

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

CONSENT & APPROVAL OF AGENDA

- A. Approve Minutes of the March 26, 2012 Regular Council Meeting
- B. Approve Minutes of the March 22, 2012 Work Session
- C. Licenses and Permits (See attached list)
- D. Resolution 12-53-Authorizing Rental Agreement with George Carden International Circus
- E. Resolution 12-54-Approving Administrative Survey of Lots of Record for 1817 South Shore Drive, Mary Rickert
- F. Resolution 12-55-Granting A Variance To 612 Lincoln Avenue
- G. Resolution 12-56-Reestablishing Precinct and Polling Place Ward 1
- H. Resolution 12-57-Reestablishing Precinct and Polling Place Ward 2
- I. Resolution 12-58-Reestablishing Precinct and Polling Place Ward 3
- J. Resolution 12-59-Reestablishing Precinct and Polling Place Ward 4
- K. Resolution 12-60-Reestablishing Precinct and Polling Place Ward 5
- L. Resolution 12-61-Reestablishing Precinct and Polling Place Ward 6
- M. Resolution 12-62-Declaring City Hometown Pride Cleanup Day to be April 28, 2012
- N. Resolution 12-63-Accepting Donations
- O. Authorize Replacement of Wastewater Treatment Plant Blower
- P. Approve Employee Wellness Program
- Q. Approve Employee Recognition Policy

MOTION: Move to accept the agenda as presented.

Motion made by Councilor Brooks, seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said motion: Councilors Baker, Kehr, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Councilor Schulte V abstained due to a personal financial interest in Item E. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolutions 12-53 - 12-63
included with these minutes)

PUBLIC FORUM

Mr. Merle Andresen, 216 E. 5th Street, stated that 5th Street is in terrible condition, curb is about two inches higher than the street; also reported a broken piece of cement at the end of his driveway that abuts the city street. City staff will check into the matter.

PETITIONS-REQUESTS-COMMUNICATIONS

UNFINISHED BUSINESS

EXPANSION OF BANCROFT BAY DISC GOLF COURSE

Mr. Ross Brandt from the local Disc Golf Club provided a presentation regarding the proposal to expand the current nine-hole disc golf course located in the upper part of Bancroft Bay Park to eighteen holes. The presentation explained the Historic Signage and other signs/pictures that will be placed at the different holes, with duel posts and full color at each hole. The presentation also included examples of the tee pads, baskets, benches, etc.

Ms. Anne Austin and Mr. Jim Troe expressed their support and sponsorship for this type of recreational program within our park system.

City Manager Adams explained that the Park Board voted to support the proposal at their February meeting. Fundraising efforts have been initiated and Staff has been discussing the details to prepare the course by early summer. Staff would provide the high tree trimming incrementally throughout the summer, with volunteers coordinated by Brandt to provide the ground clearing and low tree trimming this spring. All volunteers would need to sign a waiver for liability purposes. Donations from the community will make this project possible. Staff will continue to monitor this project and work with Mr. Brandt on the concrete pad location and timing.

MOTION: I will move the adoption of this project subject to the approval of staff.

Motion made by Councilor Kehr, seconded by Councilor Olson. 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 148,4d - AMENDING CHAPTER 30, SECTION 30-2 – AUTHORIZING AND REGULATING THE CONDUCT OF OPEN BURNING WITHIN THE CITY OF ALBERT LEA, MN (2nd READING)

City Manager Adams explained that the first reading of the ordinance was held on March 26th. The previous ordinance banned all burning in the City limits except recreational fires. Staff recommends replacing Section 30-2 with language that addresses the current deficiencies and practices regarding burning in the city limits, without expanding the burn ban. Staff recommends approval of the ordinance prepared for 2nd reading.

Chief Dwaine Winkels explained the proposed ordinance and the issuing of burn permits.

Councilor Schulte V 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 148,4d
included with these minutes)

NEW BUSINESS

PUBLIC HEARING AND RESOLUTION 12-64 APPROVING TAX INCREMENT FINANCING DISTRICT NO. 5-22 AND THE USE OF TAX INCREMENT FINANCING

City Manager Adams explained that the creation of TIF District No. 5-22 is being proposed to allow the City to capture new tax increment generated from the Mrs. Gerry's expansion project. The proposal would establish an "economic development" tax increment district that would provide nine years of increment beginning in 2014 and continuing through 2022. The attached resolution includes a number of findings that support the creation of this district. Staff recommends approval of the resolution which would establish TIF District 5-22.

Mayor Rasmussen Jr. opened the public hearing and called three times.

Mr. Chad Vogt, 3004 Lake Chapeau Drive, thanked council and staff for supporting this TIF on behalf of Mrs. Gerry's and the employees.

Mr. Ross Brandt asked about the number of TIF Districts for this project.

Mayor Rasmussen Jr. closed the public hearing.

Motion made by Councilor Anderson to adopt this resolution, 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 12-64
included with these minutes)

PUBLIC HEARING AND RESOLUTION 12-65 APPROVING JOBS STIMULUS PROGRAM TAX INCREMENT FINANCING SPENDING PLAN

City Manager Adams explained that Mrs. Gerry's Kitchen, Inc. is proposing an approximate 36,000-ft. facilities expansion. The Port Authority and City have been working with the company on a proposed financing package, part of which includes tax increment financing up to \$135,000. Tax increment would be provided to the project via (1) the TIF Jobs Stimulus Program and/or (2) establishment of a new TIF District. The purpose of this expanded authority is to stimulate economic recovery through assistance to private development, provided that construction commences no later than July 1, 2012. Under the Jobs Stimulus Program, development authorities are given temporary authority to use available and uncommitted tax increment revenue from any type of TIF district to assist private development consisting of the construction or substantial rehabilitation of buildings and ancillary facilities. The City presently has increment available to use for this purpose. It is expected that Mrs. Gerry's would create at least 10 jobs with the expansion project. Staff recommends approval of the resolution to use existing TIF District Revenue for the Mrs. Gerry's expansion. Either the new TIF district or the Jobs Stimulus funds will be used for this project, not both. A thank you was provided to Mr. Ed Tschida and Mr. Dan Dorman for putting the project together.

Mayor Rasmussen Jr. opened the public hearing and called three times.

No one spoke to this issue. Mayor Rasmussen Jr. closed the public hearing.

Motion made by Councilor Kehr, 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 12-65
included with these minutes)

RESOLUTION 12- 66 RECEIVING REPORT AND CALLING HEARING ON WEST MAIN STREET SANITARY SEWER EXTENSION – CP RAIL TO LAKE CHAPEAU DRIVE (JOB 1118-HILLS GARDEN AREA)

City Manager Adams explained that the attached resolution would accept the feasibility report and order a public hearing for May 14, 2012 for Job 1118, the West Main Street Sanitary Sewer Extension – CP Rail to Lake Chapeau.

Motion made by Councilor Kehr, 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 motion passed.

(See Secretary's Original Resolution 12-66
included with these minutes)

RESOLUTION 12-67 RECEIVING REPORT AND CALLING HEARING ON 12TH STREET AND 13TH STREET COMPLETE RECONSTRUCTION FROM MARGARETHA AVENUE TO EAST ENDS (JOB 1020)

City Manager Adams explained that the attached resolution would accept the feasibility report and order a public hearing for May 14, 2012 for Job 1020, the 2012 Street, Water and Sanitary Sewer Sliplining Contract No. 1. The project involves the complete reconstruction of 12th Street and 13th Street from Margaretha Avenue to the east ends. The water main in both of these streets, which was installed in the 1950's and 60's, has been subject to a disproportionate number of breaks. Most of the breaks have been caused by corrosion due to the soil chemistry in the area. The project proposes to replace the existing cast iron water main with plastic pipe which is resistant to this type of corrosion. Along with the water main, the existing bituminous surface and aggregate base will be replaced, along with the curb and gutter along 12th Street. There is no curb and gutter along 13th Street. The project proposes to install new curb and gutter along 13th Street.

The project would also include sliplining the existing sanitary sewer. The process involves pulling a resin-soaked fabric sock through the existing sewer pipe. The sock is then inflated to fill the inside of the pipe and the resin is heat-cured using either hot water or steam. The process essentially results in a brand new pipe within the existing sanitary sewer main.

The cost breakdown for this project is as follows:

Total Project Cost:	\$962,370.66
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Assessable Portion:	\$451,831.97 (46.9%)
Sanitary Sewer Costs:	\$119,025.00 (12.4%)
Water main Costs:	\$214,009.25 (22.2%)
City General Funds:	\$177,504.38 (18.4%)

If the Council chooses to move forward with the project, the proposed timeline is as follows:

Acceptance of Feasibility Report:	April 9, 2012
Council Calls Public Improvement Hearing:	April 9, 2012
Neighborhood Meeting:	April 18, 2012
Start Advertisement:	April 27, 2012
Public Improvement Hearing:	May 14, 2012
Open Bids:	May 22, 2012
Council Awards Bid:	May 28, 2012
Start Construction:	June 15, 2012
End Construction:	November 15, 2012

Staff recommends approval.

Motion made by Councilor Brooks, 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 motion passed.

(See Secretary's Original Resolution 12-67
 included with these minutes)

RESOLUTION 12-68 RESOLUTION APPROVING CONDITIONAL USE PERMIT FOR BUSINESS IN THE B-1 NEIGHBORHOOD BUSINESS DISTRICT INCLUDING OUTDOOR SALES AT 902 WEST MAIN STREET

City Manager Adams explained that the Planning Commission met on Tuesday, April 3, to review the request for a conditional use permit for a retail store with outside displays in the B-1 Neighborhood Business District. All land uses within the B-1 district require a conditional use permit. Although part of this building has been used for the last few years by the owner, it was not an active retail site and is not considered to be a continuing non-conforming use. The proposed use is the sale of motor scooters with outside display. Since a conditional use permit is required, staff has requested that the site also be brought up to code in terms of landscaping and parking. The ordinance requires 20% of a commercial site to be landscaped. New development sites have met this requirement, even on small lots. The Planning Commission recommended approval of the conditional use permit with conditions listed in the attached resolution. Condition #1 requires the preparation of a landscape plan for approval by development review staff that includes Community Development, Building Inspection, and Public Works. Staff also recommends approval with conditions as listed.

Mr. Jerry Latham, owner of Main Street Cycles, thanked the council for the support and hopes to make this business a success.

Mr. Ron Hanson, 902 West Main Street, owner of this property, explained that he had reviewed the landscape plan for the project with Mr. Bob Graham.

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

(See Secretary's Original Resolution 12-68
included with these minutes)

MAYOR & CITY COUNCIL REPORTS

First Ward, Councilor Schulte V. reported:

- Ward Items
- No Committee updates

Second Ward, Councilor Baker reported:

- Ward Items
- Committee updates
- Concern about railroad ties

Third Ward, Councilor Kehr reported:

- Ward Items
- Committee updates
- Natural gas to be installed within the I/35 - I/90 Business Park
- Reported on JOBZ Audit
- Reported on Human Rights Commission

Fourth Ward, Councilor Olson reported:

- No Ward Items
- Committee updates
- Congratulations to the Youth 6th Grade Wrestling Team

Fifth Ward, Councilor Anderson reported:

- Ward Items – Thanked staff for helping with the ward items
- No Committee updates
- Encourage residents to help pick up trash and encouraged everyone to drive careful

Sixth Ward, Councilor Brooks reported:

- Committee updates
- Ward Items – Property on South Shore Drive and Broadway

Mayor Rasmussen Jr. commented on the trash along the Railroad Lines, requested that the city have the material removed and charge for the clean-up of this property. The material contains rail spikes, large piles of rails, etc., and could be dangerous to children playing near the area. Mayor stated that citizens of the communities are keeping their properties cleaned up and we need to encourage the same from the railroad lines.

CITY MANAGER REPORT

City Manager Adams gave an update on the following:

- Apologized to patrons of the Library as the Library was closed on Monday morning due to the malfunctioning of the furnace. The Library re-opened around noon.

RESOLUTION 12-69 APPROVAL OF CLAIMS

Councilor Olson moved that the resolution be approved for payment of claims in the amount of \$533,128.49, seconded by Councilor Baker. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, Kehr, Olson, Anderson, and Mayor Rasmussen Jr. Councilor Brooks abstained. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolution 12-69
included with these minutes)

ADJOURNMENT

Councilor Anderson moved and Councilor Schulte V, seconded that there being no further business, the council meeting be adjourned at 7:54 p.m., until the next regular meeting of the Albert Lea City Council at 7:00 p.m. on Monday, April 23, 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 April 10, 2012

Secretary to the Council