

PRESENT: Mayor Rasmussen Jr., Councilors John Schulte V, Larry Baker, George Marin, Reid Olson, Larry Anderson and Al Brooks. Also present was City Manager Adams, City Engineer Steven Jahnke, City Attorney Lee Bjorndal and City Clerk Shirley Slater-Schulte.

CEREMONIAL

Police Chief Winkels introduced the two new officers that would be sworn in as official police officers for the City of Albert Lea. Officer Brianna Lutz, originally from Burnsville, MN, graduate of University of Wisconsin La Claire, degree in Criminal Justice. Officer Erik Melia originally from Ohio and Fort Wayne, IN area, 4th generation law enforcement, served in the military, received his law enforcement education at Alexandria Technical College.

Shirley Slater-Schulte, City Clerk administered the “Oath of Office” to the following officers:

Brianna Lutz
Erik Melia

Mayor Rasmussen Jr. congratulated both officers and welcomed them to the City of Albert Lea.

CONSENT AGENDA

- A. Approve Minutes Of The January 14, 2013 Regular Council Meeting
- B. Approve Minutes Of The January 10, 2013 Work Session
- C. Licenses And Permits (See Attached List)
- D. Resolution 13-10-Approving Lawful Gambling Premises Permit – Albert Lea Moose Lodge
- E. Resolution 13-11-Approving Broadway Ridge Grant Agreement With Plymouth Shoe Store
- F. Resolution 13-12-Declaring Surplus And Abandoned Property

MOTION: I will move to approve the consent agenda as presented.

Motion made by Councilor Baker, seconded by Councilor Marin. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, Marin, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary’s Original Resolutions 13-10-13-12
included with these minutes.)

PUBLIC FORUM

PETITIONS-REQUESTS-COMMUNICATIONS

UNFINISHED BUSINESS**VACATION OF ROADWAY EASEMENT AND DEVELOPMENT AGREEMENT WITH KWIK TRIP**

City Manager Adams explained that staff has been working with Kwik Trip representatives on an agreement for the project per the direction of the City Council. City Staff and Kwik Trip have generally come to terms on development agreement and valid public purpose to vacate the road easement. However, Staff needs time to prepare the resolution and agreement following our meeting earlier this evening with Kwik Trip

The motion that we would be requesting the council to consider tonight is as follows:

Motion: To direct staff to prepare the resolution granting vacation of the ROW Easement and a resolution to approve an agreement between the parties to include the following:

Agreement Terms, 1.28.2013

1. Kwik Trip will pay for the design of Bridge/Sykes intersection. Kwik Trip will submit a \$30,000 escrow for the City and County to employ an engineer to design the intersection.
2. Kwik Trip agrees to pay up to one-third of the cost (est. \$300,000) for the intersection improvement to be made in 2013.
3. Kwik Trip agrees to remove the frontage road and replace the curb per the direction of the City Engineering Department. This work will need to be completed prior to issuing a Certificate of Occupancy for the building.
4. Kwik Trip agrees to the conditions of the site plan outlined in the report prepared by City Building Official Doug Johnson on January 3, 2013.
5. Kwik Trip agrees to sign a petition and waiver agreement for future assessments.
6. Working on some conditions or language regarding the property for the general intersection needs.

Other Summary Items

- The City will not commit to funding any share of the intersection improvement in 2013. The rationale for not funding the intersection involves both policy and funding.
- The City does agree to cost-share with the intersection improvement when the traffic warrants are met for an improvement.
- At the present time, traffic warrants are not met.
- When traffic warrants are met, the City may be eligible to use Municipal State Aid (MSA) or federal/state funds for the cost-share of the project, which reduces the burden of local taxpayer money being spent on the project.
- We have not budgeted tax-payer funds for this project and in Staff's opinion it would be unwise to use such tax-payer funds when warrants are not met and other future State and Federal funds may be available to pay for the majority of the intersection improvement.

Mr. Peter Coyle, Larkin Hoffman Daly & Lindgren, Ltd., 7900 Xerxes Avenue S. Bloomington, MN and Mr. Wade Dumond, Real Estate Manager for Kwik Trip and are responsible for Kwik Trip's Development Application.

Mr. Peter Coyle stated the following:

- Appreciated the staff support but differed on timing
- Requesting that the City Council move forward this evening

The council asked questions and had discussion on this project.

Mr. Wade Dumond, Representative of Kwik Trip, Lacrosse, WI, answered questions relating to this project. There is one question not answered, working on some conditions or language regarding the property for the general intersection needs. Mr. Dumond requested an answer this evening to approve or deny this application.

City Attorney Bjorndal, answered questions regarding the need to have an agreement. Option would be to go ahead and approve or get the agreement before the next agenda and have it reviewed by everyone. It would be in the best interest of the city to have the agreement and resolution approved by the council.

City Adams stated that we have no Resolution of Findings for this evening.

Mr. Coyle requested that the council lay this over for a few minutes, at the request of Mr. Dumond to check with his superior at Kwik Trip.

MOTION: I will make a motion to recess this item until after claims.

Motion was introduced by Councilor Schulte to lay this matter over until after claims, seconded by Councilor Marin. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, Marin, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed.

NEW BUSINESS

MAYOR & CITY COUNCIL REPORTS

First Ward, Councilor Schulte V. reported:

- Committee Updates– Council Retreat – Annual Goal Setting
- No Ward Items

Second Ward, Councilor Baker reported:

- Committee Updates – Planning Commission Meeting updates
- Attended the Freeborn League of Minnesota Cities Meeting
- No Ward Items

Third Ward, Councilor Marin reported:

- Committee Updates – Update on Sunset – removal of trees, stumps, roughly graded the road, culvert placement, etc.
- No Ward Items

Ward Items, Fourth Ward, Councilor Olson reported:

- Committee Updates – Park & Recreational Meeting updates
- Reviewed the Youth Soccer Agreement
- Update on Cottage
- Ward Items

Fifth Ward, Councilor Anderson reported:

- Committee Updates– None
- Ward Items – Brought to staff
- Thanked City Staff for all of the hard work this past week-end during the ice storm
- Thanked everyone who attended the event sponsored by the Sportsman Club this past week-end

Sixth Ward, Councilor Brooks reported:

- Committee Updates – CBV Meeting & Budgets, hold meetings at Hotels & Motels
- Ward Items – None
- Big Freeze

APPOINTMENT TO BOARDS AND COMMISSION

Mayor Rasmussen Jr. appointed the following:

- Mary Schroader – Freeborn County Family Services Collaborative
- Richard Buringa – Heritage Preservation Commission
- Johanna Thomas – Human Rights Commission

Motion to approve these appointments was offered by Councilor Marin, seconded by Councilor Baker. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, Marin, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed.

Mayor Rasmussen Jr. reported the following:

- Mentioned an article written by Drew Clausen, published in the Minnesota Daily recognizing Mr. Roy Nystrom, dedication of our arena in Mr. Nystrom honor.
- Thanked the Fountain Lake Sportsmen’s Club for sponsoring the fishing event this past week-end, over 125 people attended. Prizes were awarded as follows:

- 1st Place – Mark Strand
- 2nd Place – Skylar Hanson
- 3rd Place – Mark Strand

CITY MANAGER’S REPORT

City Manager Adams reported the following:

- State Legislature Session has begun and some of the details are coming forward with the Governor’s proposed budget, proposal to reform the LGA formula, sales tax, other policies, etc. Local Team including Mayor Rasmussen Jr., Councilor Larry Baker and Executive Director from the Port Authority Dan Dorman will be heading up to the Capitol next week to talk with our local Representatives about these items and a few other policy issues

RESOLUTION 13-13 - APPROVING CONTRACT WITH COUNCILMEMBER SCHULTE V

City Manager Adams explained that the attached resolution directs the Mayor and City Clerk to make payment on behalf of the City for a claim from Jones Haugh & Smith, Inc. in the amount of \$150.00 and to issue payment for filing the affidavit of official interest by the interested official, John Schulte V.

Councilor Anderson moved that the resolution be approved for payment of claims in the amount of \$150.00 to Jones Haugh & Smith, Inc., seconded by Councilor Olson. On roll call vote, the following councilors voted in favor of said motion: Councilors: Baker, Marin, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed. Councilor Schulte V abstained.

(See Secretary's Original Resolution 13-13
included with these minutes.)

RESOLUTION 13-14- APPROVING CLAIMS

Councilor Schulte V moved that the resolution be approved for payment of claims as presented for checks # 47229 through #47387 in the amount of \$434,301.46, , with the exception of Check #47305 to Jones Haugh & Smith, Inc. in the amount of \$150.00, seconded by Councilor Marin . On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V., Baker, Marin, Olson, Anderson, Brooks, and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolution 13-14
included with these minutes.)

VACATION OF ROADWAY EASEMENT AND DEVELOPMENT AGREEMENT WITH KWIK TRIP (Recess opened)

Mr. Wade Dumond, representative of Kwik Trip, thanked the council for the recess and stated that he has an agreement from his superior that they can wait two more weeks. Part of the problem was that this was to be included in a Construction Meeting tomorrow, but they are willing to push it back another two weeks.

Mr. Peter Coyle thanked the council and encouraged them to move forward and direct staff to move forward on this agreement with the six conditions and they have the list of public purposes for the February 11, 2013 council meeting.

City Staff and Kwik Trip have generally come to terms on a development agreement and valid public purpose to vacate the road easement. However, Staff needs time to prepare the resolution and agreement following our meeting earlier this evening with Kwik Trip.

MOTION: I will move to direct staff to prepare the resolution granting vacation of the ROW Easement and a resolution to approve an agreement between the parties.

Motion made by Councilor Anderson, seconded by Councilor Marin. On roll call vote, the following councilors voted in favor of said motion: Councilors: Baker, Marin, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Councilor Schulte V voted nay. Mayor Rasmussen Jr. declared the motion passed.

The agreement terms to include the following:

1. Kwik Trip will pay for the design of Bridge/Sykes intersection. Kwik Trip will submit a \$30,000 escrow for the City and County to employ an engineer to design the intersection.
2. Kwik Trip agrees to pay up to one-third of the cost (est. \$300,000) for the intersection improvement to be made in 2013.
3. Kwik Trip agrees to remove the frontage road and replace the curb per the direction of the City Engineering Department. This work will need to be completed prior to issuing a Certificate of Occupancy for the building.

4. Kwik Trip agrees to the conditions of the site plan outlined in the report prepared by City Building Official Doug Johnson on January 3, 2013.
5. Kwik Trip agrees to sign a petition and waiver agreement for future assessments.
6. Kwik Trip and the City will work on some language regarding potential easement to be retained at the intersection of Bridge/Sykes that is being propped to be vacated.

ADJOURNMENT

Councilor Marin moved and Councilor Brooks seconded that there being no further business, the council meeting be adjourned at 8:05 p.m., until the next regular meeting of the Albert Lea City Council at 7 p.m. on Monday, February 11, 2013. On roll call vote, all councilors voted in favor of said motion. Mayor Rasmussen Jr. declared the motion passed and the meeting adjourned.

Mayor Vern Rasmussen, Jr.

Filed and attested January 29, 2013

Secretary to the Council