

REGULAR COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
Monday, May 12, 2014, 7:00 P.M.

PRESENT: Mayor Rasmussen Jr., Councilors John Schulte V, Larry Baker, George Marin, Reid Olson, Larry Anderson and Al Brooks. Also present were City Manager Chad Adams, Assistant City Manager Sack Thongvanh, City Engineer Steven Jahnke, City Attorney Lee Bjorndal, Finance Director Terry Berg, Parks and Recreation Director Jay Hutchison, Public Safety Director Dwaine Winkels, City Clerk Shirley Slater-Schulte and a representative of the Albert Lea Tribune.

CEREMONIAL ITEMS

PRESENTATION OF CERTIFICATE OF ACHIEVEMENT IN FINANCIAL REPORTING (CAFR)

Mayor Rasmussen Jr. stated that the Certificate of Achievement for Excellence in Financial Reporting has been 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 year ended December 31, 2012. 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 for 30 consecutive years since 1983. Mayor Rasmussen Jr. presented this Certificate of Achievement to Finance Director Terry Berg.

ALBERT LEA POLICE DEPARTMENT CITIZENS ACADEMY GRADUATION

Mayor Rasmussen Jr. stated that the Citizens Academy is a community policing program which started in May of 2001. There are eleven participants for 2014 and this is a nine week program. The program 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

Chuck Sandager, 2137 Kenneth Drive, representing the local Chapter of the Experimental Air Craft Association E.A.A. announced the Young Eagle's event to be held at the Albert Lea Airport on Saturday, May 17th, 2014 from 8 a.m. to 11 a.m. There will be free airplane rides given to youth ranging in age from 8-17. The Young Eagles program has been in effect since 1992 and has flown almost 1,200 Young Eagles from the Albert Lea Airport. The event is based on weather; if the weather is not right for flying, the event will be rescheduled for June 7, 2014.

CONSENT AND APPROVAL OF AGENDA

- A. Approve Minutes Of The April 28, 2014 Regular Council Meeting
- B. Approve Minutes Of The April 24, 2014 Work Session
- C. Licenses And Permits (See Attached List)
- D. Resolution 14-86 Accepting Feasibility Report And Ordering Preparation Of Plans For Main Lift Station And Freeborn County Humane Society Parking Lot And City Garage Parking Lot Reconstruction (Jobs 1459/1460)
- E. Resolution 14-87 Not Waiving Monetary Limits On Tort Liability
- F. Resolution 14-88 Accepting SELCO Donation Presented To The City Of Albert Lea
- G. Resolution 14-89 Consenting To The Issuance Of Revenue Bonds By The City Of Hayward, Minnesota On Behalf Of American Baptist Homes Of The Midwest

Motion made by Councilor Baker to approve the Consent Agenda, 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.

(See Secretary's Original Resolution 14-86-89
included with these minutes.)

PETITIONS, REQUESTS, AND COMMUNICATIONS

ALLIANT ENERGY COMMUNITY ANNUAL PARTNERSHIP ASSESSMENT AND ICE ARENA CONTROLS CUSTOM REBATE

Rebecca Gisel, from Alliant Energy, reviewed the 2014 Community Annual Partnership Assessment Report. The report included information on Alliant's economic development support, community support, energy efficiency participation and other updates. Ms. Gisel also presented a rebate check in the amount of \$6,690.88 to the City for installing a new ice control system in the Arena's refrigeration system. The new controls will provide cooling as needed and will reduce over-cooling the ice.

Ms. Gisel gave a report of upcoming community projects within the City of Albert Lea for 2014. Mayor Rasmussen Jr. thanked Ms. Gisel and Alliant Energy for their working partnership with the City.

APPROVAL OF LAUNCH SITE ON ALBERT LEA LAKE – REVIEWED THE SIX PROPOSED SITES FOR THE CANOE /KAYAK LAUNCH ON ALBERT LEA LAKE

Laura Lunde, 102 Lee Place, representing The Lakes Foundation of Albert Lea was previously before the Council to discuss a \$50,000 grant received from Anheuser-Busch to complete a conservation project on Albert Lea Lake. Staff has been working with the Foundation on narrowing down the sites to six locations, which would include a canoe/kayak launch site.

Ms. Lunde reviewed the six potential sites along Front Street and Frank Hall Park area and Site #4 has been identified as the best site chosen through a survey. This site is located in the channel area and was a boat launch site. Input for this site is supported by community members. Jones, Haugh, & Smith have been engaged to help with the planning and design. The Watershed will help with the permitting process. Second site selected was #Site 5, which is the current boat launch area. Council members and all staff are invited to the Ribbon Cutting Ceremony. The grand opening will be Friday at 10 a.m. Lake Clean-Up Day will be Saturday from 9 to noon, meeting in Frank Hall Park.

MOTION: I will move to approve Site #4 as shown on Albert Lea Lake.

Motion made by Councilor Anderson, 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.

CLOVERLEAF LIONS EDGEWATER COTTAGE PROJECT AGREEMENT

City Manager Adams explained that supporters of the Edgewater Cottage Project have been working hard to secure necessary donations to complete the renovation and accompanying site drainage work. The existing agreement required the donations to be in place by April 1st. Because the project supporters are very close to meeting the funding expectations, Staff recommends extending the deadline to July 1st, while keeping the completion date of November 1, 2014 in place. At this point in time the project is approximately \$2,500 short. The supporters have raised tens of thousands of dollars already and are very close to meeting the goal. Staff recommends approval.

Mr. Tony Trow, 522 Park Avenue, submitted a copy of his remarks regarding the Edgewater Cottage and stated the following:

- Project supporters started this project to save the Edgewater Cottage from demolition.
- Thanked Councilmember Larry Baker who has been supporting the effort for several months.
- Reviewed city requirements and scope of project, and accomplishments achieved to date. Stated that this plan is supported by many Albert Lea businesses and approximately 80 financial contributors both individual and corporate. If they cannot obtain City permission to proceed by Wednesday, they will be forced to refund the unspent funds, inform corporate sponsors that no permission to proceed was given and will take out a full page ad in the paper to explain why the cottage must be demolished.
- Stated he had lined up the boring work to occur last fall, but was not authorized to proceed with the work.

Councilor Brooks had questions and comments regarding the responsibility of the supporters and staff.

City Manager Adams stated that Council made it clear that the city would not put any cash into the project, but would contribute in-kind services such as engineering and waiving the ADA

requirements. Staff has been following the agreement. The lowest quote received for boring was \$6,600, leaving a \$2,500 gap. City Manager Adams stated that Mr. Trow is correct in that the city did not authorize the drainage work to proceed in the fall at little or no cost because the city did not know if there would be a project, as funds had not been raised.

Councilor Brooks asked why the city did not move forward with the boring if there was minimal cost. Mr. Trow stated that the group had someone to do the boring for cost for nothing but never received permission to proceed. Mr. Trow commented that this was never their responsibility as it was not part of stabilizing the building.

Mayor Rasmussen Jr. stated that staff did exactly as they were directed by Council.

City Manager Adams further stated that the reason the city did not move forward with the boring at little or no cost was because it was still unknown if there would be a project and funds had not been raised. It is the same policy for the soccer fields; until they can demonstrate financial support, the City does not want projects to be piecemealed and potentially just left there. It would not have made sense to do a boring project without the funding in place and support of the community to save the cottage. Mr. Adams also noted that it is just fiscally prudent and he is serving as a guardian of taxpayer dollars.

Mayor Rasmussen Jr. stated that Council did not have all of the information regarding the project and has not yet held a work session to discuss all the facts. The Mayor also stated that the board may not feel comfortable moving ahead with the project at this meeting.

Councilor Schulte asked Mr. Trow what was driving the deadline and if it was a self-imposed deadline. Mr. Trow stated yes, and stressed that at some point they have to draw the line.

Councilor Baker asked if the group would continue working on the project if Council could come up with the additional \$2,400 for the directional boring.

Mr. Trow stated that the group was prepared to do it for nothing, but were denied the right. He also stated that the reason they are now refusing to have verbal meetings and want everything in writing, is because things keep changing. Mr. Trow said that at their last meeting, the City Manager stated the city would take care of the drainage problem and if there was money left over from the project, the dollars would be given to the city to offset the cost of the drainage. City Manager Adams noted that he did not agree with this statement.

Discussion was held on the 8 inch line rather than a 4 inch line. City Engineer Jahnke noted that it is easier to clean out an 8 inch line than a 4 inch line. Discussion continued regarding the furnishings of the building, etc.

Councilor Baker reported that he has been involved with this group and they have done a phenomenal job of raising money and in-kind donations, including materials and labor. Mr. Baker reminded everyone that Council has encouraged the community to collaborate and raise

funds for projects that are not budgeted for, and the city has been successful in making these projects happen. He stated that City staff has worked very hard on the project and needs to move forward and support the community in their efforts to save the Edgewater Cottage.

Councilor Marin thanked Mr. Trow and his committee for their efforts to save the cottage. Mr. Marin inquired as to a solution from the council and how the city might close the gap on the cost.

Mr. Trow stated that they need the cottage turned over to them so they can proceed with all of the items submitted in his report. Currently, the committee has no permission to do anything. The committee has agreed to submit any dollars that are left over and would still offer in-kind services for the directional boring. Currently, they have raised over \$35,000 and another \$70,000 of in-kind contributions.

City Manager Adams noted that the intent of the motion is to state that the city would do the boring work and if there are monies left over from fundraising in the next several months, the additional funds would pay back the boring costs, but may be second in line to any potential change orders that could come up on the structural work. Staff would like to see the boring cost placed before the non-essential items in the final realm of the project. Those are discussions that were held but no agreement was reached.

Mayor Rasmussen Jr. noted that it was his understanding that there is about \$4,000 cash not committed and that could go towards the cost of boring.

Councilor Baker asked Mr. Trow if the \$4,000 would go towards the drilling and if the committee cannot raise more money, the city will take care of the rest. Mr. Trow stated that he thought this was essentially true. The committee has stopped accepting donations because they were not sure they would be in business tomorrow. There are other people who will continue to contribute, and there are some people with fairly deep pockets who have already contributed. The support has been so tremendous and he thinks they could find more if they ran into a shortfall. How much he does not know, but he knows that the committee has enough money now to complete the project the way that the committee sees it. They do not want to give the citizens of Albert Lea a building where the paint is falling off, the wood is rotted out and the siding is not strong enough to support large groups. The deck does not meet the 100 lbs. per foot requirement and the railing is illegal. The committee wants to paint it, fix it up and make it nice but the obligation is to make it strong. People have been stepping up to the plate to help with other things.

Councilor Schulte V inquired as to how often the cottage is rented out and what kind of dollars are generated. Parks and Recreation Director Jay Hutchison stated that the cottage gets used a lot during the summer and the rental fee is \$25.00 per hour for residents and \$30.00 per hour for non-residents. He also noted the cottage is closed at the end of October.

Councilor Anderson thanked Mr. Trow and the group for their hard work.

Councilor Marin commented that the city would have some cost for the demolition, so the city could add some dollars to the project. Council has the opportunity to step up to the plate and do what is right for the community and thanked staff for following protocol and policy set forth by the council. He expressed his appreciation to the committee and staff and every community member that has stepped up to help this move forward.

Councilor Baker stated that in working with this group to get the project done, he worked closely with City Manager Adams who has been forthright. Mr. Baker expressed his respect for that and for city staff doing a good job; he further explained that no disrespect was intended, he just feels that everyone needs to move forward.

City Manager Adams asked if this is intended to be in the form of an amendment to the agreement. Council needs to consider this because the original project agreement was with the Cloverleaf Lions Club; are the Cloverleaf Lions in support of this proposal?

Mr. Trow stated that the Cloverleaf Lions are involved in the project because the City of Albert Lea is self-insured for \$50,000.00 and many projects that go on here are covered under that insurance policy. Administration insisted that there be a separate policy for this. Mr. Trow explained that the Lion's Club International supports these kinds of efforts and stepped up to the plate and provided the insurance. He noted that if some dates need to be changed, but doesn't think the Cloverleaf Lions would have a problem with that.

MOTION: I move that the council allow this committee to proceed with the work on the cottage as was the intention of the committee and the council and supported by our community. Any extra funds will be donated back to the City to offset the costs of the boring and drainage. This motion is contingent upon acceptance and approval by the Cloverleaf Lions.

Motion made by Councilor Marin and 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.

UNFINISHED BUSINESS

NEW BUSINESS

RESOLUTION 14-90 ACCEPTING BID AND AWARDING CONTRACT FOR 2014 STATE AID IMPROVEMENT PROJECT (JOB 1451)

City Manager Adams explained that the attached resolution would accept the low bid opened Tuesday, May 6, 2014 for the 2014 Bituminous Contract No. 2 - State Aid Street Overlay, Curb and Gutter Replacements. The project consists of a bituminous overlay and miscellaneous curb and gutter replacement for the following streets:

YH Hanson Avenue – Hammer Road to Sykes Street
Hershey Street – Bridge Avenue to YH Hanson Avenue
Sykes Street – Bridge Avenue to approximately 700' west of YH Hanson Avenue

Sykes Street from 700' west of YH Hanson Avenue to YH Hanson Avenue will undergo complete reconstruction of the aggregate base and bituminous surface. One bid was received, and Engineering recommends the low bid of \$542,496.35 as submitted by Ulland Brothers Inc. of Albert Lea, Minnesota. The bid abstract is attached. The Engineer's estimate was \$627,803.46.

Motion made by Councilor Baker and 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 14-90
included with these minutes.)

RESOLUTION 14-91 ACCEPTING BID AND AWARDING CONTRACT FOR 2014 DOWNTOWN ALLEY SANITARY SEWER SLIPLINING PROJECT (JOB 1452)

City Manager Adams explained that the attached resolution would accept the low bid opened May 6, 2014 for the 2014 Sewer Sliplining Contract No. 1 – Downtown Alley Sanitary Sewer Sliplining. The project consists of sliplining the sanitary sewer in the alleys between Washington Avenue and Broadway Avenue from College Street to Water Street and between Broadway Avenue and Newton Avenue from College Street to Clark Street. The process uses cast-in-place pipe (CIPP) methods, for a total distance of approximately 2,455 feet. Two bids were received, and Engineering recommends the low bid of \$76,446.00 as submitted by Visu-Sewer Inc. of Pewaukee, Wisconsin. The bid abstract is attached. The Engineer's estimate was \$138,676.00.

Motion made by Councilor Baker and 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.

(See Secretary's Original Resolution 14-91
included with these minutes.)

RESOLUTION 14-92 ACCEPTING BID FOR 2014 BITUMINOUS MATERIAL

City Manager Adams explained that Engineering has reviewed the quotations opened May 6, 2014, for the 2014 Bituminous Material. The City received three bids. Engineering recommends the low bid submitted by Meigs Paving Asphalts & Emulsions as follows:

CRS-2P \$535.79 per ton delivered w/o tax
CRS-2 \$440.59 per ton delivered w/o tax

Motion made by Councilor Anderson and 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 motion passed.

(See Secretary's Original Resolution 14-92
included with these minutes.)

ORDINANCE 180,4D APPROVING MOBILE FOOD CARTS AND MOBILE FOOD VEHICLES REGULATIONS (1ST READING)

City Manager Adams explained that this is the first reading of an ordinance establishing regulations for mobile food carts and mobile food vehicles within City limits. The regulations include which districts mobile food carts and mobile food vehicles are allowed, distance requirements from restaurants, community events and parades and license regulations. Staff will work on some language regarding Ice Cream Trucks for the next meeting. Staff recommends approval of the ordinance as written.

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

(See Secretary's Original Ordinance 180,4d
included with these minutes)

ORDINANCE 181,4D ESTABLISHING EMERGENCY FIRE PROTECTION SERVICES (1ST READING)

City Manager Adams explained that this is the first reading of an ordinance establishing fees for emergency fire protection services. The scope of the ordinance includes establishing fees for structure fires, motor vehicles, false alarms, and standby. Minnesota Statute 366.011, 366.012 and 415.01 authorize the City to charge for emergency fire protection services if an ordinance is adopted. The ordinance as attached includes the authorization to charge for fire protection services, affected parties, collections and allocation of funds collected. Staff recommends approval of the ordinance as written and will provide a fee schedule at the next meeting.

Motion made by Councilor Schulte V, 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 motion passed.

(See Secretary's Original Ordinance 181,4d

included with these minutes)

MAYOR AND COUNCIL REPORTS

First Ward, Councilor Schulte V reported:

- Ward Items – none
- Committee update – Councilors Olson and Schulte V participated with BKV regarding the needs assessment regarding facility plans.

Second Ward, Councilor Baker reported:

- Ward Items – none
- Committee update – Planning Commission updates, Wind-Down Wednesday is June 25, 2014 to be held in the downtown area, Downtown Clean-up is Saturday, May 17th from 9 to noon.

Third Ward, Councilor Marin reported:

- Ward Items – none
- Committee updates - Human Rights Commission meeting.
- Thanked Albert Lea Police and Fire Department for all of their hard work in protecting our community. Safety of our community is very important.

Fourth Ward, Councilor Olson reported:

- Ward Items – Participated in the telephone interview with BKV.
- Committee updates – Thanked the “Master of Disaster” for sponsoring the demolition event last week-end at the Freeborn County Fairgrounds.

Fifth Ward, Councilor Anderson reported:

- Ward Items – none
- Committee updates - Encouraged students to come out for the “Young Eagles” event to be held at the Albert Lea Airport this coming week-end and noted that parents need to sign waivers.
- The Minnesota Aeronautics ACE Camp still has opening for students attending 10th, 11th and 12th grade.

Sixth Ward, Councilor Brooks reported:

- Ward Items – Issue on Kenneth Drive, combination of lots, water issue on Milo.
- Committee updates – Attended the Port Authority meeting.

REPORT OF THE MAYOR

Mayor Rasmussen Jr. reported the following:

- Wednesday, May 14th is the first day of the Farmer’s Market at the North Broadway Parking Lot, Saturday mornings will be at the Northridge Mall Parking Lot.

- The Land Between The Lakes Duathlon is on Sunday, May 18th.
- Memorial Day Parade is Monday, May 26th at Central Park
- Port Authority meeting updates
- Possibly selling some city property for market rate housing
- Explained Site Selectors
- Encouraged all residents to take responsibility for their property and the removal of junk.

REPORT OF THE CITY MANAGER:

City Manager Adams gave the following updates:

- Open House at Freeborn Bank Building on May 13th at 6:15 p.m., doors will open at 5:45 p.m.
- The Planning Commission will hold a public hearing on May 20th on the use of the Freeborn Bank and Jacobson Building to make sure it is consistent with the Comprehensive Plan.
- City Council will hold a Public Hearing on Tuesday, May 27, 2014 to consider the potential sale of the Freeborn Bank/Jacobson Building.

RESOLUTION 14-93 APPROVING CLAIMS

City Manager Adams noted in the Staff report 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 #52430 through #52552 in the amount of \$963,608.47, 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 14-93
included with these minutes.)

CLOSED SESSION – PROPERTY SALE OF 201 AND 211 BROADWAY AVE S.

Mayor Rasmussen Jr. announced that Council would be going into Closed Session to discuss the proposed property sale of 201 and 211 Broadway Avenue South. The Council entered closed session at 8:23 p.m.

After the closed session, the meeting was reopened to the public at 8:45 p.m. Mayor Rasmussen Jr. stated that Council directed staff to move forward with the developer on negotiations regarding the final sale of properties located at 201 and 211 Broadway Avenue South.

ADJOURNMENT – 8:46 p.m.

Motion made by Councilor Brooks, seconded by Councilor Marin, 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 27, 2014. 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 May, 2014

Shirley Slater-Schulte, Council Secretary