

**REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
Monday, April 13, 2015, 7:00 p.m.**

PRESENT: Mayor Vern Rasmussen Jr., Councilors John Schulte V, Larry Baker, 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.

ABSENT: Councilor George Marin

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

CEREMONIAL ITEMS

PUBLIC FORUM

Lana Howe, 101 Shellrock Street, read a statement in favor of the proposed Ordinance regarding Tobacco Free Facilities.

Stacy Palmer, 78689 180th Street, shared her experience regarding her children with respiratory illness and being exposed to second hand smoke within the parks and encouraged the council to adopt the proposed Tobacco Free Ordinance for city facilities for the children within the community.

Tori Helgeson, 1606 Garfield Avenue, currently a high school senior and member of the Albert Lea High School Alcohol and Drug Awareness Program, stated that all parks within Albert Lea should be smoke free and encouraged the council to adopt the proposed Tobacco Free Ordinance for city facilities for all residents.

Alice Englin, Statewide Health Improvement Program (SHIP) Coordinator with Freeborn County Public Health, encouraged the council to adopt the Tobacco Free Ordinance for all city facilities. Tobacco Survey shows that tobacco use is down within the young people. Englin listed several businesses that have adopted a “No Smoking” policy in Albert Lea.

Karina Stripe, 1122 Eastgate Road, student at Albert Lea High School, active in the Alcohol and Drug Awareness Program, encouraged the council to adopt the Tobacco Free Ordinance for all city facilities and parks. Mayor Rasmussen Jr. congratulated Karina on receiving the Inspirational Award at the Albert Lea High School.

Randy Kehr, 1712 Plainview Lane, stated that he is supporting the proposed Tobacco Free Ordinance for all city facilities. He listed several businesses and schools that are tobacco free. Mr. Kehr stated that this ordinance would be in conjunction with the policies already in place.

Ellen Kehr, 1712 Plainview Lane, requested Council’s support of the proposed Tobacco Free Ordinance for all city facilities. She shared that she attended the Blue Zones event at the

Southwest Elementary School as they are setting a standard for schools in America as to what a culture of well-being should be within all schools.

CONSENT AND APPROVAL OF AGENDA

- A. Approve Minutes Of The March 23, 2015 Regular Council Meeting
- B. Approve Minutes Of The March 19, 2015 Work Session
- C. Licenses And Permits (See Attached List)
- D. Resolution 15-70 Accepting Donations Presented To The City Of Albert Lea
- E. Resolution 15-71 Approving Administrative Lot Survey For Property Located At 306 St. Thomas Avenue
- F. Resolution 15-72 Declaring Hometown Pride Cleanup Day And Authorizing Reduced Rates At Transfer Station
- G. Resolution 15-73 Approving Agreement For Mosquito Spraying
- H. Approve Purchase Of Chipper Equipment For Parks
- I. Resolution 15-74 Committing A Portion Of Revolving Loan Fund Toward The 2015 Small Cities Development Program Application
- J. Albert Lea City Council Work Session Of April 23, 2015 To Be Held In The Freeborn Room, Freeborn County Government Center – 5:30 PM

MOTION: Move to approve the consent agenda with the removal of 5J.

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

(See Secretary's Original Resolution 15-70-74
included with these minutes)

PETITIONS, REQUESTS, AND COMMUNICATIONS

A. CANOE/KAYAK STATION AT FRANK HALL PARK – BILL HOWE, ALBERT LEA LAKES FOUNDATION

Mr. Bill Howe, 1642 Oakhurst Road, and member of the Albert Lea Lakes Foundation, provided an overview of a recommended canoe/kayak rental station near the new launch at Frank Hall Park. The equipment for the project would be donated to the City. The City has reviewed the proposal and is working on the necessary management/operational documents, such as waiver form and procedures to move forward with the project and donation to the City. Staff is seeking direction to move forward with the project. The formal donation would be accepted later by the City.

MOTION: Move for the city to continue to support the idea and opportunity and authorize city staff to continue working with the Lakes Foundation on this proposal.

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

B. PRESENTATION OF TH-65 (BROADWAY AVENUE) THREE LANE EVALUATION - BOLTON & MENK, INC.

Bryan Nemeth, traffic engineer with Bolton & Menk, presented the results of the three-lane evaluation that was recently completed. The scope of the project involved seven items. These items were:

- Layout of a three lane (with bike lanes)
- Evaluate Access
- Evaluate Parking
- Evaluate Safety
- Evaluate the Traffic Signals
- Evaluate the MNDOT Detour Route
- Incorporate the Charrette Data
- Correspond with MNDOT

Staff recommends holding a public open house for property owners along the corridor to learn more about the project at a date and time to be determined. Following the open house, any Council action to support a change order to the project would occur at a regular Council meeting.

UNFINISHED BUSINESS

ORDINANCE 191,5D AMENDING CHAPTER 22, ARTICLE XI BANNING SMOKING AND TOBACCO RELATED PRODUCTS AT CITY FACILITIES AND PARKS (2ND READING)

City Manager Adams explained that the first reading of this ordinance was held at the April 23rd City Council meeting. Currently, smoking is prohibited on City property only in public places at City Hall and the Arena. An amendment to City Code Sections 22-446 and 22-447 would prohibit smoking at all City facilities, including parks, workplaces and in vehicles parked in those locations. Violation of this ordinance will be a petty misdemeanor. Staff supports the recommendation to ban smoking and tobacco related products at city parks and establish a policy for city worksites.

MOTION: I will move to adopt Ordinance 191,5d.

Motion made by Councilor Olson, seconded by Councilor Baker. After some discussion, the following motion was made.

Lt. Palmer stated that the police department would respond to calls regarding the “No Smoking” and first they would address the education piece prior to any tickets issued. He did not believe this would add any extra burden on the department to enforce the ordinance.

MOTION: Move to table this item until the May 11th Council Meeting.

Motion made by Councilor Olson, seconded by Councilor Baker. On roll call vote, the following councilors voted in favor of said motion: Councilor Schulte V, Baker, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared that approval was made to table the ordinance action to the May 11th Council meeting.

NEW BUSINESS

PUBLIC HEARING AND RESOLUTION 15-75 AUTHORIZING TAX ABATEMENT FOR THE PURPOSE OF FUNDING DEVELOPMENT COSTS FOR THE TSB JANESVILLE, LLC PROJECT

City Manager Adams explained that a public hearing is being held to receive input on a request from TSB Janesville, LLC, to grant property tax abatement on their new market rate rental housing project. The project will consist of five 6-plex buildings for a total of thirty (30) units. The tax abatement will only apply to 24 units (4 buildings). Proposed reimbursement will be at 85% up to \$12,637.39 annually for ten years. The estimated total taxes abated for the City will be \$126,637.39. The School District and Freeborn County have also agreed to use tax abatement for this project. The estimated tax abated for the County will be \$99,514.35 and the School District at \$51,295.29. The total estimated abatement for the project will be \$277,182.71. Staff recommends approval.

Mayor Rasmussen Jr. opened the Public Hearing.

Mr. Randy Kehr, 1712 Plainview Lane, stated that in the past week, he has had three employers contact him looking for housing; city is in desperate need of market rate rental housing and is in favor of this project.

Mr. Jon Ford, Executive Director of the Albert Lea HRA, stated that he is in support of this project.

Mr. Robert Hoffman, 709 S. Broadway, property manager in the City of Albert Lea is in favor of this project.

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

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, Olson,

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

(See Secretary's Original Resolution 15-75
included with these minutes)

ORDINANCE 193,5D APPROVING MINNESOTA ENERGY RESOURCES GAS FRANCHISE AGREEMENT (1ST READING)

City Manager Adams stated that the City of Albert Lea seeks to enter into a gas franchise agreement with Minnesota Energy Resources Corporation. The franchise agreement is enacted in two readings. There will be a public hearing on April 27, 2015. This is a non-exclusive franchise agreement. The length is ten years with a 5-year renewal period. The franchise fee is set at 4.5% of gross revenues and the fee may be amended or repealed during the term of the agreement. The agreement also outlines basic procedures that Minnesota Energy Resources will follow when doing construction work within the City to best protect the interests of the public. Staff supports adoption.

Rory Lenton, Minnesota Energy Resources Corporation, stated that the current plan is to keep the same rates for two years and budget billing will be available for the customers. Lenton stated that the Company is a community partner and is excited about doing business within the city.

Motion made by Councilor Baker to approve the 1st reading of 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 193,5d
included with these minutes)

ORDINANCE 192,5D AMENDING CHAPTER 22, ARTICLE XVI, SECTION 58-33 – FEES (1ST READING)

City Manager Adams explained that in the spring of 2014, the Albert Lea City Council adopted an Ordinance regulating mobile food carts and mobile food vehicles. The licensure provision allowed only for one-year licenses. An amendment to Section 22-583 is recommended by staff in order to allow for lesser periods of time for licensure. Those periods of time will be added to the fee schedule at such time as this amendment is passed. Staff recommends approval of the draft ordinance.

Motion made by Councilor Schulte V to approve the 1st reading of this ordinance, 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 Ordinance 192,5d
included with these minutes)

**RESOLUTION 15-76 APPROVING PLANS AND SPECIFICATIONS AND ORDERING
ADVERTISEMENT OF BIDS FOR MILO AVENUE SANITARY SEWER LIFT STATION
FORCEMAIN CONSTRUCTION (JOB 1552)**

City Manager Adams stated that at their meeting of March 23, 2014, Council authorized preparation of plans and specification for the above referenced project. The project involves the replacement of the sanitary sewer forcemain from the sanitary sewer lift station near the intersection of 19th Street and Milo Avenue to its discharge into the gravity sanitary sewer system in front of 2313 Margaretha Avenue. The forcemain is proposed to be installed by Horizontal Directional Drilling (HDD) to minimize impacts to the existing streets. The project will require street cuts at intersections and at the discharge manhole to make connections.

The estimated cost for this project is \$231,157.19 and will be paid for from the Sanitary Sewer Fund. Once the contractor has been selected and their schedule determined, a neighborhood meeting will be held with affected residents to discuss the project timeline and expected impacts. Staff recommends approval of plans and specifications and authorization to bid the project.

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

(See Secretary's Original Resolution 15-76
included with these minutes)

BLUE ZONES INITIATIVE ACTIONS

City Manager Adams reviewed the following items:

1. Approve Complete Streets Policy – In 2009, the City of Albert Lea passed a Complete Streets Ordinance. This policy complements the ordinance and establishes practices and procedures for ensuring that all types of roadway users are considered with any new street and street reconstruction projects within the City of Albert Lea. Staff recommends approval of the policy.
2. Resolution 15-77 Approving Community Garden Lease Agreement with Albert Lea Economic Development Agency – The Blue Zones Community Policy Committee is recommending another community garden to be established in another geographic area of the community, based on the success of the existing two locations. The new community garden, to be installed this spring, will be at the corner of Margaretha and

14th Street on land presently owned by the Albert Lea Economic Development Agency. Staff recommends approval of the agreement.

3. Resolution 15-78 Encouraging Tobacco Free Outdoor Dining and Special Events – At their meeting of September 22, 2014, the City Council voted to formally consider adopting policies and environmental changes that would align with improving well-being and achieving certification as a Blue Zones Community. The attached resolution would encourage the community to support tobacco free outdoor dining, beverage and service areas as well as tobacco free special events.

MOTION: Move to approve all three Blue Zones Initiative actions.

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

(See Secretary's Original Resolutions 15-77-78
included with these minutes)

MAYOR AND COUNCIL REPORTS

First Ward, Councilor Schulte V reported:

- Ward Items – none
- Committee update - HRA meeting

Second Ward, Councilor Baker reported:

- Ward Items – Issue with speeding on Clark and Fountain Streets, speed limit signs, reviewed load limits on certain city streets. Garbage issue at 102 -1st Avenue.
- Committee Update – none
- Thanked Assistant City Manager Thongvanh for all of his contributions to our community
- Thanked City Manager Adams for everything that he does

Third Ward, Councilor Marin was absent

Fourth Ward, Councilor Olson reported:

- Ward Items – Received telephone calls regarding the smoking ordinance
- Committee update – none

Fifth Ward, Councilor Anderson reported:

- Ward Items – none
- Committee update - none

Sixth Ward, Councilor Brooks

- Ward Items - Alley issues and need update on Virginia Avenue
- Committee update – Community Gardens, Downtown projects, etc.

REPORT OF THE MAYOR

Mayor Rasmussen Jr. reported the following:

Albert Lea Open Disc Golf Tournament - A disc golf tournament will be held at Bancroft Bay Park starting at 10AM on Saturday, April 18. Participants pay an entry fee and prizes will be awarded.

Fountain Lake 5 & Tiger Trot - The 'Fountain Lake 5 is a 5-mile run around Fountain Lake starting at 9AM; the race starts and finishes at Brookside. The Tiger Trot is a 3-mile run, also starting at Brookside and goes around the Shoreland Heights area. The Tiger Trot raises funds for Southwest Middle School and the Albert Lea Family Y.

Other Updates:

- Blue Zones Worksites update – Freeborn County, City of Albert Lea, Children's Center and Southwest School
- Walking Moai's – May 9, 2015 at Fountain Lake Park
- Albert Lea Port Authority and JOBZ updates
- Senior Center meeting updates
- Met with Representative Bennett and Senator Sparks
- Encouraged the public to help rename the Volunteer Awards Program
- Official Groundbreaking for St. John's, Thursday, April 23, 2015
- Thank you to Assistant City Manager Sack Thongvanh for his time with the City of Albert Lea
- Council completed Annual Evaluation for City Manager Adams. Mr. Adams met or exceeded the standards in all categories. The goals set up for the removal of the written reprimand have been met and the reprimand has been removed from the personnel file. Council is pleased with the work of the City Manager and looks forward to progressing with the future of the community.

REPORT OF THE CITY MANAGER

City Manager Adams reported the following:

- Free WiFi service has been set up at the City Arena

- Conducting a job search for the Assistant City Manager position. Encouraged councilmembers to contact him with any questions.

APPROVAL OF CLAIMS

RESOLUTION 15-79 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 \$146.85 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, Councilor Brooks.

Motion to approve made by Councilor Baker, seconded by Councilor Olson. 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 15-79
included with these minutes.)

RESOLUTION 15-80 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 #55620 through #55803 in the amount of \$753,499.43, seconded by Councilor Brooks. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolution 15-80
included with these minutes.)

CLOSED MEETING – Land Acquisition Pursuant To Minn. Stat. § 13D.05, Subd. 3(c)

City Manager Adams stated that the purpose for the Closed Session is pursuant to Minn. Stat. §13D.05, Subd. 3(c), the specific parcel to be discussed is 314 S. Broadway Avenue.

MOTION: I will move to enter into Executive Session at 8:48 p.m.

Motion made by Councilor Schulte V, seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, 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 added staff has been provided direction in closed session regarding 314 S. Broadway Avenue.

ADJOURNMENT 9:15 P.M.

Motion made by Councilor Baker, 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, April 27, 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 13th day of April, 2015

Council Secretary