

**PRESENT:** Mayor Rasmussen Jr., Councilors John Schulte V, Larry Baker, George Marin, Reid Olson, Larry Anderson and Al Brooks. Also present was City Manager Chad Adams, City Engineer Steven Jahnke, City Clerk Shirley Slater-Schulte.

### **CEREMONIAL**

- A. Mayoral Proclamation Of Open Streets 2013 - Mayor Rasmussen Jr. proclaimed Saturday, June 1, 2013 as “Celebrate Open Streets” in the City of Albert Lea and invited the public to attend this event.
- B. Recognition Of Charter Commission Members By Mayor Rasmussen Jr. - Mayor Rasmussen Jr. recognized Iris Tarvestad and Warren Amundson for their time and service to the Albert Lea Charter Commission. Per the recently approved policy recognizing city officials and board members, these outgoing members were presented plaques for serving two terms on the Charter Commission.

### **CONSENT AGENDA**

- A. Approve Minutes Of The May 13, 2013 Regular Council Meeting
- B. Approve Minutes Of The May 9, 2013 Work Session
- C. Licenses And Permits
- D. Resolution 13-82-Committing Funds And Authorizing Grant Agreement With The State Of Minnesota For The Broadway Avenue Streetscape And Infrastructure Improvement Project (Job 1007)
- E. Resolution 13-83-Approving Replat Of Summerdale Townhomes 4<sup>th</sup> Addition
- F. Resolution 13-84-Approving Conditional Use Permit For Semi-Detached Townhome Development In The R-1 Single Family District
- G. Resolution 13-85-Approving MN/DOT Maintenance Agreement No. 03740 – T.H. 13 and T.H. 65
- H. Resolution 13-86-Calling a Public Hearing for June 24, 2013 Regarding Proposed Charter Amendments
- I. Resolution 13-87-Approving Submission Of Grant Application By The Human Rights Commission
- J. Reschedule July 4, 2013 Work Session to July 8, 2013 at 5:30 P.M.

**MOTION:** I will move to approve the consent agenda as presented.

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

(See Secretary's Original Resolutions 13-82-13-87  
included with these minutes.)

## **PUBLIC FORUM**

## **PETITIONS-REQUESTS-COMMUNICATIONS**

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

### **PUBLIC HEARING AND RESOLUTION 13-88 AMENDING FEE SCHEDULE**

City Manager Adams stated that the fees for Planning and Zoning services were recently reviewed and staff is recommending revisions to specific application fees that would include Annexation Requests, Preliminary and Final Plats, Conditional Use Permits, Site Plan Reviews, Vacations, and other zoning requests. The purpose for the fee revisions is to cover expenses for a new City practice to record documents against properties; and, to partially reimburse the City for some of the staff review time on land-use applications. An escrow will be required of developers and will assist with reimbursement of City costs on larger land-use applications. The attached resolution would amend the Fee Schedule as outlined in Exhibit A. Staff recommends approval of this resolution.

Mayor Rasmussen Jr. opened the public hearing. No one from the public addressed this issue. Mayor Rasmussen Jr. called three times and then closed the public hearing.

Councilor Brooks inquired as to why the city is reviewing the fee schedule at this time of the year.

City Manager Adams stated that the city is starting to record all documents and wants to be consistent throughout all land use applications. Many of these documents such as development agreements, plats or surveys will be recorded against the property and the city is incurring the costs and also it was a good time to review and get some examples from other cities.

Councilor Schulte V stated concern about taking an escrow for costs that may or may not be incurred by the city; also, if on larger applications the city incurs costs greater than \$700.00, the city will be asking for reimbursement of the additional cost. Schulte V stated that he does not have a problem with requiring the reimbursement but believes it to be opened ended.

City Manager Adams commented that part of the challenge with trying to determine a fee for a land use application is that often times land use applications are a little different or unique. This is why the city tries to set a baseline for all applications for some staff time, and the \$500.00 generally protects that. Where the city has escrows over the base amount they are generally larger applications, and where they will be close to the base or a little more than that, it is hard to predict. Through experience, some developers submit incomplete applications and staff has to request new plans which takes additional staff time to review again. There is a lot of cost and time for the city attorney, building inspection staff, planning and city engineer for multiple reviews. That is where the escrow logic comes into play and hopefully developers realize that and they the time to submit a complete application the first time. This encourages and should not be viewed as a penalty, but at the same time it is the user fee concept again to cover costs rather than taxpayers paying for the multiple reviews. In some situations, the city may have to use a consultant to review certain parts of an application or lead staff through an application, so the city is billing for these firms as well. It comes down to the question of who should pay for these costs, the developer or the taxpayer.

Councilor Baker asked if the base figure of \$500.00 will cover the expenses.

City Manager Adams responded that the \$500.00 will cover the minimal portion of staff time. When staff reviews applications, by law the city cannot be charging a higher fee than what the city is actually serving for time and cost. Depending on the application, the \$500.00, \$200.00 or \$100.00 fee pays for the minimal time that staff is spending on the review. This is the logic behind the escrow; where staff is spending excess time on an application, the city will be able to recoup some of these costs.

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

(See Secretary's Original Resolution 13-88  
included with these minutes)

#### **RESOLUTION 13-89 APPROVING PLANS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR WEST 9<sup>TH</sup> STREET PROJECT (JOB 1126)**

City Manager Adams stated that on May 13, 2013 a Public Improvement Hearing for City Job No. 1126 was held and the project was authorized to proceed. The proposed project consists of a bituminous reclamation and overlay of 9<sup>th</sup> Street from TH-69 to 4<sup>th</sup> Avenue and a mill and overlay from 4<sup>th</sup> Avenue to South Broadway. The plans and

specifications have been completed and have been presented to Council for approval and authorization of bidding. The bid opening would be scheduled for June 25, 2013. Staff recommends approval of the plans and specifications and bidding of the project.

Councilor Marin stated his concerns regarding the assessments for some of the property owners.

City Manager Adams confirmed that staff is working on the proposed assessments. Staff will report their recommendations to council at the next work session.

Motion made by Councilor Schulte V, 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 13-89  
included with these minutes)

**ORDINANCE 161,4D AMENDING LIQUOR ORDINANCE SECTION 6-77(7) (1st reading)**

City Manager Adams explained that the current liquor ordinance bans off-sale licenses from establishments that are "principally for the sale of petroleum products." The attached ordinance would amend Section 6-77(7) to clarify that no establishments where pharmaceuticals are sold (drugstores) or petroleum products are sold would be permitted to have an off-sale liquor license. Staff recommends approval of the ordinance amendment.

Councilor Baker moved the adoption of the first reading, 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 first reading of this ordinance passed.

(See Secretary's Original Ordinance  
161,4d included with these minutes)

**ORDINANCE 162,4D AMENDING LIQUOR ORDINANCE SECTION 6-137(D) (1<sup>st</sup> reading)**

City Manager Adams stated that the attached ordinance would amend Section 6-137(d) from its current form which prohibits anyone under the age of 18 from being employed on any premises where intoxicating liquor is sold unless they work as a musician,

busboy or dishwasher. The restriction is not consistent with state law and is likely not followed and practiced. By amending the ordinance, the City would be consistent with state law and simply notes “no person under the age of eighteen may serve or sell intoxicating liquor in a retail intoxicating liquor establishment.” Staff recommends approval of the ordinance amendment.

Councilor Brooks moved the adoption of the 1<sup>st</sup> reading, 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 first reading of this ordinance passed.

(See Secretary's Original Ordinance  
162,4d included with these minutes)

**ORDINANCE 163,4D AMENDING CHAPTER 74 OF THE CITY CODE TO ADD DIVISION 21, AND BY AMENDING SECTION 74-219 - DIVERSIFIED CENTRAL DISTRICT (1<sup>st</sup> reading)**

City Manager Adams stated that the Planning Commission has been discussing a DCD Diversified Central District and draft ordinance for almost a year. The purpose of the district would be to allow for additional residential and commercial development within the downtown areas, promote walkability, and enhance business usage by increasing the number of units within walking distance of the central business district. It could also contribute to an urban village feel by building on the assets of the downtown district. Residents were notified of the proposed changes and two public meetings were held to provide information to affected property owners. Residents were generally accepting of the idea to rezone. The Planning Commission also held a public hearing on May 7, 2013. Staff recommends approval of the ordinance to create the Diversified Central District.

A map was displayed showing the proposed DCD Districts.

Councilor Brooks moved the adoption of the 1st reading and summary, 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 first reading of this ordinance passed.

(See Secretary's Original Ordinance  
163,4d included with these minutes)

**ORDINANCE 164,4D TO RE-ZONE PARCELS FROM VARIOUS ZONING DISTRICTS TO DCD-DIVERSIFIED CENTRAL DISTRICT (1<sup>st</sup> reading)**

City Manager Adams stated that the attached ordinance would rezone 291 parcels located in various zoning designations within the downtown area. The parcels are primarily in the R-P Residential Preservation district and the attached ordinance would rezone these parcels to the newly created DCD Diversified Central District. Staff recommends approval of the ordinance.

Staff will be reviewing the sign ordinance and will recommend changes for this proposed district.

Councilor Anderson moved the adoption of the 1st reading, 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 first reading of this ordinance passed.

(See Secretary's Original Ordinance  
164,4d included with these minutes)

**MAYOR & CITY COUNCIL REPORTS**

First Ward, Councilor Schulte V. reported:

- Ward Items– No Parking Request
- Committee Updates - none.

Second Ward, Councilor Baker reported:

- Ward Items – none
- Committee Updates – none

Third Ward, Councilor Marin reported:

- Ward Items – Street Light issues
- Committee Updates – none.

Fourth Ward, Councilor Olson reported:

- Ward Items – Referred to staff
- Committee Updates - Park Commission updates

Fifth Ward, Councilor Anderson reported:

- Ward Items – None
- Committee Updates - None
- Take A Kid Fishing – June 8, 2013
- Encouraged everyone to take extra care around the high water.

Sixth Ward, Councilor Brooks reported:

- Ward Items – Referred to staff
- Committee Updates - CVB Meeting updates
- Open Streets - June 1, 2013
- Take a Kid Fishing - June 8, 2013
- Eddie Cochran Days - June 7-9th, 2013

Mayor Rasmussen Jr. reported:

- Open Streets from 10 to 12 Noon on June 1, 2013.
- Brookside School – Bike Rodeo

### **CITY MANAGER’S REPORT**

City Manager Adams mentioned the “Open Streets Event” from 10 to noon on June 1, 2013.

### **RESOLUTION 13-90 APPROVING CONTRACT WITH COUNCILMEMBER BROOKS**

City Manager Adams noted in the Staff report that the attached resolution directs the Mayor and City Clerk to make payment in the amount of \$83.47 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 Al Brooks.

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 and Mayor Rasmussen Jr. Councilor Brooks abstained. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolution 13-90  
included with these minutes.)

**RESOLUTION 13-91 APPROVAL OF 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 Brooks to approve payment of claims as presented for checks #49092 through #49232 in the amount of \$628,842.01; 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 13-91  
included with these minutes.)

**ADJOURNMENT**

Councilor Marin moved and Councilor Baker seconded that there being no further business, the council meeting be adjourned at 7:36 p.m., until the next regular meeting of the Albert Lea City Council at 7:00 PM on Monday, June 10, 2013. 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.

Filed and attested this 29<sup>th</sup> day of May, 2013

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Secretary to the Council