

**REGULAR COUNCIL MEETING  
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA  
Monday, April 27, 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**

Harold Kamrath, 326 Glenn Road, had questions regarding the new Assistant Fire Chief's position, duties and salary. City Manager Adams stated that the salary is about \$80,000 to \$90,000 per year. Mr. Kamrath also asked about Public Safety Director Winkels salary which is about \$100,000 per year. Mr. Kamrath had questions about the responsibility of cleaning the fish barrier located at the dam.

**CONSENT AND APPROVAL OF AGENDA**

- A. Approve Minutes Of The April 13, 2015 Regular Council Meeting
- B. Approve Minutes Of The April 9, 2015 Work Session
- C. Licenses And Permits (See Attached List)
- D. Resolution 15-81-Accepting Donations Presented To The City Of Albert Lea
- E. Resolution 15-82-Accepting Feasibility Report And Calling Public Hearing For May 26, 2015 Regarding The Virginia Place And 5<sup>th</sup> Street Reconstruction Project (Job 1557)
- F. Reschedule May 25, 2015 City Council Meeting To May 26, 2015 At 7:00 PM In City Hall Council Chambers

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

(See Secretary's Original Resolution 15-81-82  
included with these minutes)

**PETITIONS, REQUESTS, AND COMMUNICATIONS**

**FACILITIES MASTER PLAN FINAL REPORT – BRUCE SCHWARTZMAN, BKV GROUP**

City Manager Adams introduced Bruce Schwartzman from BKV Group who presented and summarized the final Facilities Master Plan report. Mr. Schwartzman listed the following projects: Municipal Airport, Blazing Star Center, Public Works Option A and Fire Station. Next steps on the Facilities Master Plan will be Council discussion to prioritize the projects in the plan and hold citizen engagement primarily on the facilities made accessible to the public.

**YOUTH 1<sup>ST</sup> PROGRAM – MARK ARJES, YOUTH 1<sup>ST</sup> FOUNDER/DIRECTOR**

Mark Arjes, Founder and Director of Youth 1<sup>st</sup> was present to talk about Uniting Community, Character and Conduct through Values-Based Youth Development. Youth 1<sup>st</sup> is asking the City of Albert Lea to officially join the Youth 1<sup>st</sup> Chapter. Staff has met with Mr. Arjes as well as a representative of the School District to discuss joining the Chapter. The Albert Lea Wrestling Association and Hockey Associations are presently members of the Chapter and have provided positive feedback on the program. No action is requested at this meeting.

**REQUEST TO WAIVE BUILDING PERMIT AND LANDFILL FEES FOR 2015 ROCKING THE BLOCK PROJECT – HRA DIRECTOR JON FORD**

John Ford, Executive Director of the Albert Lea HRA, stated that ShineFest, United Way and others have partnered to work with eight or nine local homeowners on this year's 'Rock the Block' week of giving project. The homes involved are located in various neighborhoods throughout the city. Projects range from general interior improvements and repairs to exterior painting and landscaping. Jon Ford requested that the Council waive the building permit and landfill fees associated with the project. State surcharge fees would still need to be paid and all building permit applications and inspections would still be required.

MOTION: I move to approve the request to waive building permit and landfill fees for 2015 Rocking the Block and Healing Hearts and Homes Projects.

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.

**UNFINISHED BUSINESS**

**ORDINANCE 192,5D AMENDING CHAPTER 22, ARTICLE XVI, SECTION 58-33 – FEES (2<sup>nd</sup> 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 Anderson to approve the second 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, 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)

**PUBLIC HEARING AND ORDINANCE 193,5D GRANTING MINNESOTA ENERGY RESOURCES GAS FRANCHISE AGREEMENT (2<sup>ND</sup> READING)**

City Manager Adams stated that a public hearing is being held to receive input on the second reading of an ordinance to grant a non-exclusive gas franchise agreement with Minnesota Energy Resources Corporation. The length of the franchise agreement 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 of the ordinance.

Mayor Rasmussen Jr. opened the Public Hearing.

Harold Kamrath, 326 Glenn Road, had questions regarding the Franchise Agreement, utility rates and recycling grants.

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

Motion made by Councilor Brooks to approve the second 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 Ordinance 193,5d  
included with these minutes)

**RESOLUTION 15-83 ACCEPTING BOND FROM MINNESOTA ENERGY RESOURCES CORPORATION TO THE CITY OF ALBERT LEA IN CONNECTION WITH NEW GAS FRANCHISE**

City Manager Adams stated that the City of Albert Lea has a gas franchise with Interstate Power Company. Interstate hopes to sell to Minnesota Energy Resources Corporation on April 30,

2015. Section 10 of the City's franchise agreement with Interstate Power notes that the assignee of the Interstate Agreement shall file a bond, in an amount acceptable to the City Council, to guarantee that the new franchisee can carry out its obligations to the community. Staff believes a bond in the amount of \$20,000.00 is adequate. MERC is in agreement. Staff recommends approval.

Motion made by Councilor Baker, seconded by Councilor Schulte V. 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 15-83  
included with these minutes)

**RESOLUTION 15-84 PERMITTING PUBLICATION OF ORDINANCE SUMMARY 193,5D  
GRANTING MINNESOTA ENERGY RESOURCES GAS FRANCHISE AGREEMENT**

City Manager Adams stated that the attached resolution would approve publication of a summary of this ordinance to approve the Gas Franchise Agreement with Minnesota Energy Resources. 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 the summary.

Motion made by Councilor Anderson, seconded by Councilor Olson. 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 15-84  
included with these minutes)

**NEW BUSINESS**

**ORDINANCE 194,5D AMENDING CHAPTER 58, ARTICLE II, SECTION 58-33 – PENALTIES  
(1<sup>ST</sup> READING)**

City Manager Adams stated that on January 12, 2015 the Albert Lea City Council voted unanimously to amend Sec. 8.03 of the Albert Lea City Charter to allow unpaid and delinquent lodging tax to be levied upon the real property upon which lodging tax is due. This remedy requires an amendment to the City Code to further clarify the process. It is proposed that Sec. 58-33(g) be added to Sec. 58-33 in order to certify unpaid lodging tax to the County Auditor with taxes against the property served. Staff supports the amendment and proceeding with the 1<sup>st</sup> reading of this ordinance.

Motion made by Councilor Brooks to approve the 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 194,5d  
included with these minutes)

#### **RESOLUTION 15-85 AUTHORIZING REPAYMENT OF INTERFUND ADVANCES**

City Manager Adams stated that city staff has been working on correcting and updating a number of items related to funds, TIF Districts, and financial statements these past few years. The attached resolution would refund the General Fund where Interfund Loans were officially established in the past, because there are sufficient funds to reimburse the General Fund. The reimbursed funds will be undesignated or unassigned and may be used for other City projects in the future. Staff will be discussing these options with the Council in the near future. Staff recommends approval

Motion made by Councilor Baker, seconded by Councilor Schulte V. 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 15-85  
included with these minutes)

#### **RESOLUTION AMENDING THE FEE SCHEDULE – TABLED**

City Manager Adams stated that upon approval of the second reading of the ordinance to amend the regulation of mobile food carts and mobile food vehicles, Council may amend the fee schedule to add the lesser period of time for licensure along with a reduced fee of \$50 for a three-day license for vendors operating mobile food carts and mobile food vehicles for less than one year. This license does not have to be for 3 consecutive days. Staff recommends approval.

Motion made by Councilor Brooks to approve this resolution as presented, seconded by Councilor Olson.

**AMENDMENT:** Move to offer an amendment for the license to be for 3 consecutive days.

Amendment offered by Councilor Schulte V. After some discussion, amendment and second were withdrawn.

Mayor Rasmussen Jr. called for the vote on the Main Motion, after some discussion the main motion and second was withdrawn.

**MOTION:** Move to table until the next council meeting.

Motion to table made by Councilor Brooks, seconded by Councilor Olson. 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 to table passed.

**RESOLUTION 15-86 ACCEPTING BID AND AWARDING CONTRACT FOR 2015 NEIGHBORHOOD IMPROVEMENT PROJECT (JOB 1550)**

City Manager Adams stated that the attached resolution would accept the bids for the 2015 Bituminous Contract No. 1 2015 Neighborhood Improvement Project (Job 1550). The project will include bituminous mill and overlay, miscellaneous curb and gutter, and sidewalk replacement in the central area of the City. Work will also include complete removal and replacement of the bituminous surface and aggregate base along Sykes Street from Y.H. Hanson Avenue to the east end, and Bel Aire Drive from TH-69 to the south end. The project also includes resurfacing the existing bituminous surface of the access road to the City Wastewater Treatment Plant and the service roads within the plant.

The bid was set up to allow the removal of the Bel Aire Drive Reconstruction. This is a section that only has one property along it that is currently assessable and staff is requesting that this street be removed from the project. The bid price of this section was \$41,916.19. The Street Department has reviewed this section of roadway and can perform some temporary patches and repairs for approximately \$7,000.00. This will improve the roadway and allow time to determine what happens to the vacant properties along the roadway. Staff recommends removing this portion from the bid. A total of one bid was received in the total amount of \$1,176,244.85. Engineering recommends the low bid not including Bel Aire Drive Reconstruction in the amount of \$1,134,328.73 as submitted by Ulland Brothers Inc. of Albert Lea, Minnesota. The Engineer's total estimate was \$1,416,361.14. Staff recommends approval.

**MOTION:** Move to approve this project with the removal of Bel Aire Drive.

Motion made by Councilor Anderson, 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. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolution 15-86  
included with these minutes)

**RESOLUTION 15-87 ACCEPTING BID AND AWARDING CONTRACT FOR 2015 STATE AID IMPROVEMENT PROJECT (JOB 1551)**

City Manager Adams explained that the attached resolution would accept the bids for the 2015 Bituminous Contract No. 2 - 2015 State Aid Improvement Project (Job 1551). This project will include bituminous mill and overlay, miscellaneous curb and gutter, and sidewalk replacement along Vine Avenue and Clark Street. The project will also include the complete reconstruction of the bituminous surface, aggregate base, curb and gutter (total curb and gutter on north side only), and miscellaneous sidewalk replacement on Clark Street, from West Avenue to St. Mary

Avenue. A total of one bid was received. Engineering recommends the low bid of \$286,613.28 as submitted by Ulland Brothers Inc. of Albert Lea, Minnesota. The Engineer's estimate was \$322,739.10. Staff recommends approval.

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

(See Secretary's Original Resolution 15-87  
included with these minutes)

## **MAYOR AND COUNCIL REPORTS**

First Ward, Councilor Schulte V reported:

- Ward Items – none
- Committee update - none

Second Ward, Councilor Baker reported:

- Ward Items – referred to City Manager
- Committee Update – Attended Historic Preservation and Downtown Association meetings
- Attended Annual Clean-up Day

Third Ward, Councilor Marin was absent.

Fourth Ward, Councilor Olson reported:

- Ward Items – Concerns regarding house on Bridge, update on house on Freeborn, garbage being dumped in alley
- Committee update – none

Fifth Ward, Councilor Anderson reported:

- Ward Items – none
- Committee update - update on the Airport Commission meeting

Sixth Ward, Councilor Brooks

- Ward Items – semi-traffic on Margaretha
- Committee update – CVB meeting updates, Wind Down Wednesdays, Fountain Lake Park activities

## **REPORT OF THE MAYOR**

Mayor Rasmussen Jr. reported the following:

- May is proclaimed REACT Month

- Attended Freeborn County League of Cities
- Attended the groundbreaking event for St. John's
- Deadline is May 1, 2015 for persons wanting to apply for a position on the Watershed Board
- Congratulations to the follow organizations that have achieved Blue Zones Designation over the last two weeks:
  - Albert Lea Select Foods – Blue Zones Worksite
  - Albert Lea Family – Blue Zones Worksite
  - Grandma's Kitchen – Blue Zones Restaurant
  - Crescendo's – Blue Zones Restaurant
  - Sibley Elementary School – Blue Zones School
  
- Walking Moai's will launch the Spring/Summer Walking Moai's on Saturday, May 9<sup>th</sup> at 9:00 a.m. at Fountain Lake Park.

## **REPORT OF THE CITY MANAGER**

City Manager Adams reported the following:

- Land Between the Lakes Duathlon to be held on May 17<sup>th</sup> starting at Brookside School
- Reviewed 2015-16 top 5 Goals
  - Facilities Master Plan
  - Water Quality and Sales Tax Renewal
  - Increase Community Tax Base
  - Blazing Star Landing Plan and Execution
  - Improve Organizational & Community Culture
  - Reviewed other high priority goals
- Quarterly Fund Revenues, Trends and Expenditures
  
- Assistant City Manager position
  - City has published for this vacancy, applications due in middle of May – created with two vacancy's, city has less staff and less budget that the city is spending with the creation of this position. Primary needs and some of the work performed by the Assistant City Manager is all of IT, some Community Development projects, cross-training of Communications and Clerk, succession planning and cross-training for the City Manager's position and other positions, various technology, flow in communication, Market Rate Housing, Tax Abatement Program, Contracts, Laserfische implementation, Data Practices Requests, Assists with ALEDA and Downtown Projects, Process Improvement Teams. Serving on 'Leaders Partnering to End Poverty.' Mr. Adams stated that he would be available to give out information about this position and is willing to talk to anyone about the position.

## **APPROVAL OF CLAIMS**

### **RESOLUTION 15-88 APPROVING CONTRACT WITH COUNCILMEMBER SCHULTE V**

City Manager Adams explained that the attached resolution directs the Mayor and City Clerk to make payment in the amount of \$1,308.48 on behalf of the City for a claim from Jones, Haugh & Smith, Inc. and to issue payment for filing the affidavit of official interest by the interested official, Councilmember John Schulte V.

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

(See Secretary's Original Resolution 15-88  
included with these minutes.)

### **RESOLUTION 15-89 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 \$177.35 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 Olson, seconded by Councilor Baker. 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 15-89  
included with these minutes.)

### **RESOLUTION 15-90-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 Schulte V to approve payment of claims as presented for checks #55804 through #55946 in the amount of \$537,133.45, 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 15-90  
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 parcels that will be discussed is 338 Broadway Avenue S., 802 Main Street E., 714 Main Street E, 801 Main Street E., 721 Marshall Street, and 1002 Bridge Avenue

MOTION: I will move to enter into Executive Session at 8:30 p.m.

Motion made by Councilor Anderson, 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. Mayor Rasmussen Jr. declared the motion passed.

**REOPENED THE REGULAR COUNCIL MEETING**

Mayor Rasmussen Jr. stated that council discussed possible land acquisitions.

**ADJOURNMENT - 9:06 P.M.**

Motion made by Councilor Anderson, seconded by Councilor Baker 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, May 11, 2015. On roll call vote, all councilors voted in favor of said motion. Mayor Rasmussen Jr. declared the motion passed and the meeting adjourned.

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Mayor Vern Rasmussen, Jr.

Dated this 27th day of April, 2015

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Council Secretary