

**REGULAR COUNCIL MEETING  
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA  
Monday, May 11, 2015, 7:00 p.m.**

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

**CALL TO ORDER AND ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**CEREMONIAL ITEMS**

**ALBERT LEA POLICE DEPARTMENT CITIZENS ACADEMY GRADUATION**

Mayor Rasmussen introduced and thanked this year's class for participating in the Citizen Academy. The Community Police program started in May of 2001 and offers comprehensive information on the Albert Lea Police Department's operational policies and procedures. It is a free course which includes an optional four hour ride-along with a police officer on a tour of duty. The mission of the program is to forge cooperation and trust between citizens and the Police Department. The classes are instructed by members of the department and cadets learn about topics such as police equipment, narcotics, use of force, and investigations among others.

**PUBLIC FORUM**

Tori Helgseon, 1606 Garfield Avenue, stated several concerns regarding smoking and encouraged Council to adopt the "No Smoking" ordinance.

Karina Stripe, 1122 Eastgate Road, stated that all parks should be free of smoke and encouraged Council to adopt the No Smoking ordinance.

Susie Petersen, 1716 Bay Oaks Drive, representing the Albert Lea Convention & Visitor's Bureau, thanked the City Council for their consideration and encouraged their support of the ordinance amending Chapter 58 regarding penalties for lodging tax.

Karl Milliron, 1105 S. Broadway Avenue, owner of K&K Bakery, encouraged Council to review the report as submitted by City Engineer Jahnke regarding sanitary sewer backups and water drainage on South Broadway. Mr. Milliron encouraged councilmembers to complete a study to find out how much water is standing in the pipes and review the slope and sagging of the pipes.

Erin Simmons, American Lung Association encouraged Council to adopt the proposed No Smoking ordinance. Ms. Simmons spoke about the dangers of cigarette butts and smoke to all residents.

Lynn Hestness, 307 E. 5<sup>th</sup> Street and business owner of R&R Racing, 1025 S. Broadway, addressed a letter to Council regarding the proposed striping changes on South Broadway. Hestness opposes striping due to cost which will burden property owners along Broadway and the flooding and narrowing the road will cause traffic issues. Ms. Hestness stated many concerns about the project, stating that the study does not warrant four lanes, city and residents were rushed into an engineering study and residents deserve a chance to discuss the matter. Ms. Hestness encouraged Council to consider her letter and give residents time to discuss the study.

Duane Vanderploeg, business owner at 1126 S. Broadway thanked Councilor Anderson for discussing this item with him. Mr. Vanderploeg stated opposition to the three lane road and his concerns for families riding bikes on Broadway. Mr. Vanderploeg stated that from a business standpoint, the project would not improve the customer base, needs easy access in and out of the business and it is a main artery in and out of town. Vanderploeg asked who would pay for striping the road.

Ellen Kehr, 1712 Plainview, spoke in support of the Tobacco Free ordinance. Ms. Kehr stated that she completely agreed with all of the speakers supporting the “No Smoking” policy and encouraged Council to adopt the ordinance and enforce policies that will protect the environment. Ms. Kehr also gave an update on the Walking Moai Launch held at Fountain Lake Park on May 9<sup>th</sup> and said that more than 300 residents, including adults, children and dogs participated in the event.

Harold Kamrath, 326 Glenn Road, inquired as to why the Blue Zone events are not televised on the Government Channel.

#### **CONSENT AND APPROVAL OF AGENDA**

- A. Approve Minutes Of The April 27, 2015 Regular Council Meeting
- B. Approve Minutes Of The April 23, 2015 Work Session
- C. Licenses And Permits (See Attached List)
- D. Resolution 15-91-Accepting Donations Presented To The City Of Albert Lea
- E. Resolution 15-92- Authorizing Execution Of Minnesota Department of Transportation Grant Agreement for Airport Improvement – Facilities Master Plan, Disadvantaged Business, and Plaza Street Realignment Projects

MOTION: Move to approve the consent agenda as presented.

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

(See Secretary's Original Resolution 15-91-92  
included with these minutes)

## **PETITIONS, REQUESTS, AND COMMUNICATIONS**

### **UNFINISHED BUSINESS**

#### **ORDINANCE 194,5D AMENDING CHAPTER 58, ARTICLE II, SECTION 58-33 – PENALTIES (2<sup>ND</sup> READING)**

City Manager Adams explained that at their meeting of April 27<sup>th</sup>, the Albert Lea City Council held the first reading of this ordinance. In January of this year, 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. Upon approval of the second reading, Sec. 58-33(g) will be added in order to certify unpaid lodging tax to the County Auditor with taxes against the property served. Staff supports the amendment.

Motion made by Councilor Marin 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, 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)

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

City Manager Adams stated the first reading of this ordinance was held on April 13<sup>th</sup>. Currently, smoking is banned on City Property only in public places at City Hall and the City Arena. An amendment to City Code Sections 22-446 and 22-447 would prohibit smoking at all City Parks, City Hall, the City Arena and in vehicles parked in those locations. Violation of this ordinance will be a petty misdemeanor. Staff supports this recommendation.

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

(See Secretary's Original Ordinance 191,5d  
included with these minutes)

### **NEW BUSINESS**

**ORDINANCE 195,5D AMENDING CITY CODE CHAPTER 74, SECTION 74-1004 -  
DYNAMIC SIGNS (1<sup>ST</sup> READING)**

City Manager Adams stated that Council requested that staff and the Heritage Preservation Commission (HPC) examine alternatives to the limitation of 24 hours on dynamic signs in the DCD and B-3 Districts. The HPC recommends keeping message changing to once every 24 hours to maintain the historical nature of the district. The Planning Commission held a public hearing on May 5<sup>th</sup> and recommended the message duration be changed to every 4 hours. Amending the ordinance would reduce the duration of messages from 24 hours to 4 hours. Staff supports the amendment.

Motion made by Councilor Marin to approve the 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 195,5d  
included with these minutes)

**ORDINANCE 196,5D REZONING PLANNED DEVELOPMENT DISTRICT NO. 2 TO  
PLANNED DEVELOPMENT DISTRICT NO. 3 FOR WEDGEWOOD COVE TOWNHOMES,  
LLC (1<sup>ST</sup> READING)**

City Manager Adams explained that Wedgewood Townhomes, LLC is proposing to develop 30 townhome units to be located at Wedgewood Road at West 9<sup>th</sup> Street. Amending the ordinance would rezone the property to allow for townhome development rather than single-family homes. Approval of the conditional use permit and final plat will be presented at a future meeting. Staff recommends approval.

Motion made by Councilor Marin 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 196,5d  
included with these minutes)

**RESOLUTION 15-93 AMENDING THE FEE SCHEDULE**

City Manager Adams stated that a resolution to amend the Fee Schedule was presented to Council at their regular meeting of April 27, 2015. The proposed amendment was to add a \$50 fee for a 3-day license for those vendors that operate mobile food carts and mobile food vehicles for less than one year. Councilmembers discussed additional options for mobile food vendors including 1-day, 3-consecutive days or an annual license. A motion was made to table

this item at the April 27<sup>th</sup> meeting for Staff to bring back an alternative recommendation. Staff recommends approval of the amended fee schedule.

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

(See Secretary's Original Resolution 15-93  
included with these minutes)

## **RESOLUTION 15-94 ACCEPTING BID FOR 2015 BITUMINOUS MATERIALS**

City Manager Adams stated that engineering has reviewed the quotations opened May 5, 2015 for the 2015 Bituminous Material. The City received three bids. The City Engineer recommended the low bid submitted by Flint Hills Resources as follows:

CRS-2P \$481.96 per ton delivered w/o tax  
CRS-2 \$386.96 per ton delivered w/o tax

Motion made by Councilor Olson, 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 15-94  
included with these minutes)

## **MAYOR AND COUNCIL REPORTS**

First Ward, Councilor Schulte V reported:

- Ward Items – Update on the construction schedule for Lakeview Blvd and concrete contractors schedule. Questions on new sidewalk locations.
- Committee update - none

Second Ward, Councilor Baker reported:

- Ward Items – referred to City Manager, questions regarding speed issue on Clark Street
- Committee Update – Updates on Planning Commission meeting

Third Ward, Councilor Marin reported:

- Ward Items – none
- Committee Updates - Congratulated Officer Taylor for his help at Morin Park, had questions and comments regarding the reconstruction of Bel Aire Drive and removal of this street from the bid. Also requested discussion regarding Farmer's Market fee to be held at a future work session.

- Commented on Mayor’s Letter to the Editor regarding the Assistant City Manager position.

Fourth Ward, Councilor Olson reported:

- Ward Items – requested updates on the house on Freeborn Avenue; also received calls for and against the smoking ordinance.
- Committee update – none

Fifth Ward, Councilor Anderson reported:

- Ward Items – Thanked the residents and businesses that contacted him regarding the street project.
- Committee update - none

Sixth Ward, Councilor Brooks

- Ward Items – talked with business owners on South Broadway, encouraged an informational meeting with MNDOT regarding this project; also speeding issue on 7<sup>th</sup> Street, and discussion on Virginia Street
- Committee update – none

## **REPORT OF THE MAYOR**

Mayor Rasmussen announced that the program honoring volunteers has been renamed Community Service Awards; Mayor Rasmussen encouraged the public to submit nominations for the following categories:

- Volunteer of the Year
- Services by Senior Citizens
- Human Services
- Good Neighbor
- Mayor’s Choice

The Mayor congratulated the following organizations that achieved Blue Zones designation over the last two weeks:

- Mrs. Gerry’s Kitchen – Blue Zones Worksite®
- Lou-Rich –Blue Zones Worksite®
- Lakeview Elementary – Blue Zones School®
- Hawthorne Elementary – Blue Zones School®
- Halverson Elementary – Blue Zones School®

The Mayor also thanked the community for supporting the Walking Moai Launch held at Fountain Lake Park on May 9th. More than 300 residents, including adults, children and dogs participated in the event. Joining a Walking Moai is a great way to connect with your community and neighbors.

## EVENTS

- **Save the Date:** Encouraged residents to do something good for themselves and attend the Blue Zones Purpose Workshop on Monday, June 1<sup>st</sup> and “take home the tools” needed to be the best possible you. (For those interested in joining a Walking Moai or attending a Purpose Workshop, please contact the Blue Zones Project office.)
- **Farmers Market** - opens Wednesday, May 13<sup>th</sup> in the downtown. Hours are 4 to 6 PM every Wednesday in the North Broadway parking lot. Saturday morning markets are held in the Northbridge Mall parking lot.
- **May 17<sup>th</sup> Land Between the Lakes Duathlon** – The Albert Lea Noon Kiwanis is sponsoring this running/biking event which begins at Brookside School at 9:00 a.m. on May 17.
- **Wednesday – May 20** - Starting at 1:00 PM, this City sponsored event includes guided tours of the Freeborn Bank Building and 20 other downtown historic buildings which will be marked with signs and balloons. The Historic Preservation Vendor Exhibition will be in the bank building from 3 to 6 PM. A presentation regarding the ‘Economic Benefits of Preservation’ will be given by City Building Official Doug Johnson at 4:00 p.m., also in the Freeborn Bank Building. At 6:00 p.m., special guests from the Minnesota Street Program, Preservation Alliance of Minnesota and State Historical Preservation Office will hold a presentation in the Marion Ross Performing Arts Center regarding the Minnesota Main Street Program. The public is invited to attend!

## ANNOUNCEMENTS / OTHER

- A proclamation will be presented to the staff of St. John’s Lutheran Home this Wednesday recognizing May 10<sup>th</sup> through May 16<sup>th</sup> as National Nursing Home Week. We urge the community to honor and celebrate this special week.
- Police Officer’s Week
- Concern regarding grass clippings on the street

## **REPORT OF THE CITY MANAGER**

City Manager Adams reported the following:

- Attended a Blue Zones Summit in Des Moines, IA; many communities were seeking information from Albert Lea regarding the Blue Zones project.
- Clark Street speed zone, short on police officers during day time hours due to two vacancies in the department
- Virginia and 5<sup>th</sup> Street will be discussed at the neighborhood meeting

## **APPROVAL OF CLAIMS**

## **RESOLUTION 15-95 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 \$350.00 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 Marin, 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 15-95  
included with these minutes.)

## **RESOLUTION 15-96 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 Olson to approve payment of claims as presented for checks #55947 though #56053 in the amount of \$418,544.95, 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 Resolution 15-96  
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 1016 Madison Avenue.

MOTION: I will move to enter into Executive Session at 8:19 p.m.

Motion made by Councilor Schulte V, 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 motion passed.

## **REOPENED REGULAR COUNCIL MEETING**

Motion made by Councilor Marin, seconded by Councilor Baker to reopen the Regular Council Meeting. 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.

Mayor Rasmussen Jr. stated that Council discussed possible land acquisition of 1016 Madison Avenue.

**ADJOURNMENT- 8:32 P.M.**

Motion made by Councilor Marin, seconded by Councilor Brooks 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 Tuesday, May 26, 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 27th day of April, 2015

---

Council Secretary