

**REGULAR COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
Monday, February 24, 2014, 7:00 P.M.**

PRESENT: Mayor Rasmussen Jr., Councilors Schulte V, Baker, Marin, Olson, Anderson and Brooks. Also present was City Manager Adams, City Engineer Jahnke and City Clerk Slater-Schulte.

PUBLIC FORUM

Mr. Randy Erdman, 210 North 2nd Avenue, gave the following comments regarding the local optional sales tax:

- In 2001, introduced the option for the local sales tax.
- First proposal was 65% for lake improvement, 35% for Downtown.
- In order to apply to the State of Minnesota for a sales tax had to be the amount of the tax, the duration of the tax - which was 10 years, the amount to be raised and what the funds were going to be used for.
- In 2003, the City suffered a large Local Government Aid reduction; at that time the local levy was only \$1.2 million.
- Survey was conducted in 2003.
- Survey showed that the residents valued the lakes, 83% would either likely or most likely vote for a proposal for the sales tax.
- In 2005, the City did receive approval from the Legislature and a referendum was held in November 2005 and it passed by over 80%.
- Ballot question was as follows, "Shall the City of Albert Lea impose a one-half of one percent local option sales and use tax to pay for lake improvement projects detailed in the Shell Rock River Watershed Plan?"
- In 2004, an agreement was made with the Watershed District that the request for the local option sales tax be at one-half of one percent, a city staff member be appointed to the advisory board, a bi-annual review of progress towards goals be formally conducted by the city council, when the city funds were requested for specific project, the city could provide a year's notice to budget for that project and at such time as cablecast is available, the Watershed meetings should be conducted on cablecast.
- The first initial bill in 2005, stated that the proceeds of the tax imposed under this section shall be used to pay for lake improvement projects as detailed in the Shell Rock River Watershed Plan. In 2006, the language in the bill was changed to read, "That the proceeds of the tax imposed under this section shall be used to pay for lake improvement projects as detailed in the Shell Rock River Watershed Plan as directed by the Shell Rock River Watershed Board, notwithstanding, any provision of statute, other law or city charter to the contrary, the City shall transfer all revenues from the tax imposed under Subdivision 1 as soon as they are received to the Shell Rock River Watershed District. The City is not required to review the intended uses of the revenues by the Watershed District nor is the Watershed District required to submit to the City, proposed budgets, statements, invoices explaining the intended use of the revenues, as a prerequisite for the transfer of the revenue."
- Original bill was \$15 million or 10 years and it is either/or.
- Lakes Foundation of Albert Lea is proposing an extension; Council has a unique opportunity to renegotiate. The majority of the sales tax is being paid by residents of

Albert Lea. Currently, this tax bill is at 92 months and has collected about \$9.3million. City keeps ½ percent or \$48,000 for administration.

- This is an opportunity for the City to look at what is going on with the Watershed District, there have been some questionable purchases, dredge may have been a questionable purchase, land purchases, etc. Watershed Board should be an elected position rather than appointed.
- Survey and dredging of the lakes are very important to the people of Albert Lea.
- This sales tax is a great funding source and needs to be treated with respect and is subject to the review of the taxpayers.

Mr. Randy Kehr, 1712 Plainview Lane, stated the following:

- Thank you on behalf of the National Vitality Center for the action taken regarding smoking at the City Arena.
- The Chamber has not addressed the extension of the sales tax, but has supported the Fountain Lake Restoration Project. Extension of this sales tax would be a positive tool to receive additional bonding dollars. Legislative process is in place to extend the sales tax that has not been received. Requested that the Council support this request.

Susie Peterson, 1716 Bay Oaks Drive, stated the following:

- Thank you to the City, Parks Department, Street Department, Fire Department and volunteers for the Big Freeze Event. There were lots of kids for the games, horse rides, "Take a Kid Fishing", etc. This was a great event and raised 1,075 lbs. of food which was distributed to the Salvation Army and the First Presbyterian Church and also \$525.00 which was raised for the Salvation Army.

REVIEW COUNCIL AGENDA OF FEBRUARY 24, 2014

- A. Approve Minutes Of The February 10, 2014 Regular Council Meeting
- B. Approve Minutes Of The February 6, 2014 Work Session
- C. Licenses And Permits (See Attached List)
- D. Resolution 14-29-Authorizing Disability Grant Agreement With State Of Minnesota
- E. Resolution 14-30-Revising 2013 Adopted Budget
- F. Resolution 14-31-Accepting Bids And Awarding Contract For Construction Of A Building To House The Wastewater Treatment Plant Microturbine Gas Conditioning System (Job 1360)
- G. Resolution 14-32-Accepting Feasibility Report And Ordering Preparation Of Plans For Fountain Street Sanitary Sewer Lift Station Improvements And Forcemain Construction (Job 1254)
- H. Resolution 14-33-Accepting Feasibility Report And Ordering Preparation Of Plans For 2014 Downtown Alley Sanitary Sewer Sliplining (Job 1452)
- I. Resolution 14-34-Accepting Feasibility Report And Calling A Public Hearing For 7:00 PM , March 24, 2014 For 2014 State Aid Neighborhood Improvement Project (Job 1451)
- J. Resolution 14-35-Accepting Feasibility Report And Calling A Public Hearing For 7:00 PM, March 24, 2014 For 2014 Neighborhood Improvement Project (Job 1450)

MOTION: I will move to approve the consent agenda as amended with the addition of 6C-Sales Tax Exemption Request from the Lakes Foundation and under New Business add a resolution authorizing staff to apply for a grant from the Blandin Foundation.

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 14-29-35
included with these minutes)

PETITIONS-REQUESTS-COMMUNICATIONS

PARKS AND RECREATION ACHIEVEMENTS AND GOALS

Parks and Recreation Director Jay Hutchison presented an overview of 2013 achievements and possible goals and projects for 2014 as follows:

The Parks & Recreation Department includes the following:

- Recreation Administration
- Adult Recreation
- Youth Athletics
- Youth Programs
- Arena
- Civic Theatre
- Senior Citizen's Center
- Aquatic Center

2014 Park Board Members are Chris Utz, Chair; Julia Thompson, Vice-Chair; Roger Lonning, Secretary; Vern Rasmussen Sr., Brian Hensley, Mark Calderon, Dan Borland, and Reid Olson, Council Liaison.

2013 ACCOMPLISHMENTS:

- Installed new playground at Park Avenue Park.
- Installed new playground equipment at Thofson Park Phase 1; Phase 2 to be completed in 2014.
- Constructed new shelter at Shoff Park in collaboration with ALAMCO.
- Dehumidification System
- Controls on Geothermal System
- Summer Ice
- New main pump motor at pool
- Changed out filter sand
- Changed how we operate the outdoor sheets of ice and warming houses
- Removed playground equipment at Garden Villa and Eberhardt Park
- Park and tree crew cleaning, trimming from storm in May, 2013

2014 GOALS/WORK PLAN:

- Work with local youth baseball and softball groups to identify, fund and complete projects that will begin to update facilities at Snyder Fields-Year 1.
- Compile a long rang maintenance plan and capital projects lists for City Arena, Aquatic Center and Civic Theatre by the end of the year.
- Continue to evaluate long-term delivery of services and possibilities for shared services, collaborations or discontinued services.
- Work with local users group to establish six to eight pickle ball courts at Aquatic Center site.
- Continue to evaluate our current park practices, policies and systems with the outcome of identifying our core services and prioritizing our resources for the best possible outcome and delivery of park services to the public.
- Continue to explore cost-efficient training opportunities for all levels of staff to increase quality of skills and keep staff current with new ideas, procedures, and rules in the park and recreation industry.
- Install heating/cooling system in Edgewater Bay Pavilion and work on the acoustic problem. Develop a marketing plan for the facility that would increase usage of the facility.
- Inventory the City's Ash Tree population; identify those of significance that we may want to save and a plan to deal with the rest.
- Monitor Skate Park activity and work with neighborhood and users of the facility to ensure a positive atmosphere for both users and those living in the neighborhood.

QUANTITATIVE/MEASURABLE GOALS

- Evaluate and improve programs, facilities and services using City's survey as a guide.
- Work with other community providers of recreation programs to decrease the percentage of community members that rated "recreational opportunities" as fair to poor from 54% to 40% in the community survey.

RESOLUTION 14-36 AUTHORIZING SUPPORT TO THE LAKES FOUNDATION OF ALBERT LEA REGARDING THE ANHEUSER BUSCH GRANT

City Manager Adams explained that the resolution would authorize support to the Lakes Foundation of Albert Lea regarding the grant from Anheuser Busch in the amount of \$50,000. The project identified for this request must be approved by City staff and staff will continue working with the Lakes Foundation. Staff recommends approval.

Laura Lunde, Matt Benda and Susie Peterson, representing the Lakes Foundation, were present and stated the following:

- Thanked the Council for meeting with them at the Work Session held on February 20, 2014
- Lakes Foundation has received a \$50,000 Conservation Grant from the Anheuser Busch Foundation. This is the first ever Conservation Grant awarded through a "Celebrate Your Lake" competition.
- Proposing that the area for this grant is along the Channel and shoreline that matches up with the Blazing Star Trail. Proposing a soft launching area and include some shoreline restoration and access to this area. Area to be included from the point on

Front Street to the wetlands area by the Blazing Star Trail. Proposal of this project is due to the Anheuser Busch Foundation for their approval.

Motion made by Councilor Marin, 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 14-36
included with these minutes)

RESOLUTION SUPPORTING EXTENSION OF THE LOCAL OPTION SALES TAX

Laura Lunde, representing the Lakes Foundation of Albert Lea stated the following:

- Lakes Foundation has been working with the State Advisor Office on the extension of the local sales tax option.
- Critical that we move forward with the extension, the community wants the dredge in the water and the group continues research for more bonding dollars.

Matt Benda, representing the Lakes Foundation of Albert Lea stated the following:

- A bill is ready to be presented and Senator Sparks and Representative Savick have agreed to author the bill. Unique opportunity for our community to receive the additional \$3 million that has been approved by the voters and the opportunity to capture an addition \$3 million in matching funds will come from the bonding proposal that is being introduced this year at the legislature.
- These dollars will help with lakes clean-up and community drive.
- The group facilitated a meeting with representatives of the City and the Watershed. Consensus to work together for better communications and more regular meetings between the two entities.
- Encouraged the council to consider this resolution of support.

Susie Peterson, 1716 Bay Oaks Drive, stated the following:

- Everyone who comes up to me in my role as CVB Director asked the question as to when are we going to be dredging. Passed the local option sales tax to clean up our lakes. Many organizations are writing letters in support of this project.
- When the lakes are cleaned up, the community will get thousands of jobs and people will move here. This is our goal.

MOTION: I will move to direct staff to come forward with a resolution in support of the extension of the sales tax for the next meeting.

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, Anderson, Brooks and Mayor Rasmussen Jr. Councilor Olson voted nay. Mayor Rasmussen Jr. declared the motion passed.

UNFINISHED BUSINESS

ORDINANCE 178,4D AND SUMMARY OF ORDINANCE 178,4D AMENDING CHAPTER 22, ARTICLE XI – PROHIBITING SMOKING OF ANY KIND AT CITY HALL AND AT CITY ARENA (2ND READING)

City Manager Adams explained that the first reading of this ordinance was held on February 10, 2014. 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 Board voted to ban all smoking at the Arena. Staff also prefers a complete ban at the Arena due to the proximity of youth, enforcement difficulties, basic health reasons, and the need for snow removal from any designated smoking area. Staff recommends approval of the final ordinance that prohibits smoking and tobacco of any kind at the City Arena property (in addition to the City Center campus).

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.

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

RESOLUTION 14-37 PERMITTING PUBLICATION OF ORDINANCE SUMMARY 178,4D AMENDING CHAPTER 22, ARTICLE XI – PROHIBITING SMOKING OF ANY KIND AT CITY HALL AND AT CITY ARENA

City Manager Adams stated that the attached resolution would approve publication of a summary of this ordinance amending the City Code by prohibiting smoking of any kind at City Hall and the City Arena. Publishing the summary meets the publication guidelines, but must pass by a four-fifths vote of the council. Staff recommends approval of the resolution permitting publication of the summary.

Motion made by Councilor Olson 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 14-37
included with these minutes)

ORDINANCE 179,4D AND SUMMARY OF ORDINANCE 179,4D AMENDING CHAPTER 6, ARTICLE II LIQUOR REGULATIONS, HOURS AND DAYS OF SALES (2ND READING)

City Manager Adams stated that the 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 Anderson, 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.

(See Secretary's Original Ordinance 179,4d
included with these minutes)

**RESOLUTION 14-38 PERMITTING PUBLICATION OF ORDINANCE SUMMARY 179,4D
AMENDING CHAPTER 6, ARTICLE II LIQUOR REGULATIONS, HOURS AND DAYS OF
SALES**

City Manager Adams stated that the attached resolution would approve publication of a summary of this ordinance to amend the City Code for off-sale alcohol sales to be consistent with Minnesota law for hours and days of sales. Publishing the summary meets the publication guidelines, but must pass by a four-fifths vote of the council. Staff recommends approval of the resolution permitting publication of the summary.

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, Baker, Marin, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed

(See Secretary's Original Resolution 14-38
included with these minutes)

SKATE PARK LOCATION AND RECOMMENDED ACTIONS

City Manager Adams explained that at their meeting of February 10, 2014, Council reviewed a staff report outlining specific recommendations that would address the concerns of residents living near the skate park. City staff suggested that the recommendations be implemented before making any drastic change such as relocating the Skate Park. Several residents addressed the Council as well at the February 10th meeting with their questions and concerns. Staff is recommending that additional public comment be taken at this meeting before accepting or modifying the recommendations. Councilor Marin suggested that this item be reviewed by the Park Board for the possible installation of a noise barrier.

MOTION: I will move to approve the recommendations 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. Councilor Olson voted nay. Mayor Rasmussen Jr. declared the motion passed.

NEW BUSINESS

RESOLUTION 14-39 AMENDING PROFESSIONAL SERVICES AGREEMENT WITH MEAD & HUNT, INC. - TASK ORDER #23

City Manager Adams explained that in April 2005, the City entered into a Professional Services Agreement with Mead & Hunt, Inc. The attached resolution would amend that agreement to include Task Order #23. The existing Arrival/Departure Building at the Albert Lea Municipal Airport was constructed in 1974 and as of late, has had increasing maintenance costs. The lean-to building is attached to one of the existing FBO hangars and currently houses the flight school. The FBO hangar located north of the A/D building parking lot was constructed in the late 1940's and is also in poor shape. This study will analyze the existing structures and develop alternatives for upgrading/replacement. The information will be incorporated into the Facilities Master Plan being prepared by BKV. A Facilities Master Planning grant will be written and is currently proposed as 90% Federal Funds and 10% local funds for the project. However, this percentage may be reduced dependent on availability of funding. The grant will be presented at a future Council meeting.

Motion made by Councilor Anderson, 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.

(See Secretary's Original Resolution 14-39
included with these minutes)

RESOLUTION 14-40 SUPPORTING A GRANT FROM BLANDIN FOUNDATION

City Manager Adams explained that this resolution would authorize staff to apply for a grant from the Blandin Foundation. This is part of a Rural Quick Start Grant and the City is asking for \$5,000 to move forward with a study of a potential Community Center project on the Blazing Star Landing, which is one of the options that the City had in the BKV Facilities Master Plan. The City is looking for other community partners to participate in funding the study. To advance the project and study, staff is asking for support of this resolution.

Motion made by Councilor Baker, seconded by Councilor Anderson. 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 14-40
included with these minutes)

MAYOR & CITY COUNCIL REPORTS

First Ward, Councilor Schulte V reported:

- Ward Items – none
- Committee update – none

Second Ward, Councilor Baker reported:

- Ward Items – none
- Committee update – Polar Plunge was a good experience.
- Thanked everyone that afforded him the opportunity to attend the Blandin Leadership Conference.
- Attended a meeting with the Watershed District and Lakes Foundation; it opened the lines of communication.
- Congratulated the Inspection Department for the contractor's training held at Wedgewood Cove. There were approximately 120 contactors in attendance.

Third Ward, Councilor Marin reported:

- Ward Items – none
- Committee update – Great comments about the Street Department, Scott Overland and his crews.
- Good comments on the Sunset Extension.
- Request for installation of stop signs at Sunset and Meadow Lane.

Fourth Ward, Councilor Olson reported:

- Ward Items - none
- Committee updates - none

Fifth Ward, Councilor Anderson reported:

- Ward Items - none
- Committee updates - Airport Commission Meeting
- Albert Lea Airport is featured as the Airport of the month in the February Issue of the Minnesota Flyer Magazine.
- Encouraged everyone to drive carefully and thanked everyone who has helped during this winter.

Sixth Ward, Councilor Brooks reported:

- Ward Items - none
- Committee updates - none
- May have a request for "No Parking Signs"

Mayor Rasmussen Jr. reported the following:

- Congratulated the wrestling team and the four wrestlers that qualified to compete in the State Tournament.
- City motto and mission statement is to provide excellent service and enhance the quality of life for current and future residents; in order to achieve that, we need a joint effort among all of us to make our City an excellent place to live.

CITY MANAGER REPORT

- City Manager Adams thanked the Council for the opportunity to attend the Blandin Leadership Retreat along with other staff members.

APPROVAL OF CLAIMS

RESOLUTION 14-41 APPROVAL OF 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 Marin to approve payment of claims as presented for checks #51697 through #51812 in the amount of \$270,182.85, 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 14-41
included with these minutes)

ADJOURNMENT 8:37 P.M.

Councilor Marin moved and Councilor Anderson 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, March 10, 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.

Dated this 24th day of February, 2014

Shirley Slater-Schulte
Council Secretary