

**REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
Monday, February 23, 2015, 7:00 P.M.**

PRESENT: Mayor Vern Rasmussen Jr., Councilors John Schulte V, Larry Baker, George Marin, Reid Olson, Larry Anderson and Al Brooks. Also present were City Manager Chad Adams, City Environmental Engineer Phil Wacholz, City Attorney Lee Bjorndal, and City Clerk Shirley Slater-Schulte.

PLEDGE OF ALLEGIANCE

CEREMONIAL ITEMS

APPOINTMENT TO THE BOARD OF ZONING APPEALS

Mayor Rasmussen Jr. recommended the appointment of Mr. Craig Hoium to the Board of Zoning Appeals.

MOTION: Move to appoint Craig Hoium to the Board of Zoning Appeals for a 5 year term.

Motion made 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.

CONSENT AGENDA

- A. Approve Minutes Of The February 9, 2015 Regular Council Meeting
- B. Approve Minutes Of The February 5, 2015 Work Session
- C. Licenses And Permits (See Attached List)
- D. Resolution 15-34 Accepting Donations Presented To The City Of Albert Lea
- E. Resolution 15-35 Correcting Resolution No. 15-25 Receiving Feasibility Report And Calling Public Hearing On 2015 State Aid Street Project (Job 1551)
- F. Resolution 15-36 Authorizing Amendment To Lease Agreement With MLH Enterprises, LLC
- G. Resolution 15-37 Approving Administrative Lot Survey For Property Located At 1355 Eastgate Road
- H. Resolution 15-38 Approving Conditional Use Permit To Allow Semi-Detached Housing In The R-1 Single Family Residential District
- I. Resolution 15-39 Approving Purchase Of Fire Pumper Truck
- J. Schedule Joint Work Session Of The Albert Lea City Council And Freeborn County Commissioners For March 19, 2015

MOTION: 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 15-34-39
included with these minutes)

UNFINISHED BUSINESS

RESOLUTION 15-40 AUTHORIZING CITY OF ALBERT LEA TO ENTER INTO MNDOT LIMITED USE PERMIT NO. 2404-0007 FOR MN HIGHWAY 65 PAVEMENT RESURFACING PROJECT, HIGHWAY 65 AND HIGHWAY 13 IN ALBERT LEA INCLUDING SIDEWALK AND STREETScape ELEMENTS (STATE PROJECT 2404-41) CITY PROJECT 1464

City Manager Adams explained that the attached resolution would approve Limited Use Permit (LUP) No. 2404-0007 with the State of Minnesota Department of Transportation. The limited use of the right-of-way will be for a ten year term and allows the City to install benches, flower pots, light poles, garbage cans and other beautification features in the right-of-way. Staff recommends entering into the permit.

Motion made by Councilor Brooks, seconded by Councilor Schulte V. 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 15-40
included with these minutes)

NEW BUSINESS

ORDINANCE 190,5D AMENDING CITY CODE CHAPTER 74 REGARDING STORM WATER MANAGEMENT (1ST READING)

City Manager Adams introduced City Environmental Engineer Phil Wacholz to review and answer questions regarding the proposed ordinance. Wacholz explained that in August of 2013, the Minnesota Pollution Control Agency (MPCA) issued a revised Municipal Separate Storm Sewer System (MS4) permit. The permit has many requirements that dictate the way the City maintains, operates, improves, and regulates its stormwater conveyance system. One of the ways the City is required to reduce stormwater pollution is to incorporate stormwater requirements into the City Code during and after construction projects. The MS4 permit outlines what needs to be included in the code. After reviewing the MPCA's MS4 permit requirements, the Engineering Department has drafted the attached amendment to Chapter 74, Article X. This revision will govern the requirements for developers when building new projects that disturb land. The amendment is only as strict as the new State regulations require. The goal is to

protect the environment and local water bodies but not to make it more difficult to attract developers. (The old Stormwater-Erosion Control Ordinance is included in the packet.)

Many of the requirements included in the amendment are similar to what contractors are already doing on local construction projects. However, the requirements for post-construction (permanent) stormwater management are stricter than previous permits. Under the previous MPCA permits, developers were required to control the rate of stormwater runoff from newly developed sites. The new permit requires volume and nutrient control. This usually means larger stormwater ponds in new developments. There is also more detailed information required during the permit application phase between the City and the landowner. City will work with the Watershed District to get permits approved, but the city permits will not be contingent upon their approval.

Motion made by Councilor Schulte V, seconded by Councilor Anderson to adopt Ordinance 190,5d as presented. 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 190,5d
included with these minutes)

RESOLUTION 15-41 APPROVING PARTIAL RELEASE AND GRANT RIGHT OF WAY FOR MAGELLAN PIPELINE COMPANY, L.P.

City Manager Adams explained that the City of Albert Lea owns real property along Sunset Street. A new road is to be built in the future. The pipeline company has a “blanket easement” over the entire parcel. The City would like to restrict the easement to the areas where the pipelines will cross the City right-of-way. This document confines Magellan Pipeline Company, L.P. easements to specific areas. Staff approves this request.

Motion made by Councilor Marin, 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 Resolution 15-41
included with these minutes)

MAYOR AND COUNCIL REPORTS

First Ward, Councilor Schulte V reported:

- Ward Items – None
- Committee updates - Stated that the Council Retreat was very informative.

Second Ward, Councilor Baker reported:

- Ward Items – None
- Committee updates – Planning Commission meeting updates, upcoming meeting for Wind Down Wednesdays

Third Ward, Councilor Marin reported:

- Ward Items – None
- Committee updates – Request from residents regarding timeline for the future repairs of Lake Chapeau Drive, and requesting installation of sidewalks in this area

Fourth Ward, Councilor Olson reported

- Ward Items – None
- Committee updates – Parks and Recreation Advisory meeting updates, congratulations to all of the Albert Lea Wrestlers going to the State Tournaments

Fifth Ward, Councilor Anderson reported:

- Ward Items – Staff addressed ward items early this week
- Committee updates- none

Sixth Ward, Councilor Brooks reported:

- Ward Items- Requested information on the light on tower on Viking Avenue
- Committee updates – none

REPORT OF THE MAYOR

Mayor Rasmussen Jr. reported the following:

- BVK presenting the Facilities Master Plan on Thursday, February 26, 2015 at 6:30 p.m., at the Marion Ross Performing Arts Center
- TV Crew coming from Belgium, quick interview with Mayor Rasmussen Jr. on Highway 65
- Attended first Senior Center Meeting, reviewed programs and budgets

Congratulated the following Blue Zones designated organizations:

- Riverland Community College – Blue Zones Worksite
- Cargill Turkey and Cooked Meats – Blue Zones Worksite
- The Interchange Wine and Coffee – Blue Zones Restaurant Open House on Thursday, February 26, 2015
- Walking Moais
- Purpose Workshop, Monday, March 2nd at the Freeborn Historic Museum
- Celebrate with the Albert Lea Wrestlers attending the State Tournament

REPORT OF THE CITY MANAGER:

City Manager Adams reported the following:

- Lake Chapeau Drive is scheduled for repair in 2016

APPROVAL OF CLAIMS

RESOLUTION 15-42 APPROVING CONTRACT WITH COUNCILMEMBER SCHULTE V

City Manager Adams explained that the attached resolution directs the Mayor and City Clerk to make payment in the amount of \$11,394.57 on behalf of the City for a claim from Jones, Haugh & Smith, Inc. and to issue payment for filing the affidavit of official interest by the interested official, Councilmember John Schulte V.

Motion to approve made by Councilor Anderson, seconded by Councilor Baker. 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 abstained. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolution 15-42
included with these minutes.)

RESOLUTION 15-43 APPROVING CLAIMS

City Manager Adams explained 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 Baker to approve payment of claims as presented for checks #55164 through #55317 in the amount of \$4,439,765.03, 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 Resolution 15-43
included with these minutes.)

CLOSED MEETING – TO EVALUATE THE PERFORMANCE OF AN INDIVIDUAL SUBJECT TO CITY COUNCIL AUTHORITY PURSUANT TO MINNESOTA STATUTE 13D.05, SUBD. 3(A).

Mayor Rasmussen Jr. stated that the purpose for the Closed Session was to evaluate the yearly performance of an individual subject to City Council authority pursuant to Minn. Stat. § 13D.05, Subd. 3(a).

MOTION: I will move to enter into Executive Closed Session at 7:30 p.m.

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

REOPENED THE REGULAR COUNCIL MEETING

ADJOURNMENT 8:17 P.M.

Motion made by Councilor Marin, seconded by Councilor Baker, that there being no further business, the Council meeting adjourn until the next regular meeting of the Albert Lea City Council at 7:00 p.m., on Monday, March 9, 2015. 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.

Dated this 23th day of February, 2015

Council Secretary