

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, Public Safety Director Dwaine Winkels, Human Resources Director Mike Zelenak, Finance Director Terry Berg, City Clerk Shirley Slater-Schulte and a representative from the Albert Lea Tribune.

PROCLAMATION FOR MAYOR'S DAY OF RECOGNITION FOR NATIONAL SERVICE

Mayor Rasmussen Jr. recognized the following volunteers and staff members for their services:

- Annette Petersen, Executive Director, Senior Resources of Freeborn County
- Pat Stumme, RSVP Director
- Rena Soper, Coordinates mailing team and crew for meal deliveries at Sr. Tower
- Arlene Murray, ALMC hospital auxiliary gift and coffee shop; NAPS grocery deliveries at Sr. Towers and former RSVP Advisory Council member
- Ed and Karen Sharpsteen, newest volunteers as Ride Services driver and driver for home-bound meals in Emmons, new project launching April 8, 2013
- Judy Stilley, Glenville Bone Builder leader and home-bound meals delivery coordinator in Glenville
- Orv and Dorothy Simonsen, Volunteer Managers for Ecumenical Food Shelf since 2002, Presbyterian Church, Albert Lea

Mayor Rasmussen Jr. noted that last year, the local RSVP Corps contributed 39,808 total hours with a modest wage-value of \$250,008.04. More than the monetary value, the volunteers' efforts impact significant issues in the community that affect all residents.

Mayor Rasmussen Jr. presented a Proclamation to proclaim April 9, 2013 as Mayor's Day of Recognition for National Service.

CONSENT AGENDA

- A. Approve Minutes of the March 25, 2013 Regular Council Meeting
- B. Approve Minutes of the March 21, 2013 Work Session
- C. Licenses and Permits (See Attached List)
- D. Reschedule May 27, 2013 Council Meeting To May 28, 2013
- E. Approval of Traffic Control Policy
- F. Resolution 13-54 Accepting Minnesota Department of Health Grant Agreement
- G. Resolution 13-43 Supporting Legislation Authorizing the Establishment of Municipal Street Improvement Districts
- H. Resolution 13-44 Waiving Blazing Star Trail Joint Powers Board Annual Audit
- I. Resolution 13-45 Amending Private Activity Bond Policy
- J. Resolution 13-46 Calling a Public Hearing for May 13, 2013 for West Ninth Street From TH-69 to South Broadway Avenue (Job 1126)

- K. Resolution 13-47 Accepting Hartman Street from Greater Jobs, Inc.
- L. Resolution 13-48 Extending Professional Services Agreement with Mead & Hunt, Inc.
- M. Resolution 13-49 Declaring City Hometown Pride Cleanup Day to be April 27, 2013

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 Resolutions 13-43 -13-49, 13-54
included with these minutes.)

PUBLIC FORUM

PETITIONS-REQUESTS-COMMUNICATIONS

PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

City Finance Director Terry Berg presented the Certificate of Achievement for Excellence in Financial Reporting which was awarded to the City of Albert Lea by the Government Finance Officers Association of the United States and Canada for its comprehensive annual financial report for the year ended December 31, 2011. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. The City of Albert Lea has received this Certificate of Achievement since 1983 for 29 consecutive years.

Mayor Rasmussen Jr. accepted the award on behalf of the City of Albert Lea and thanked City Finance Director Terry Berg for her significant accomplishments.

PRESENTATION OF HUMAN RIGHTS COMMISSION ESSAY CONTEST WINNERS

City Human Resources Director Mike Zelenak stated that the Albert Lea Human Rights Commission, in conjunction with the League of Minnesota Human Rights Commissions sponsors an annual essay contest. The Albert Lea Human Rights Commission honored this year's essay winners:

Gisell Palomares-Amaya – 1st Place Winner

Sawyer Nelson – 2nd Place Winner

Hannah Ruble – 3rd Place Winner

The students attend Southwest Middle School and their teacher is Ms. Erin Gustafson.

UNFINISHED BUSINESS

RESOLUTION 13-50 ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR 2013 STATE AID NEIGHBORHOOD IMPROVEMENT PROJECT (JOB 1351)

City Manager Adams stated this item was tabled from the last Council meeting. A neighborhood meeting was held March 12, 2013 to discuss the project with the affected residents. The public hearing was then held at the March 25, 2013 council meeting to receive public input on the proposed improvement. The proposed project consists of the following improvements:

State Aid Overlay, Curb & Gutter and Sidewalk Project

The project involves the bituminous overlay, new sidewalk installation and miscellaneous curb and gutter replacement on 4th Avenue from West 9th Street to Front Street.

Proposed Mill & Overlay Work

It is proposed that a 6-foot width of the existing bituminous will be milled along each concrete gutter line so the new bituminous layer will match the level of the concrete gutter. A 2-inch layer of new bituminous would then be laid over the entire width of the street. Work will also include replacing damaged or settled sections of curb and gutter in order to improve the street drainage.

Proposed Sidewalk Installation

Based on previous discussion, a sidewalk will be installed along the west side of 4th Avenue from Front Street to Plainview Lane only. An inlet will be provided in this project to help eliminate some of the water issues. Staff recommends ordering the improvement and authorizing the preparation of plans.

Mr. John Forman, 1410 West 9th Street, asked what would happen to the railroad crossing on 4th Avenue; there has been some discussion about purchasing the property for trails. He expressed concerns about the wetland becoming dry and asked questions regarding sidewalks in the area. City Engineer Jahnke stated that the city has a verbal agreement with the owner to take out the railroad tracks if the project moves forward.

Councilor Marin stated that there is not one resident on this street in favor of the project; many of the residents stated they cannot afford it at this time. He noted the flooding issues on 4th Avenue South and Plainview and suggested that the project be held off for another year.

Councilor Brooks asked the City Engineer about the water problems in this area. City Engineer Jahnke stated that there are two separate issues; the street is in need of repair and some of the standing water issues on the streets would be addressed through this project.

Councilor Baker commented that the city should move ahead with the improvements and noted that the City would be installing an inlet and placing tile on the private property.

Councilor Marin stated that residents have not received the offer regarding the inlet and placement of tiles.

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

(See Secretary's Original Resolution 13-50
included with these minutes.)

ORDINANCE 159,4D AND SUMMARY AMENDING ALBERT LEA MUNICIPAL AIRPORT ZONING (2ND READING)

City Manager Adams stated that the Albert Lea City Council, at its meeting of December 20, 2012, adopted Ordinance 157,4d Amending Zoning for the Albert Lea Municipal Airport. When the document was submitted to Freeborn County for recording, it was noted that some legal descriptions were incorrect. Engineering has verified that all legal descriptions are now correct and the ordinance is being amended solely for the addition of the proper legal descriptions. No other substantive changes were made. Staff recommends adopting the ordinance amending the Municipal Airport Zoning.

Councilor Anderson moved the adoption of the 2nd reading and summary, 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 second reading of this ordinance passed.

(See Secretary's Original Ordinance
159,4d included with these minutes)

ORDINANCE 160,4D AND SUMMARY AMENDING SIGN STANDARDS (2ND READING)

City Manager Adams stated that the Advisory Planning Commission held public hearings in February and March to discuss amending the Sign Ordinance. The proposed changes came about in order to reconcile the zoning ordinance with the "Architectural Guidelines for Historic Preservation" as adopted by the Historic Preservation Commission, and to allow Multiple Family District uses to install larger identification signs for complexes. The primary discussion of the Planning Commission was regarding marquee signs and their appropriateness in the B-3 district, and allowing additional square footage for projecting signs. Other recommendations proposed are to refer to standards for portable signs in the B-2, I-1, and I-2 districts and to allow for R-2 and R-3 properties to have one larger development community sign. Staff recommends adopting the ordinance to amend sign standards.

Councilor Baker moved the adoption of the 2nd reading and summary, 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 second reading of this ordinance passed.

(See Secretary's Original Ordinance
160,4d included with these minutes)

NEW BUSINESS

RESOLUTION 13-51 APPROVING PLANS AND AUTHORIZING ADVERTISEMENT FOR BIDS (JOB 1350)

City Manager Adams stated that on March 25, 2013 a Public Improvement Hearing for City Job No. 1350 was held and the project was authorized to proceed.

City Manager Adams provided answers to questions presented at the March 25, 2012 Public Hearing as follows:

- The City did provide proper written notice of the hearing held on March 25 to order the improvement.
- An assessment hearing would be scheduled following completion of the project, at which point residents would be able to file an objection to the assessment.
- City has chosen to use assessment, tax levy, and bonding to fund road maintenance and improvement (along with Municipal State Aid and Federal Funds on roads where eligible).
- Assessments are a dependable source of revenue and do not count against statutory debt limits.
- Assessments provide a means of levying charges for public services against a property otherwise exempt from taxation, i.e. "user fee."
- The City has prepared a CIP that includes the project costs for future road improvement, including neighborhood overlay projects.
- Detail/schedule of reconstruction projects are in the CIP. Details/scheduled on overlay projects will be incorporated directly into the CIP in 2014.
- A schedule of future neighborhood overlay projects is currently available in the City Engineer's office.
- Road/trail improvement near channel and along Fountain Lake will be revisited this summer.
- Reviewed the Pavement Deterioration.
- Planning Commissions are required to adopt and maintain a Comprehensive Plan.
- Planning Commissions also review new subdivisions and zoning areas.
- Legal Counsel that have reviewed and created the City's assessment policy have not required local road improvement projects to be reviewed by the Planning Commission.

Neighborhood Improvement Overlay, Curb & Gutter Replacement

Garden Road – Richway Drive to Willamor Road	Meredith Road – Garden Road to Ridge Road
Willamor Road – Garden Road to Channel Road	Willamor Circle – Willamor Drive to Cul-de-sac
Ridge Road – Meredith Road to Garden Road	Ridge Circle – Ridge Road to Cul-de-sac
Channel Road – The Fairway to Lake Shore Drive	Robin Road – Ridge Road to Lake Shore Drive
Cardinal Lane – Martin Road to Richway Drive	Consul St. - Rezin Ave to 500' east of Prospect Ave
Sherwood Avenue – Johnson Street to State St.	State Street – Sherwood Aveto Wayside Avenue
Wayside Avenue – State Street to Stevens Road	Morningside Road – Stevens Rd to E Main St,
Rezin Avenue – Frontage Road to SE Marshall St.	

Total Curb Replacement and Overlay

Garden Road – Martin Road to Willamor Road

Channel Road – The Fairway to Lakeshore Drive

Meredith Road – Martin Road to Ridge Road (south intersection)

Ridge Road – Garden Road to Meredith Road (south intersection)

Willamor Road – Garden Road to Channel Road (north intersection)

Bituminous Surface Installation

Lakeshore Drive from Robin Road to Channel Drive

The plans and specifications have been completed and made available to Council for approval and authorization of bidding. The bid opening would be scheduled for May 7, 2013. The resolution would approve plans and specifications and authorize bidding of the project. Staff recommends approval.

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

(See Secretary's Original Resolution 13-51
included with these minutes.)

RESOLUTION 13-52 APPROVING PLANS AND AUTHORIZING ADVERTISEMENT FOR BIDS (JOB 1351)

City Manager Adams stated that the plans and specifications have been completed and made available to Council for approval and authorization of bidding. The bid opening would be scheduled for May 7, 2013. The resolution would approve plans and specifications and authorize bidding of the project. Staff recommends approval.

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

(See Secretary's Original Resolution 13-52
included with these minutes)

BROADWAY AVENUE RECONSTRUCTION AND STREETScape – AWARD OF CONTRACT

City Manager Adams stated that bids were received at 10:30 am on Tuesday, April 2, 2013 for the Broadway Avenue Streetscape & Infrastructure Improvement project. The tabulated bid results are shown in the attached Exhibit 'A.'

The low bidder for the basic bid and all combinations of the base bid and alternate bids is BCM Construction, Inc., from Faribault, Minnesota. Bolton & Menk is the Engineer for the project and based on their discussions with BCM Construction, Inc., it is believed they understand the requirements of the project and the expectations of the City as it relates to the project. It is staff's opinion that BCM Construction, Inc. is qualified to perform the work required under this contract.

The low base bid is approximately 11% over the Engineer's Estimate. The total bid (base bid and all alternate bids) is approximately 14% over the Engineer's Estimate. A detailed Abstract of Bids showing all bids, including the engineer's estimate, is available for review.

City Manager Adams reviewed the following:

- Review of Bids
- Overview of possible changes to project scope or funding sources
- Seeking Public Feedback
- Project Timing Options
- Reviewed payment of the project, to include State Bonding, Assessments, Sewer and Water Fund and City Bond Funds

- Reviewed the Broadway \$800,000 and \$1,257,577 City Bonding and how it would affect the tax levy, debt service, residential and commercial properties valued at \$100,000
- Other projects and funding options, seeking public input
- Project Schedule / Next steps

Mr. Randy Kehr, 1712 Plainview Lane, stated that the Broadway Avenue steering committee sought input from city staff, citizens and downtown businesses through open and public meetings, which resulted in the project as bid. There was a clear consensus to support the project as bid. There are some funding challenges, but personally would support bonding for the entire project and would gladly pay the additional tax to restore downtown and developing Fountain Lake Park as the citizens of Albert Lea so richly deserve.

Tony Trow, 522 Park Avenue, stated that he has a sign in his office that says, “You cannot become the person or the city that you want, by remaining as you are.” Mr. Trow noted that interest rates are low and residents have had meeting after meeting over the last few years, including the Comprehensive Plan, Design Team, Albert Lea Listens, and all conclude that something needs to be done at the heart of the city. He commented that “whatever it takes - we should do it.”

Linda Knudsen, 63234 170th Street, Alden, MN, owns a business at 129 S. South Broadway. They are in the process of a complete remodel of the front and back of the building. The plan is that the remodel will take place during the Streetscape Project. This will be a very large investment to their building and business. Knudsen stated that they understand that the bids for the Streetscape Project are over the original projected cost and that this will be a greater expense as building owners; however, they remain very much in favor of the entire project. She stated they feel strongly that the community needs to have the same spirit of investment as for their buildings and Albert Lea’s future. The city will not come back and complete the plazas and enhancements for the park at a later date. The time for this project is now and she hopes the city will see the importance of the project to the community and Albert Lea’s future. Ms. Knudsen encouraged the council to vote “Yes” for the entire project.

Forrest Claussen, 212 N. Broadway, stated he is not an engineer and does not have an engineering background, just job experience doing excavating, drainage work, sewer and water and street work for 40 years in Albert Lea, Austin, Blue Earth, Wells, Lake Mills, Owatonna, New Richland, Twin Lakes, Elkton and other surrounding communities. In reading the Albert Lea Tribune and their views on parts of the project and the bump-outs, he detected objections. He further stated that in the late 1940’s, the council voted to install traffic lights on Broadway to improve traffic flow and this worked very well for many years. Mr. Claussen stated that he believes the proposed bump-outs will be a step backwards. Claussen had several questions regarding the need for complete sewer and watermains on Broadway; and asked if parts of those could be salvaged or repaired and can the City Engineer handle a project of this size or complexity? He requested that Council postpone the project and give it further consideration before proceeding and take into account the lowest bid is a half million over the estimate.

Karen Trow, 522 Park Avenue, stated that hundreds of people have participated in the Design Team and Albert Lea Listens and the Comprehensive Plan for quite a few years and are waiting for this to happen. Mrs. Trow stated that when the city decided to do the sales tax, people were not in favor of it but when it came time to vote, over 80% of the people voted "Yes" for the sales tax. She commented that the project is a wonderful thing for Albert Lea, bonding is never going to get cheaper, and the city needs to do something for the kids, parents and future of Albert Lea. She also encouraged the council to find a way to make the city more beautiful, more competitive and bring more people here as the city has one of the largest connected historic districts in southern Minnesota. It is truly the place to see and the city has a lot of amenities that need enhancing.

Tom Staker, 1402 Circle Dr., and owner of 122 S. Broadway, Celebrations Party and Gifts, with wife Tami, stated he is in full support of the project in whole, not in pieces, as both a resident and business owner. They will be taxed on both so will pay for the project from both. Mr. Staker was also reminded by high school students that have been following the project and will be seeing it long after this business is sold, and stated there should be no reason the project should not go through. It is something they want to see happen.

Gladys Roberts, 119 S. Broadway, stated that she is not in favor of the project. She further stated that there are too many extras in the project such as the pavers, the bump-outs, trees and bushes. Ms. Roberts stated that the city needs the infrastructure; the City of Austin has already removed their bump-outs after two years. Roberts stated that she is against the Fountain Lake Park, Water and William Street plazas. She commented that most of the businesses are having difficulties and does not understand how this project will bring more people downtown.

Adele Helleksen, 809 Cedar Avenue, and business owner of Albert Lea Tailors at 122 S. Broadway stated that if times were great, everyone would be for the project. Ms. Helleksen also stated that we are following other cities and she thinks the city should be the best that Albert Lea can be. Businesses and families are struggling within the community; the population has decreased and this will be a hardship for each business. She noted concerns about the project taking more time, having her business shut down and concerns about the safety of the older buildings. Budget and fundraising should be done at the beginning of the project

Laura Lunde, 102 Lee Place, representing the Lakes Foundation and Lake Clean-up commented they are in support of the project. Fountain Lake Park should stay in the project and work with the Watershed; funds are available at the state level and the state is listening to us.

Rich Murray, 124 Ridge Road, stated that 30 years ago he moved his family to Albert Lea and started an office on the 2nd floor of the Lea Center Building. People were asking even then when something would be done with the downtown. Mr. Murray further stated that he trusts Council has done their job to ensure the city needs the infrastructure replacement and complete project. He also noted that he has purchased a building in the downtown and is ready to make major improvements, and asked Council to make the project happen. He commented that he is

proud of this city and encouraged council to make things happen with the lakes, trails, and the community.

Harold Kamrath, 326 Glenn Road, was generally opposed to the streetscape project and noted that the stoplights, trees, and antique lights are great the way they are. He also asked what would happen to the lights. Mr. Kamrath stated that he does not want cement seating in Fountain Lake Park or cement covering up the ground.

Robert Hoffman, 709 Fountain Lake, purchased a building at 212 N. Broadway and wants to see the Broadway Streetscape project become a reality. He commented that this is an amazing opportunity and supports the project.

Motion made by Councilor Baker to table until next meeting, 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 tabled.

MAYOR & CITY COUNCIL REPORTS

First Ward, Councilor Schulte V. reported:

- Ward Items – Encouraged residents to contact him regarding proposed Broadway Streetscape Project.
- Committee Updates – Attended the HRA Board Meeting.

Second Ward, Councilor Baker reported:

- Ward Items – None
- Committee Updates – Attended the Planning Commission meeting.

Third Ward, Councilor Marin reported:

- Ward Items – Thanked everyone who came forward on the projects and commented that there are many big decisions that will affect the financial and historical future. He requested that residents and business owners contact him regarding these projects. Councilor Marin expressed concern that residents are silent regarding the South 4th Avenue project because the Council does not listen. He stated that he was elected to represent the people in his ward.
- Committee Updates - Attended Human Rights Commission Meeting.

Fourth Ward, Councilor Olson reported:

- Ward Items – Thornecrest Retirement Community will have Car Show on May 16, 2013.
- Committee Updates - none

Fifth Ward, Councilor Anderson reported:

- Ward Items – None
- Committee Updates – None

Sixth Ward, Councilor Brooks reported:

- Ward Items – South Shore Drive was referred to City Manager.
- Committee Updates – Attended the Albert Lea Port Authority Meeting.

Mayor Rasmussen:

- The Mayor expressed thanks to Councilmember Baker for filling in as Mayor Pro Tem.
- Noted that he appreciated the vacation.
- Reported on the Albert Lea Port Authority meeting and audit.

CITY MANAGER'S REPORT

The City Manager noted that he is monitoring the legislative session regarding LGA, Fountain Lake restoration, and economic development tools.

RESOLUTION 13-53 APPROVAL OF CLAIMS

Motion made by Councilor Schulte V to approve payment of claims as presented for checks #48659 through #48778 in the amount of \$362,928.68; 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 13-53
included with these minutes.)

ADJOURNMENT

Councilor Marin moved and Councilor Anderson seconded that there being no further business, the council meeting be adjourned at 8:20 p.m., until the next regular meeting of the Albert Lea City Council at 7:00 PM on Monday, April 22, 2013. 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

Secretary to the Council