

PRESENT: Mayor Vern Rasmussen, Jr., Councilors John Schulte V., Larry Baker, Ellen Kehr, Reid Olson, Larry Anderson and Al Brooks; City Manager Chad Adams, City Engineer Steven Jahnke, City Attorney Lee Bjorndal and City Clerk Shirley Slater-Schulte.

CONSENT & APPROVAL OF AGENDA

- A. Approve Minutes of the March 12, 2012 Regular Council Meeting
- B. Approve Minutes of the March 8, 2012 Work Session
- C. Licenses and Permits (See attached list)
- D. Resolution 12-39 - Waiving Annual Audit for Blazing Star Trail Joint Powers
- E. Resolution 12-40 - Authorizing Lease Agreement Between City of Albert Lea and Albert Lea Community Theater (ACT)
- F. Resolution 12-41 - Authorizing Contract with Springbrook For Integrated Financial System
- G. Resolution 12-42 - Accepting Bid And Awarding Contract for 2012 Airport Property Cropland Rental
- H. Resolution 12-43 - Approving Administrative Survey of Lots of Record for 2110 Y.H. Hanson Avenue, Mrs. Gerry's Kitchen
- I. Resolution 12-44 - Amending Conditional Use Permit for Albert Lea Congregation Of Jehovah's Witnesses
- J. Resolution 12-45 - Calling for a Public Hearing On The Proposed Vacation of a Portion of Utility Easement

MOTION: Move to accept the agenda as presented.

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

(See Secretary's Original Resolutions 12-39 - 12-45
included with these minutes)

PUBLIC FORUM

Mr. Tom Fournier, 1965 S. Broadway, worked with the Jehovah's Witness Church and thanked the city council and staff for their help in obtaining the Conditional Use Permit.

Ms. Kathy Diaz, 718 St. Thomas, had several questions for Council on the handling of the situation regarding Mr. James Norman, former City Manager and Rhonda Moen, former Finance Director. Ms. Diaz stated that citizens of the community want answers to these questions. Mayor Rasmussen Jr. stated that the City of Albert Lea never issued any charges and the City did write a letter to Waseca County requesting that the charges be dropped. He also said that Rhonda Moen left her position with the City of Albert Lea before the city received information on her use of the city credit card. The Mayor encouraged residents to contact Waseca County for other information.

PETITIONS-REQUESTS-COMMUNICATIONS

UNFINISHED BUSINESS

REQUEST OF FREEBORN COUNTY AGRICULTURAL SOCIETY FOR ON-SALE LIQUOR LICENSE

City Manager Adams stated that the request for an on-sale liquor license for an exclusive liquor store to be located at the Freeborn County Fairgrounds was presented at the March 12th council meeting by representatives of the Freeborn County Ag Society. Information has been received from Liquor Control and will be reviewed by staff.

MOTION: I will move to table this item indefinitely.

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

ORDINANCE 147,4d - AMENDING ZONING AND LAND USE MAP (2nd READING)

City Manager Adams explained that City staff has updated the Zoning and Land Use Map to reflect amendments and annexations. The first reading of the ordinance was on March 12th. Staff recommends approval of the ordinance prepared for 2nd reading.

Councilor Anderson moved the adoption of the 2nd reading, seconded by Councilor Baker. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, Kehr, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the 2nd reading of this ordinance passed.

(See Secretary's Original Ordinance 147,4d
included with these minutes)

NEW BUSINESS

RESOLUTION 12-46 PUBLIC HEARING AND RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR 2012 NEIGHBORHOOD IMPROVEMENT PROJECT NO. 1250 AND PROJECT NO. 1258

City Manager Adams explained that a public hearing is being held for public input on the proposed assessments for Job 1250 and 1258. The proposed project consists of the following improvements:

Neighborhood Improvement Overlay, Curb & Gutter Replacement: The project includes improvements to portions of:

Eberhart Street, St Thomas Ave, Columbus Ave, St Peter Avenue, Ulstad Avenue, David Avenue, Charlotte Ave , Morningside Road, Bimelich Ln, Neale Street, and Fenton Avenue.

Prospect Avenue – East Main Street to Stevens Road: Bituminous Surface Replacement.

Sondergaard Park and Edgewater Park Lower Parking Lot Bituminous Surface Replacement. This portion of the project will be 100% City costs and will not be assessed.

Engineering is proposing to separate the assessments for the project such that the overlay areas will be assessed over five years and the Prospect Avenue reconstruction will be assessed over 15 years. Both areas would be assessed at the interest rate of 4.1%. This is in line with the City's assessment policy.

A neighborhood meeting was held March 7th to discuss the project with affected residents. Staff recommends approval.

Mayor Rasmussen Jr. opened the public hearing.

Mr. Phillip Klein, 721 Minnesota Avenue, member of the New Life Christian Church, stated that the church has three drive-ways on the property and had questions as to how this project will affect them.

City Engineer Jahnke explained the project and that they will be able to keep some of the drive-ways open during construction.

Mr. Leroy Everhard, 102 N. 8th Avenue, stated that the blacktop needs to be completed, but has concerns regarding sidewalks. He stated that the sidewalk will be very close to some of the residences and that the city does not need all of these sidewalks.

Mr. Bob Walter, 1401 W. Clark, stated he is opposed to the sidewalks on his side of the street, plus the additional utility poles. Suggested the City paint a white line on the road, make it no-parking and allow people to walk on the north side of street as the yards are larger in size on that side.

City Engineer Jahnke explained why the sidewalks would be better on this side and stated that one house will be very close to the sidewalk.

Mr. Mike Boone, 205 Fenton Avenue, stated that trees have been removed and questions the extension of Fenton Avenue. The City and Alliant Energy have been clearing all of the brush. This is a dead-end street and has concerns about getting in and out of the area.

City Engineer Jahnke stated that many of the trees are being cleaned out, no crossing over the tracks; the area will be shut down for a short time. Parking will be across the street during the project.

Mr. Mike Draayer, 2393 Wildwood Circle, own a business on Prospect. He had concerns about the business and being able to access the area.

City Engineer Jahnke stated the road will be milled six feet from the curb; no water and sewer services during this time. Customers and delivery trucks will be able to get in and out.

Carolyn Maps, 2014 SE Marshall Street, stated that they have just become part of the city and do not understand why they would be doing this as they just paved the roads a few years ago. Some of the neighbors are on limited incomes and cannot afford this assessment, will need to request a deferment on the assessment.

City Engineer Jahnke stated that there has been some settling on this road; it's over 10 years old and this would make the road smoother.

Mayor Rasmussen, Jr. received a telephone call from the owner's at Ole's Shell Station and they have concerns about the proposed sidewalk.

Mayor Rasmussen Jr. called three times and then closed the public hearing.

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

(See Secretary's Original Resolution 12-46
Included with these minutes)

RESOLUTION 12-47 PUBLIC HEARING AND RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR 2012 STATE AID NEIGHBORHOOD IMPROVEMENT PROJECT NO. JOB 1251

City Manager Adams explained that a public hearing is being held to receive input on the proposed assessments for Job 1251. The proposed project consists of the following improvements:

State Aid and Residential Street Overlay, Curb & Gutter and Sidewalk Replacement: This portion of the project involves bituminous overlay of several State-Aid and local streets throughout the City:

- Clark St – TH 13 to 1st Ave
- Prospect Ave – E Main St to SE Marshall St
- SE Marshall St – Morningside Rd to Prospect Ave

New Sidewalk Installation: New sidewalk will be installed along sections of:

- Clark Street – TH 13 to S. 6th Avenue: New sidewalk along the south side
- Prospect Avenue – Consul Street to E Main Street: New sidewalk along the east side

SE Marshall Street – St Peter Avenue to Morningside Road; St Peter Avenue – East Main Street to SE Marshall Street.

SE Marshall Street Watermain Replacement – East Main Street to Charlotte Avenue.

As per the City's assessment policy, the assessments would be over ten years at the current assessment interest rate of 4.1%. A neighborhood meeting was held March 8th to discuss the project with affected residents. Staff recommends approval.

Mayor Rasmussen Jr. opened the public hearing.

Mayor Rasmussen Jr. called three times and then closed the public hearing.

Discussion by Councilors as follows:

- Thanked City Manager Adams and City Engineer Jahnke and Chris Lowe for discussing and explaining the project in detail.
- Questions were asked regarding funding of sidewalks through the State Aid Program.
- Questions regarding the 500 foot stretch of road that was completed in 2002, warranties, not in favor of sidewalk at this time.
- Some residents would like this project to be assessed over a 10 year period rather than 5 years.
- City could wait until the reconstruction of Highway 65 for the sidewalk to be placed along Prospect Avenue.

Motion made and amended by Councilor Baker to exclude the sidewalk portion along Prospect Avenue, seconded by Councilor Kehr. On roll call vote, the following councilors voted in favor of said motion: Councilors Baker, Kehr, Anderson, Brooks and Mayor Rasmussen Jr. Councilors Schulte V and Olson voted nay. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolution 12-47
included with these minutes)

RESOLUTION 12-48 RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES OF PROJECT NO. 1250 AND PROJECT NO. 1258 - 2012 MILL, OVERLAY, CURB REPLACEMENT, AND STREET RECONSTRUCTION

City Manager Adams explained that the Internal Revenue Service has issued "Reimbursement Regulations" providing that proceeds of tax-exempt bonds used to reimburse prior expenditures will not be deemed spent unless certain requirements are met. The attached resolution declares that the City expects to incur certain expenditures that may be financed temporarily from sources other than bonds, and reimbursed from the proceeds of tax-exempt bonds.

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, Kehr, Olson, Anderson, Brooks and Mayor Rasmussen Jr.; Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolution 12-48
included with these minutes)

RESOLUTION 12-49 RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES OF PROJECT NO. 1251 - 2012 STATE-AID STREET MILL, OVERLAY, STREET RECONSTRUCTION, CURB REPLACEMENT, AND SIDEWALK REPLACEMENT

City Manager Adams explained the attached resolution declares that the City expects to incur certain expenditures that may be financed temporarily from sources other than bonds, and reimbursed from the proceeds of tax-exempt bonds.

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

(See Secretary's Original Resolution 12-49
included with these minutes)

RESOLUTION 12-50 RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES OF PROJECT NO. 1007 - BROADWAY AVENUE STREETScape

City Manager Adams stated the attached resolution declares that the City expects to incur certain expenditures that may be financed temporarily from sources other than bonds, and reimbursed from the proceeds of tax-exempt bonds.

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

(See Secretary's Original Resolution 12-50
included with these minutes)

ORDINANCE 148,4d - AMENDING CHAPTER 30, SECTION 30-2 – AUTHORIZING AND REGULATING THE CONDUCT OF OPEN BURNING WITHIN THE CITY OF ALBERT LEA, MN (1ST READING)

City Manager Adams stated that the City of Albert Lea currently has an ordinance that bans all burning in the City limits except recreational fires (Chapter 30, Section 30-2). The City Council occasionally grants permission to burn under certain conditions and requests the person to seek a burn permit from the Fire Chief. Current City Code does not authorize the Fire Chief to issue burn permits and there is no established procedure for applying for a permit. Burn permits are also discussed in Chapter 18.66 and 70.34 which deal with structure demolition and diseased trees. The new ordinance is designed to address current deficiencies and practices regarding burning in the City Limits. It will replace the existing ordinance without expanding the burn ban. The ordinance is modeled after the League of MN Cities Model Burning Ordinance. Staff recommends approval of the new ordinance.

Councilor Olson moved the adoption of the 1st reading, seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, Kehr, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the 1st reading of this ordinance passed.

(See Secretary's Original Ordinance 148,4d
included with these minutes)

MAYOR & CITY COUNCIL REPORTS

First Ward, Councilor Schulte V. reported:

- Ward Items
- Committee updates

Second Ward, Councilor Baker reported:

- No Committee updates
- No Ward Items
- Thanked City Manager Adams and City Engineer Jahnke for their help in the Prospect Project

Third Ward, Councilor Kehr reported:

- No Committee Updates
- No Ward Items

Fourth Ward, Councilor Olson reported:

- No Committee Updates
- Ward Items

Fifth Ward, Councilor Anderson reported:

- Committee updates
- Ward Items
- Thank you to the Veteran's Service Center in Albert Lea
- Pavers available at Freeborn County Veteran's Service Center

Sixth Ward, Councilor Brooks reported:

- No Committee updates
- Ward Items – Concerns about a couple of alleys – Road project completed on Larson Avenue, met with resident, thanked city staff for their help in this matter.

Mayor Rasmussen Jr. appointed the following residents to the Broadway Avenue Streetscape Project Committee as follows:

John Brick, Richard Buringa, Dan DeBoer, Dustin Demmer, David Gross, Mary Ellen Johnson, Randy Kehr, Glen Parsons, Kathy Sabinish, Christopher Shoff, Tom Staker, Mark Stadheim, Susie Petersen, Jerry Kaphers, Jon Murray

- Thanked SEMCAC for the invitation for lunch, which was held at the Senior Center.
- Attended a meeting with Alliant Energy, looking at ways to become better partners. The city looks forward to work with them.
- Congratulation to Senator and Mrs. Dan Sparks on the birth of their son.

CITY MANAGER REPORT

City Manager Adams reported no updates at this time.

RESOLUTION 12-51 APPROVAL OF CLAIMS

Councilor Schulte V moved that the resolution be approved for payment of claims in the amount of \$531,524.09, with the removal of Jones, Haugh & Smith, Inc. claim in the amount of \$590.00, seconded by Councilor Olson. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, Kehr, Olson, Anderson, and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed. Councilor Brooks abstained.

(See Secretary's Original Resolution 12-51
included with these minutes)

RESOLUTION 12-52 APPROVAL OF CLAIMS

Councilor Baker moved that the resolution be approved for payment of claim for Jones, Haugh & Smith, Inc., in the amount of \$590.00, seconded by Councilor Olson. On roll call vote, the following councilors voted in favor of said motion: Councilors Baker, Kehr, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed. Councilor Schulte V abstained.

(See Secretary's Original Resolution 12-52
included with these minutes)

ADJOURNMENT

Councilor Anderson moved and Councilor Baker seconded that there being no further business, the council meeting be adjourned at 7:56 p.m., until the next regular meeting of the Albert Lea City Council at 7:00 p.m. on Monday, April 9, 2012. 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 March 27, 2012

Secretary to the Council