

**REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
Monday, March 9, 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 Engineer Steven Jahnke, City Attorney Lee Bjorndal and City Clerk Shirley Slater-Schulte.

PLEDGE OF ALLEGIANCE

CEREMONIAL ITEMS

PUBLIC FORUM

Mr. LeRoy Schocker, 1521 W. Clark Street, had concerns regarding the speed of traffic coming off of Co. Rd. 13; speed and weight signage is needed in this area. City Manager Adams stated that extra patrol was monitoring this area and the speed trailer will be placed in this area within the next couple of weeks.

Ms. Bonnie Schuhmacker, 816 Freeborn Avenue, asked questions regarding the removal of 820 Freeborn Avenue, the cost of removal and who is responsible for paying the costs.

CONSENT AGENDA

- A. Approve Minutes Of The February 23, 2015 Regular Council Meeting
- B. Approve Minutes Of The February 19, 2015 Work Session
- C. Licenses And Permits (See Attached List)
- D. Resolution15-44 Supporting Dedicated State Funding For City Streets
- E. Resolution15-45 Authorizing Agreement With The Grizzlies Football Incorporation
- F. Resolution15-46 Supporting Grant Application For 2015 Public Safety Grant
- G. Resolution15-47 Authorizing Agreement Between The City of Albert Lea And Freeborn County To Remove Structure At 820 Freeborn Avenue

MOTION: Moved to approve Consent Agenda as presented.

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 Resolution 15-44-47
included with these minutes)

PETITIONS, REQUESTS, AND COMMUNICATIONS

UNFINISHED BUSINESS

ORDINANCE 190,5D AMENDING CITY CODE CHAPTER 74 REGARDING STORM WATER MANAGEMENT (2nd READING)

City Manager Adams stated that the first reading of this ordinance was held on February 23, 2015. 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. After reviewing the MPCA's MS4 permit requirements, the Engineering Department drafted an amendment to Chapter 74; Article X. Staff recommends approval of the final ordinance.

Motion made by Councilor Baker to approve this ordinance, 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 Ordinance 190,5d
included with these minutes)

RESOLUTION 15-48 PERMITTING PUBLICATION OF ORDINANCE SUMMARY 109,5D AMENDING CITY CODE REGARDING STORMWATER MANAGEMENT

City Manager Adams stated that the attached resolution would approve publication of a summary of this ordinance to amend the City Code regarding storm water management. 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 this summary.

Motion made by Councilor Anderson to approve this resolution, 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 15-48
included with these minutes)

NEW BUSINESS

PUBLIC HEARING AND RESOLUTION 15-49 ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR 2015 NEIGHBORHOOD IMPROVEMENT PROJECT (JOB 1550)

City Manager Adams stated that this resolution would take a 4/5 vote of the council and

deferred the presentation to City Engineer Jahnke. City Engineer Jahnke reviewed the following:

- 15th year of completing Neighborhood Improvement Projects
- Project includes the following streets:
Jefferson Avenue -Front Street to Madison Avenue Court Street -Adams Avenue to Washington Avenue Washington Avenue -Front Street to the UPRR College Street-Adams Ave to Washington Ave Mill Street – Euclid Avenue to Washington Avenue, Oline Drive -West end to S Broadway Avenue
- Project includes manhole, catch basin and water valve box repairs, miscellaneous and some total curb and gutter replacement, miscellaneous sidewalk replacement, sidewalk removal (east side of Washington Avenue), 42 water services to be replaced
- Mill and overlay of bituminous surface
- Sykes Street and Bel Aire Drive
- Wastewater Treatment Plant driveway
- Total curb and gutter replacement on College, Jefferson and Washington
- Average age of these streets is 46 years
- Explained reflective cracking
- Reviewed the estimated costs, estimated assessments and timeline

Mayor Rasmussen Jr. opened the Public Hearing.

Ms. Sharon Hemenway, 912 Jefferson Avenue, addressed the need for this and other improvements. She had questions regarding repair to services and water lines and regarding notification of final costs and assessments.

Mr. Ken Muilenburg, Hollandale, stated he owns 308 W. College and experienced a water break at this property. The cost of repairs was \$1,800.00; he is concerned about assessments. Mr. Muilenburg noted that the curbs were overlaid and does not think residents should be held responsible for replacement of curbs.

Ms. Irene Jones, 119 Park Avenue, Hollandale, stated that she owns the property at 315 West College and has concerns about the cost of this project.

Mayor Rasmussen called three times and then closed the Public Hearing.

City Engineer Jahnke explained what improvements are being assessed to the property owner and answered questions regarding the project.

Motion made by Councilor Anderson to approve the resolution, 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 15-49
included with these minutes)

PUBLIC HEARING AND RESOLUTION 15-50 ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR 2015 STATE AID IMPROVEMENT PROJECT (Job 1551)

City Manager Adams stated that this resolution would take a 4/5 vote of the council and deferred the presentation to City Engineer Jahnke.

City Engineer Jahnke reviewed the following:

- Project includes Vine Avenue to include miscellaneous sidewalk replacement, curb and gutter replacement, manhole, catch basin & water valve box repairs
- Short section of Clark Street – West Avenue to St. Mary Avenue - to include miscellaneous sidewalk replacement, all curb on the north side, reconstruction of bituminous surface and aggregate base, mill and overlay

Mayor Rasmussen opened the Public Hearing.

Charlotte Nelson Schocker, 1521 W. Clark, stated concerns about stopping the project at the Baptist Church and not completing the project to 1st Avenue. Speed and Load Limit signage should be installed on this street. City Engineer Jahnke answered questions and explained signage placement.

Mayor Rasmussen called three times and then closed the Public Hearing.

Motion made by Councilor Baker to approve this resolution, 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 15-50
included with these minutes)

PUBLIC HEARING AND RESOLUTION 15-51 AUTHORIZING ORDER FOR REMOVAL OF STRUCTURE LOCATED AT 2513 SOUTH SHORE DRIVE

City Manager Adams explained that on November 6, 2011, the house at 2513 South Shore Drive was placarded as unfit for human habitation. The property is unoccupied. Problems include broken windows, no natural gas or electricity, roof repairs, foundation missing under back addition and damaged siding. The house was re-inspected on October 23, 2014 and conditions are getting worse. The owner has been notified of the hearing and letters sent November 6, 2012, November 24, 2014 and February 3, 2015. Notice of this hearing has been published and mailed. Staff recommends removal.

Mayor Rasmussen opened the Public Hearing; no one spoke to the issue.

Mayor Rasmussen called three times and then closed the Public Hearing.

Motion made by Councilor Brooks to approve this resolution, 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 15-51
included with these minutes)

PUBLIC HEARING AND RESOLUTION 15-52 AUTHORIZING ORDER FOR REMOVAL OF STRUCTURE LOCATED AT 702 WATER STREET

City Manager Adams stated that on August 29, 2012, the above property was placarded as unfit for human habitation. Letters were sent to the owner. The property was placarded again on September 23, 2013. After sending a letter to the owner on February 3, 2015, the City Attorney learned the property was foreclosed on. The foreclosing bank, US Bank National Association, and an additional mortgagee, The Pacesetter Corporation, have been notified of the hearing. Removal of the structure is recommended because of missing or broken windows, damaged siding, house full of trash, no natural gas or electricity, and the foundation and outside basement entrance need repair. Notice of the hearing has been published and mailed. Staff recommends removal.

Mayor Rasmussen Jr. opened the Public Hearing; no one spoke to the issue.

Mayor Rasmussen called three times and then closed the Public Hearing.

Motion made by Councilor Baker to approve this resolution, 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 15-52
included with these minutes)

MAYOR AND COUNCIL REPORTS

First Ward, Councilor Schulte V reported:

- Ward Items – Letter and phone call from Rep. Bennett
- Committee update - HRA meeting and budget updates

Second Ward, Councilor Baker reported:

- Ward Items – none
- Committee Update – Wind Down Wednesday meeting
- Congratulated City Manager Adams for staying in Albert Lea

Third Ward, Councilor Marin reported:

- Ward Items – none
- Committee Update – Attended Human Rights Commission meeting and reported that Taryn Israel-Nechanicky is resigning from the commission
- Suggested that the cost of the Facilities Master Plan study be included in the presentation to the public.

Fourth Ward, Councilor Olson reported

- Ward Items – Thanked staff for the property removal of 820 Freeborn
- Committee update – none

Fifth Ward, Councilor Anderson reported:

- Ward Items – none
- Committee update - Attended the Senate Transportation of Public Safety Committee meeting held at Freeborn County and gave a tour of the Downtown area
- Cautioned the public to watch for motorcycles and mopeds

Sixth Ward, Councilor Brooks

- Ward Items - Attended neighborhood meetings regarding street repair
- Doug Johnson, Building Inspector answered questions regarding the inside of housing where repairs need to be inspected such as no running water or electric
- Committee update – CVB meeting, Port Authority Meeting

REPORT OF THE MAYOR

- Attended Port Authority meeting
- Read to 2nd Graders at Halverson School on “Read Across Albert Lea Day
- Belgium TV crew visited Albert Lea during Hwy 65 cross-country tour
- BKV presentation on the Facility Master Plan
- Thanked Councilor Anderson for attending the Transportation meeting
- Congratulated the Albert Lea Wrestling Team
- Announced the ‘Support Our Seniors’ Staff Tour – hosted by Sen. Klobuchar’s office; to be held Thursday, March 12th at 1:30 PM in the City Council Chambers

REPORT OF THE CITY MANAGER

- Facilities Master Plan is available on City website and also posted in the hallway at City Hall
- Provided update on the visit with the Senate Transportation committee which included tour of downtown Broadway Avenue, Blue Zone projects and South Broadway corridor.

- Several bills are starting to advance at the Legislature, letters may need to be sent in the future

APPROVAL OF CLAIMS

RESOLUTION 15- 53 APPROVING CONTRACT WITH COUNCILMEMBER BROOKS

City Manager Adams explained that the attached resolution directs the Mayor and City Clerk to make payment in the amount of \$252.55 on behalf of the City for a claim from Brooks Safety Equipment and to issue payment for filing the affidavit of official interest by the interested official, Councilmember Al D. Brooks.

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

(See Secretary's Original Resolution 15-53
included with these minutes.)

RESOLUTION 15-54 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 Anderson to approve payment of claims as presented for checks #55038 through #55163 in the amount of \$773,466.50, seconded by Councilor Brooks. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, Marin, Olson, Anderson, and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolution 15-54
included with these minutes.)

CLOSED MEETING – LAND ACQUISITION

City Manager Adams stated that the purpose for the Closed Session is pursuant to Minn. Stat. §13D.05, Subd. 3(c); specific parcels to be discussed are 1329 Broadway Avenue South and 1344 Broadway Avenue South.

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

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.

REOPENED THE REGULAR COUNCIL MEETING

Mayor Rasmussen Jr. stated that council discussed the possible land acquisition and provided direction to staff.

ADJOURNMENT 9:06 P.M.

Motion made by Councilor Marin, seconded by Councilor Anderson 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 23, 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 9th day of March, 2015

Council Secretary