

**REGULAR COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
Monday, February 10, 2014, 7:00 P.M.**

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

CEREMONIAL

APPOINTMENT OF BOARD MEMBER TO PORT AUTHORITY

Mayor Rasmussen Jr. requested that the council appoint Mr. Nate Jansen to the Port Authority Board.

MOTION: I will move to approve the appointment of Mr. Nate Jansen to the Port Authority Board.

Motion made by Councilor Baker, seconded by Councilor Brooks. 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.

PUBLIC FORUM

Harold Kamrath, 326 Glenn Road, stated the following:

- Attended and was impressed with the City Council Retreat held on January 25, 2014
- Suggested that the Fire Department clean city hall and save city dollars
- Suggested that the Council have coffee hour with citizens

APPROVAL OF AGENDA

- A. Approve Minutes Of The January 27, 2014 Regular Council Meeting
- B. Approve Minutes Of The January 25, 2014 Council/Staff Retreat
- C. Approve Minutes Of The January 23, 2014 Work Session
- D. Licenses And Permits (See Attached List)
- E. Resolution 14-17 Approving Agreement With International Association Of Firefighters (IAFF) Local 1041
- F. Resolution 14-18 Authorizing Pay Equity Plan Submission
- G. Resolution 14-19 Ordering Preparation of Feasibility Report For Job No. 9432 – Northwest Sewer And Water Extension
- H. Resolution 14-20 Ordering Preparation of Feasibility Report For Job No. 0301 – Virginia Place & 5th Street Reconstruction
- I. Resolution 14-21 Ordering Preparation of Feasibility Report For Job No. 1353 – Giles & Sheridan Reconstruction Project

- J. Resolution 14-22 Ordering Preparation of Feasibility Report For Job No. 1361 – Plaza Street Realignment And Wetland Mitigation Project
- K. Resolution 14-23 Ordering Preparation of Feasibility Report For Job No. 1450 – 2014 Neighborhood Improvement Project
- L. Resolution 14-24 Ordering Preparation of Feasibility Report For Job No. 1451 – 2014 State Aid Street Overlay Project
- M. Resolution 14-25 Ordering Preparation of Feasibility Report For Job No. 1457 – 2014 Concrete Alley Paving Project
- N. Approve Satisfaction of Mortgage To DJ Development Company, LLP
- O. Schedule Joint Work Session of the City Council and Port Authority Board For March 20, 2014

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

Motion made by Councilor Baker, seconded by Councilor Brooks. 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 14-17 14-25
included with these minutes)

PETITIONS-REQUESTS-COMMUNICATIONS

UNFINISHED BUSINESS

SKATE PARK REPORT

City Manager Adams stated that staff is recommending that the Skate Park be kept in its current location, with a list of recommended improvements per the staff memo. Staff recommends receiving public comment at this meeting before accepting or modifying the recommendations at the February 24th Council meeting.

Mayor Rasmussen Jr. opened the meeting to the following public comment:

Dave Karge, 702 Frank Avenue, commented that the skate park should be maintained at its present location. Mr. Karge also suggested that the tennis courts be repaired and maintained at the Frank Hall location.

Cindy Gilbert, 308 Johnson, stated that the noise issue has not been addressed as noted in the recommendations. She stated further that she does not understand how installing security lights will improve the problems that have been discussed; the signage has always been a problem and hours have been ignored for the past three years. Ms. Gilbert noted that the report suggests active policing, but also states that the city does not have the staff to lock the park at night. Residents are the ones calling the police to request services at the park; she stated that she does not think these recommendations will fix the problem.

Sharon Nelson, 310 Johnson Street, thanked the council for listening to the residents' issues regarding the skate park. She stated that she is the person responsible for the petition and she does not enjoy having the skate park in her front/back yard. Ms. Nelson suggested moving the park to Morin Park or the Blazing Star Landing property.

Harold Kamrath, 326 Glenn Road, asked what the cost would be to move the skate park.

City Manager Adams stated that staff is recommending that Council hear public comment and place this on the next agenda to review and/or modify the recommendations. A "Crime Prevention through Environmental Design" Site Audit was conducted by the Police Department; the document will be made available to the public.

PUBLIC WORKS AND ENGINEERING REPORT ON ACHIEVEMENTS AND GOALS

City Engineer Steven Jahnke provided an overview of 2013 achievements and possible goals and projects for 2014.

AIRPORT:

- Completion of runway and taxiway
- Completion of apron project
- All airside needs completed
- Wildlife and security fence completed
- Minor Improvements to Arrival/Departure building
- Furniture and conference table for 2014
- Purchased used dual axle truck
- Received Minnesota Council of Airports Project of Year award in the "Key Non-Commercial Service Airport" category

BROADWAY STREETScape AND INFRASTRUCTURE PROJECT

- Work in park and kiosks remain
- Received Concrete Paving Award - Presentation in March
- Early wet weather and contractor busy with State project caused delays
- Sunset Street Extension - TH-69 to Arena Area
- Neighborhood Improvement Project - (Shoreland Heights area and North of East Main)
- State Aid Neighborhood Project – 4th Avenue, Front Street to West 9th Street – The project included new sidewalk from Plainview Lane to West 9th Street.
- I & I Sanitary Sewer line inspection winding down.
 - Approximately 10 left to repair
 - Approximately 23 uninspected
- MNDOT Projects - TH-69 from Iowa Border to TH-13
 - Included joint project of new sidewalk from Plainview Lane to West 9th Street

- Construction of a new signal at TH-13 and Main Street
- MNDOT overlay of TH-65 from I-35 south
- Sykes Street signal installation, paid for by Freeborn County and Kwik Trip
- STIP funding for Bridge Avenue from I-90 to Hammer Road (2017)
- Continue to work on St. Johns campus and Stables area funding

LANDFILL

- Continue with cleanup day
- Installation of a compactor planned in 2014

STREET DEPARTMENT

- Crack sealing
 - South of Main at 1st Avenue
 - South to Plainview Lane
- Sunset extension – Will complete when wetland mitigation is complete and the County controls railroad property
- Chip sealing by others (area west of hospital)
- Snow blower purchase

UTILITIES

- Continue to supply safe water and sewage disposal
- Meter replacement project
- Replaced pump #2 at main lift station
- West and North Water Plan Filter Evaluation by Progressive Engineering
 - Resulted in City changing its backwash procedures
 - Recommends changing out filter media in 2014 or 2015
- SCADA upgrade project awarded to Quality Control and Integration

WWTP

- Acute toxicity study continues
- Purchased Microturbine gas conditioning skid. The building will be built in 2014.
- Phosphorus Management Plan

PUBLIC WORKS

- Complete construction projects
- Complete City approved plan for Bridge Avenue to Freeborn County
- Plan and timeline for St. Johns/Stables area infrastructure extension
- Collaborate with the Watershed for dredging the lakes
- Prepare a realistic long term construction plan consistent with funding

- Continue improving and refining Capital Improvements Plan (CIP) and Financial Management Plan
- Doing more with less (ongoing)
- Train and maintain strong workforce
- Safety
- Complete water meter change-out
- Complete crosswalk study
- Evaluate option for AD/FBO building at Airport and management agreement
- Work with Council to determine needs of the airport and community

NEW BUSINESS

ORDINANCE 178,4D AMENDING CHAPTER 22, ARTICLE XI – PROHIBITING SMOKING OF ANY KIND AT CITY HALL AND PERMITTING SMOKING IN A DESIGNATED AREA AT CITY ARENA (1ST Reading)

City Manager Adams stated that the Park Board was asked to make a recommendation on whether smoking, chewing or ingesting tobacco products should be permitted at the Arena in any location. The Park Board voted to ban all smoking at the Arena. Staff prefers a complete ban at the Arena due to the proximity of youth, enforcement difficulties, to be consistent with the ban at City Hall, and for basic health reasons and the need for snow removal from any designated smoking area. Council has given direction to staff to draft an ordinance allowing tobacco use in a designated area at the Arena. A map is attached to the proposed ordinance showing the designated area. Staff opposes the amendment.

Mayor Rasmussen Jr. asked for public comment as follows:

Ellen Kehr, 1712 Plainview Lane, commented as follows:

- Public Safety vs. Individual Rights
- It is a fact that smoking and tobacco use are harmful to health and they can cause death that includes second hand smoke.
- It is also a fact that passing tobacco policy and limiting tobacco use and smoking in public areas will impact individual free choice.
- The question is whether public safety supersedes individual free choice.
- The City of Albert Lea already limits individual right of free choice in many areas with laws and ordinances that protect all of our citizens when it comes to issues pertaining to public safety.
- 81% of the adult residents of Freeborn County do not smoke.
- Encouraged the Council on behalf of Public Safety, the health and well-being of our community, to adopt the full policy that is recommended by the City's Park Board and city staff.

- Randy Kehr, 1712 Plainview Lane, representing the National Vitality Center (NVC) Leadership Team, presented the following information:
 - Since the departure of the “Blue Zones Project” in 2009, the community has continued to draw regional and even national attention. The reason for this attention is not the initial project but rather the continued progress that we have made in the area of permanent, systematic, environmental and policy change.
 - The NVC hosted visits from the Mason City Worksite Leadership Team and the State Leaders of the Iowa Blue Zones Project. Purpose of these visits was to examine how the City of Albert Lea has continued to move forward.
 - Visit from Peter Miller, who is doing research for Dan Buettner’s next book which has the intent and expectation to include a chapter on Albert Lea.
 - Policy changes that have been made can be seen most clearly in the recent county health rankings from the Robert Wood Johnson Foundation, which shows that we have reduced Freeborn County’s smoking rate from 23% to 19%.
 - Tobacco Free Worksites have led the charge with a movement from 4% of workers on Tobacco Free Campuses to 35% of County workers now on Tobacco Free Campuses. Among those leading the way are:
 1. Innovance
 2. Alamco Wood Products
 3. Zumbro River Brand
 4. Riverland - all three campuses
 5. Mayo Clinic Health System in Albert Lea/Austin
 6. Alliance Benefit Group
 7. Albert Lea City Center
 - The community has the support of the Hockey Association.
 - All events held at the Albert Lea High School are held on a Tobacco Free Campus.
 - Changing the City Arena would be consistent with this policy.
 - Seen as leaders in the area promoting health and wellness for the community.

Mr. Kehr encouraged Council not to take a step backwards by including a smoking area outside the arena; it is the wrong message both to the adults and young people that come to participate in activities at the arena.

Lt. JD Carlson, 1720 Sunset Street, stated the following:

- Representative and speaker for the Hockey Association. He is an active member of the Freeborn County Partners in Prevention and a trained Substance Abuse Prevention Specialist (SAPS), has a role in the city and is a coach/parent of the Albert Lea Hockey Association. Speaking on behalf of his children and others that cannot speak for themselves.
- The Substance Abuse Prevention Specialist Skills Training Curriculum provides up-to-date and evidence based information to the prevention field. Article in Star Tribune paper supports a tobacco free generation.

- Encouraged Council to vote for the children, who cannot vote themselves. Albert Lea Hockey Association is the primary user of the City Arena and the Association continues to support a total ban.

Alice Englin, 82114 185th Street, Hayward, MN, member of Freeborn County Partners in Prevention, Coordinator of the State Health Improvement Program (SHIP) in Freeborn County, and also a hockey mom, made the following comments:

- Her children have played hockey since 2005 at the arena and have had to see people smoking directly outside of the arena, walked through smoke upon entering and exiting the arena.
- Children are taught to be physically active but you have to walk through smoke to enter this facility.
- Community has worked with the Freeborn County Fair Board to make Kids Day and Senior Day tobacco-free, the entire Riverland Campus is tobacco free, and Shady Oak Apartments are tobacco free.
- This is not new to the community.
- Let's not ask our children to walk through second hand smoke.

Vicki Larson, 204 North Shore Avenue, stated that her son holds his breath every time he walks through the smoking area in front of the arena.

Harold Kamrath, 316 Glenn Street, asked if this would include electronic cigarettes. City Attorney Bjorndal confirmed it would ban electronic cigarettes.

MOTION; I will move to adopt the first reading of Ordinance 178,4d with the deletion of the smoking area for the arena and make this a smoke free city facility.

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

(See Secretary's Original Ordinance 178,4d
included with these minutes)

ORDINANCE 179,4D AMENDING CHAPTER 6, ARTICLE II LIQUOR REGULATIONS, HOURS AND DAYS OF SALE (1ST Reading)

City Manager Adams stated that City Ordinance 6-109 states, in part, that off-sale alcohol sales are prohibited on January 1st and July 4th of each year. However, State law permits sales on those days and off-sale businesses have been open on those days. The City ordinance should be amended to be consistent with Minnesota law. It is also amended to reflect the existing 2:00

a.m. licensing. Neither of these modifications are substantive changes. Staff recommends amending the ordinance as written.

Motion made by Councilor Baker, seconded by Councilor Olson. 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 Ordinance 179,4d
included with these minutes)

RESOLUTION 14-26 SUPPORTING SHELL ROCK RIVER WATERSHED DISTRICT FUNDING REQUEST FOR FOUNTAIN LAKE RESTORATION PROJECT

City Manager Adams stated that Fountain Lake is included on Minnesota's impaired water list and the restoration project is a top legislative priority for the City of Albert Lea. The attached resolution supports the Shell Rock River Watershed's request for \$7.5 million in State funding for the restoration of Fountain Lake.

Motion made by Councilor Anderson, seconded by Councilor Brooks. 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 14-26
included with these minutes)

RESOLUTION 14-27 APPROVING CONTRACT FOR FACILITIES MASTER PLANNING SERVICES

City Manager Adams stated that staff recommends approval of the resolution directing the Mayor and City Manager to execute a contract for Facilities Master Planning Services with BKV Group in the amount of \$107,500. The Facilities Master Plan will help the City plan for future facility needs, rehabilitation, replacement, location, size and funding, as well as staffing needs, efficiencies. The Airport will be removed from this initial contract and will be added back in later due to possible grant funding. The study will be funded through the Building Services Fund, Police and Fire Pension Interest Earnings, Sewer Fund and a potential grant.

Mr. Bruce Schwartzman, Partner with BKV Group, commented as follows:

- Reviewed the project team and consultants that will work with the group to bring the best expertise to the table.
- BKV has had a tremendous amount of experience.
- Reviewed the project approach, process and schedule.
- Community public engagement will be part of the process.

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 Resolution 14-27
included with these minutes)

MAYOR & CITY COUNCIL REPORTS

First Ward, Councilor Schulte V reported:

- Ward Items – received email regarding water bill from resident
- Committee update – HRA meeting updates

Second Ward, Councilor Baker reported:

- Ward Items – none
- Committee update – Request for Proposals – Freeborn Bank Building

Third Ward, Councilor Marin reported:

- Ward Items – none
- Committee update – Human Rights meeting updates
- Reminded the public that City crews will be removing snow and widening the streets, posting “No Parking” signs. Thanked the Street crew for their wonderful job on snow removal.
- Councilor Marin noted that Friday is Valentine’s Day and wished his wife of 26 years a Happy Valentine’s Day

Fourth Ward, Councilor Olson reported:

- Ward Items - none
- Committee updates - Facility Plan update
- Question for City Engineer regarding railroad tracks

Fifth Ward, Councilor Anderson reported:

- Ward Items – received email regarding a water bill
- Committee updates - none
- Fish are dying in both lakes, people still need to fish legally
- Last Friday, approximately 40,000 lbs. of carp were removed

Sixth Ward, Councilor Brooks reported

- Ward Items - internet services, use of tennis courts
- Committee updates - CVB meeting updates

- Big Freeze – February 15, 2014, Chili Cook-off, Ice Plunge, 112 on Broadway, Take A Kid Fishing, entertainment at 112 on Broadway at 7 p.m.

Mayor Rasmussen Jr. reported the following:

- Port Authority meeting updates
- 2013 State of the City Address is available for viewing
- Met with a developer in the city
- Congratulations to Bryn Woodside on scoring 1000 points in basketball
- Big Freeze 5th Annual Event and support the local Food Shelf

CITY MANAGER REPORT

City Manager Adams reviewed the following:

- State of the City Address is available on the Government Access Channel – which will air following the council meetings, also available on the City website and YouTube Channel
- Contact City Manager's office for public speaking engagements on the State of the City Address
- City has received three formal submittals for the Freeborn Bank Building, reviewing the details of these proposals, goal is to select one of the developers this month and enter into a pre-development agreement with the council in March.

APPROVAL OF CLAIMS

RESOLUTION 14-28 APPROVING CLAIMS

City Manager Adams noted in the Staff report that the attached resolution directs the Mayor and City Clerk to issue the payment of claims as presented in the Detail of Claims report.

Motion made by Councilor Brooks to approve payment of claims as presented for checks #51587 through #51696 in the amount of \$478,750.88; 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 14-28
included with these minutes)

ADJOURNMENT 8:25 P.M.

Councilor Anderson moved and Councilor Marin seconded that there being no further business, the council meeting be adjourned until the next regular meeting of the Albert Lea City Council at

7:00 p.m., on Monday, February 24, 2014. 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 this 10th day of February, 2014

Secretary to the Council