intends to continue cleaning the property up. The outstanding question is when the property cleanup will be finished.

Pictures from March 18, 2023, and from May 29, 2024 are attached so that the Council can see the progress that has been made to date.

**KEY ISSUES:**

- This case is currently in Wright County District Court. The pretrial conference is scheduled for July 29, 2024, but no trial date has been scheduled at this point.
- Mike Potter and I have discussed his progress and are in the process of seeing whether Mike can lay out a schedule to finish cleaning up the property that might be acceptable to the City. If so, that schedule would likely become a basis for a settlement agreement.

**POLICY/PRACTICES CONSIDERATIONS:** The City will typically continue on with the case until a settlement is reached or the case goes to trial.

**FINANCIAL CONSIDERATIONS:** A settlement in this case would be the most cost effective way to resolve this matter.

**LEGAL CONSIDERATIONS:** The City Council can discuss this matter publicly with the Potters at a City Council meeting. However, as a matter under litigation, the City Attorney will not want to discuss litigation strategy publicly and would prefer to keep the discussion focused on a timeline for cleaning up the property that may be acceptable to the City which can form the basis for a settlement agreement.

**Responsible Person:** Mike Couri, City Attorney.

**Submitted Through:** Adam Nafstad, City Administrator/PWD.

**Attachments:**

- Photos of Property in March 2023 and May 2024

MARCH, 2023















**MAY, 2024**



**MAY, 2024**





**MAY, 2024**



**MAY, 2024**





MAY, 2024



**MAY, 2024**



June 3, 2024

**SUBJECT: LEGAL – EVERBROOK DAYCARE DEVELOPER’S AGREEMENT  
AMENDMENT**

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

**MOTION TO:** Approve First Amendment to Planned Unit Development Shoppes at Towne Lakes Two (Everbrook Daycare Developer’s Agreement).

**BACKGROUND:** Oppidan Holdings LLC is proposing the construction of an 11,500+ square foot daycare center on Lot 2 and 3 Block 1 Shoppes at Towne Lakes Two, entitled Everbrook Daycare. As part of the approval process, Oppidan is required to enter into an amended Developer’s Agreement addressing the changed conditions arising from the daycare development.

**KEY ISSUES:**

- The requirement in the original Developer’s Agreement that two of the lots in Shoppes of Town Lakes Two be developed as restaurants has been deleted. One of those lots was Lot 2, which will now be developed as a daycare and the other was Lot 5, which was developed as a Perkins restaurant which fulfilled the requirement in the developer’s agreement that it be initially developed as a restaurant use.
- The Amendment revises the site plan for the daycare building and parking configuration as approved by the City Council.
- The Amendment requires the dedication of a drainage and utility easement over a new water line that will be installed by the developer.

**POLICY/PRACTICES CONSIDERATIONS:** This Amendment implements the policy changes that were approved by the City Council in approving the Everbrook development.

**FINANCIAL CONSIDERATIONS:** The development will increase the City’s tax base upon its completion. No other financial impacts are expected from this Agreement.

**LEGAL CONSIDERATIONS:** Except as amended by this Amendment, the provisions of the original Developer’s Agreement remain in force.

**Responsible Person:** Mike Couri, City Attorney

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

**Attachments:**

- Amended Developer’s Agreement

**CITY OF ALBERTVILLE  
FIRST AMENDMENT TO PLANNED UNIT DEVELOPMENT  
SHOPPES AT TOWN LAKES TWO**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2024 by and between Oppidan Holdings, LLC, referred to herein as “Developer”; and the CITY OF ALBERTVILLE, County of Wright, State of Minnesota, hereinafter referred to as “City”;

**WITNESSETH:**

**WHEREAS**, Developer is the fee owner of the real property described as Lots 2 and 3, Block 1, Shoppes at Towne Lakes Two, according to the plat of record filed in the Wright County Recorder’s Office, Wright County, Minnesota (hereinafter “Said Plat” or “Subject Property”); and

**WHEREAS**, Developer wishes to combine said lots 2 and 3 and provide for different uses on the Subject Property than is currently allowed in that development agreement entitled “Planned Unit Development Shoppes at Town Lakes Two” recorded as document number A1022067 in the Wright County Recorder’s Office, Wright County, Minnesota (“Original Developer’s Agreement”); and

**WHEREAS**, the intent of the parties is that this First Amendment to Planned Unit Development Shoppes at Town Lakes Two (“Amended Agreement”) to apply only to the Subject Property; and

**WHEREAS**, the City has given final approval of the development of the Subject Property, subject to certain requirements, including, but not limited to, matters set forth herein; and

**WHEREAS**, the City has approved the combination of said Lots 1 and 2 into a single lot, and Developer has recorded a City Resolution to that effect at the Wright County Recorder's Office;

**NOW, THEREFORE, IT IS HEREBY AND HEREIN MUTUALLY AGREED**, in consideration of each party's promises and considerations herein set forth, as follows:

1. **Agreements Intended to be Read Together.** The parties intend that Original Development Agreement and the Amended Agreement be read together with the Amended Agreement modifying the Original Development Agreement only in those instances where it explicitly modifies the Original Development Agreement.

2. **Permitted Uses and Property Development.**

A. Paragraph 1.B. of the Original Development Agreement is amended as follows:

- i. Paragraph 1.B.2. is deleted in its entirety.
- ii. Paragraph 1.B.3 is deleted in its entirety.
- iii. Paragraph 1.B.5 shall not apply to the said Lots 2 and 3.
- iv. The remaining portions of Paragraph 1.B. shall remain unchanged.

B. Developer shall develop the Property consistent with the following plans:

- i. Site Plan attached as Exhibit 1 to this Amendment.
- ii. Architectural Building Elevations attached as Exhibit 2 to this Amendment.
- iii. Photometric plan attached as Exhibit 3 to this Amendment.
- iv. All ground mounted or rooftop mechanical equipment must be screened from view of adjoining properties and public streets.
- v. Utilities shall be installed consistent with the Utility Plan attached Exhibit 4 to this Amendment.
- vi. The Property shall be graded consistent with the Grading and Drainage Plan attached as Exhibit 5 to this Amendment.

3. **Utility Easements.**

A. In the event that the City disturbs improvements installed by Developer over drainage and utility easements, the City shall restore said disturbed surface to a gravel surface and Developer shall be responsible for restoring its improvements at Developer's cost.

B. Developer shall provide the City with a permanent drainage and utility easement over that portion of the Subject Property as described on Exhibit 6 attached to this Agreement.

4. **Lot Combination.** Lots 2 and 3, Block 2, Shoppes of Towne Lakes are hereby combined into one lot.

5. **Notification Information.**

Any notices to the parties herein shall be in writing, delivered by hand (to the City Clerk for the City) or registered mail addressed as follows to the following parties:

City of Albertville  
c/o City Clerk  
P.O. Box 9  
Albertville, MN 55301  
Telephone: (763) 497-3384

Oppidan Holdings, LLC

\_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_

5. **Agreement Effect.**

This Agreement shall be binding upon and extend to the representatives, heirs, successors and assigns of the parties hereto.



COUNTY OF WRIGHT )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by Kris Luedke, as Clerk of the City of Albertville, a Minnesota municipal corporation, on behalf of the city and pursuant to the authority of the City Council.

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA )  
  ) ss.  
COUNTY OF WRIGHT )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by \_\_\_\_\_, as \_\_\_\_\_ of Oppidan Holdings, LLC.

\_\_\_\_\_  
Notary Public

**DRAFTED BY:**  
Couri & Ruppe PLLP  
P.O. Box 369  
705 Central Avenue East  
St. Michael, MN 55376  
(763) 497-1930



**EXHIBIT 1 TO AMENDMENT**

Site Plan

**EXHIBIT 2 TO AMENDMENT**

Architectural Building Elevations

**EXHIBIT 3 TO AMENDMENT**

Photometric plan

**EXHIBIT 4 TO AMENDMENT**

Utility Plan

**EXHIBIT 5 TO AMENDMENT**

Grading and Drainage Plan

**EXHIBIT 6 TO AMENDMENT**

Permanent Drainage and Utility Easement

**EXHIBIT 6**

**PERMANENT DRAINAGE AND UTILITY EASEMENT**

Oppidan Holdings, LLC, a Minnesota limited liability company, Grantor, for valuable consideration, receipt of which is hereby acknowledged, does hereby convey and warrant to the City of Albertville, a municipal corporation under the laws of the State of Minnesota, Grantee, for public drainage and utility purposes, together with the unrestricted right to improve the same, the following described permanent public drainage and utility easement over, across and under real estate in the County of Wright, in the State of Minnesota, legally described as follows:

[LEGAL DESCRIPTION OF EASEMENT]

Dated: February \_\_\_\_\_, 2024

Oppidan Holdings, LLC

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

STATE OF MINNESOTA )  
  ) s.s.  
COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024 by  
\_\_\_\_\_ as \_\_\_\_\_ of Oppidan  
Holdings, LLC.

\_\_\_\_\_  
Notary Public

This instrument was drafted by:  
Couri & Ruppe, P.L.L.P.  
PO Box 369  
St. Michael, MN 66476-0369  
Phone: (763) 497-1930

## GENERAL ADMINISTRATION

**Albertville Friendly City Days Social:** This year's social will be on the Thursday, June 6, 2024, at 6 pm in Central Park in the Beer Gardens by the Main Stage. Thursday night is the Albertville Firemen's Relief Craft Beer night.

**Albertville Fire Department:** The Albertville Fire Department is planning an Open House on Saturday, June 8, 2024, from 9 am to noon during this year's Friendly City Days Festival.

**League of Minnesota Cities 2024 Annual Conference:** This event will be held on Wednesday, June 26 through Friday, June 28, 2024, in Rochester, MN at the Rochester Mayo Civic Center. Registration is now open for the event. Please let me know if you would like to attend this year.

**Annual Recycling Rate Increase:** In 2021, the City negotiated the 5-year contract extension with Republic Services. Resolution No. 2021-016 was approved on March 15, 2021, setting the recycling fees for the five-year period. Beginning June 1, 2024, through May 31, 2025, the new recycling rate will be \$4.81.

**2024 Elections:** Filing for City Offices will begin July 30 and run August 13, 2024. In-person absentee voting at the Albertville City Hall for the August 13 Primary Election will begin Monday, July 1, 2024. Campaign signs of all sizes are allowed beginning June 28. (46 days before the state primary in a state general election year until 10 days following the state general election.)

**July 1 Council Meeting:** A reminder there will not be a Council meeting the first week of July.

**Parks Committee:** The Parks Committee held their Explore Your Parks Night event on Thursday, May 16 in Oakside Park, Villas Park and Winter Park. The event featured a Public Works equipment display, the Albertville Fire Department, Wright County Sheriff's Office K9 Unit and other family entertainment. The event was well attended.

**Parks Committee Vacancy:** The Parks Committee still has a vacancy due to a resignation. The vacancy has been posted on the City's website and Facebook page.

**Code/Zoning Enforcement:** The code enforcement regarding illegal land use on Potter's property located at the southwest corner of 60<sup>th</sup> Street NE and Mackenzie Avenue has been turned over to the City Attorney.

## **ENGINEERING/PUBLIC WORKS**

**49<sup>th</sup> Street NE (St. Michael Sewer):** Albertville and St. Michael have a sanitary sewer agreement for Albertville to provide sewer service to 250 single family properties in St. Michael south of Fieldstone Elementary. Currently, approximately 172 homes are complete and in service. The next phases of the residential subdivisions will require the developer to connect a sewer line to an existing manhole in the Kagan Avenue and 49<sup>th</sup> Street intersection in our Albert Villas neighborhood. The connection will require the developer to completely reconstruct the short segment of 49<sup>th</sup> Street. I anticipate the work will begin this month.

**Main Avenue NE Reconstruct:** Preliminary design and engineering is underway and we are coordinating the project with Xcel Energy as part of their Main Avenue feeder upgrades. Design concepts will be presented at a future meeting this summer.

**2024 Street Overlay:** The project is expected to begin the second week of July.

**2024 Concrete Improvements:** With the exception of restoration, the project is complete.

**WWTF Improvements:** The project continues to progress well. Currently, the Contractor is working to complete the oxidation ditch upgrades.

**Generator Improvements:** All three generators have been ordered. The generator for the fire hall and Villas Lift Station are expected to arrive by the end of the year. The trailer mounted generator is expected within the next 4 weeks.

**Lift Station Upgrades:** Public Works is working on 4 lift station upgrades. Generally, upgrades are related to control panels and electrical components. Eligible expenses can be paid with ARPA funds otherwise are paid with enterprise capital reserves.

### **Upcoming Events:**

- June 5-9 – 2024 Albertville Friendly City Days Festival
- June 6 – Albertville Friendly City Days Social
- June 8 – Albertville Fire Department Open House
- June 13 – Opening day of the Albertville Farmer’s Market
- June 14 – FYCC Dueling Piano Event