

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 Attorney Lee Bjorndal, City Clerk Shirley Slater-Schulte. A representative from the Albert Lea Tribune.

REVIEW COUNCIL AGENDA OF JUNE 10, 2013

- A. Approve Minutes Of The May 28, 2013 Regular Council Meeting
- B. Approve Minutes Of The May 23, 2013 Work Session
- C. Licenses And Permits (See Attached List)
- D. Resolution13-92-Accepting Donations
- E. Resolution13-93-Declaring Wind Down Wednesdays As Community Events
- F. Resolution13-94-Approving Broadway Avenue Streetscape Donation Program Policy
- G. Amendment To Broadway Ridge Grant Fund Policy
- H. Resolution 13-95-Authorizing Broadway Ridge Grant Agreement With Richard Murray
- I. Resolution13-96- Authorizing Broadway Ridge Grant Agreement With Patty Tewes
- J. Resolution13-97-Authorizing Broadway Ridge Grant Agreement With John And Adeline Rust
- K. Resolution13-98-Authorizing Broadway Ridge Grant Agreement With David And Kathryn Sabinish
- L. Resolution13-99-Authorizing Broadway Ridge Grant Agreement With Gareth Hataye And Alaina Softing-Hataye
- M. Resolution13-100-Amending Agreement With State Of Minnesota For Use Of City Arena Parking Lot
- N. Resolution13-101-Approving Agreement With Lewis And Associates To Provide Charter Communications Cable Franchise Audit
- O. Resolution13-102-Supporting Fountain Lake Sportsmen's Club Funding Request
- P. Schedule Special Council Meeting for Tuesday, June 18, 2013 at 5:30 P.M. In City Hall Council Chambers

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

I. PUBLIC FORUM

Mr. Harold Reed, 2000 S. Broadway, complained about the tall grass on a lot across the street. The matter was referred to staff.

PETITIONS-REQUESTS-COMMUNICATIONS

REQUEST FROM JOSEPH LEE, AYLWINS CONCESSIONS

Mr. Joseph Lee, owner of Aylwins Concessions, requested permission to set up concessions at various events and locations this year. Mr. Lee stated that his business is growing and expanding different items for sale. The goal for his company is to expand with healthier choices of food. Mr. Lee attended a Work Session last year to discuss Minnesota State law regarding food carts and requested that the City allow food carts to be available at community events whenever possible and not unduly restrict their use in the city. Prior to being authorized to locate a food cart on City property, Staff recommends approval of Aylwins Concession on City property with the following conditions:

1. Aylwins is required to be licensed with the Department of Food Services and must also have a statewide electrical license to generate his own power.
2. Aylwins is required to submit a Certificate of Liability Insurance naming the City as an additional insured.
3. Aylwins is required to bring a written description of his plans and copies of licenses he currently has or has applied for.
4. Aylwins shall provide a calendar of events and list of locations, as well as the type of concessions to be sold and any vehicles or equipment that will be placed on City property in 2013.
5. The City must conduct a background check of Mr. Lee and any employees providing concessions on City property.
6. Aylwins shall provide the City with an indemnity agreement.

Motion made by Councilor Baker, seconded by Councilor Marin. 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 161,4D AMENDING LIQUOR ORDINANCE SECTION 6-77(7) (2ND READING)**

City Manager Adams explained that the Council introduced this ordinance at its regular meeting of May 28, 2013. 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 adoption of the amended ordinance.

Councilor Marin moved the adoption of the first reading, 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 second 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) (2ND READING)

City Manager Adams stated that the Council introduced this ordinance at its regular meeting of May 28, 2013. The current ordinance 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 adoption of the amended ordinance.

Councilor Marin moved the adoption of the second 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 second reading of this ordinance passed.

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

NEW BUSINESS

ORDINANCE 165,4D AMENDING CHAPTER 58, EXCEPTIONS AND EXEMPTIONS REGARDING LODGING TAX (1ST READING)

City Manager Adams stated Minn. Stat. § 469.190 authorizes cities to impose lodging tax except for renting or leasing of space for continuous periods of 30 days or more. The language in Sec. 58-29(a) is unique and potentially subject to multiple interpretations. By deleting it, operators of hotels or motels will more clearly understand that no lodging tax is to be paid by lodgers staying for continuous periods of 30 days or more. The modification places the City of Albert Lea on consistent terms with other communities, and deleting Sec. 58-29(a) simply clarifies the intent of the Ordinance. Staff recommends approval as does the Director of the Convention and Visitors Bureau. Staff recommends approval.

Councilor Olson moved the adoption of the 1st 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
165,4d included with these minutes)

SPECIAL EVENTS DECLARED AS CITY FESTIVALS

City Manager Adams stated that the City of Albert Lea amended the Special Event Ordinance in January of 2012 to require event sponsors using city property and/or city services to apply for a Special Event Permit. Staff has determined that certain of those special events are actually coordinated and co-sponsored by the City and, therefore may be declared City Events. The attached policy would declare the Memorial Day Parade, Open Streets Albert Lea Event, the Flag Retirement Ceremony, and the Veterans Day Parade as City Events and will no longer require special event permits. Staff recommends approval.

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.

MAYOR & CITY COUNCIL REPORTS

First Ward, Councilor Schulte V. reported:

- Ward Items– Parking issue resolved
- Committee Updates – HRA Meeting, Library Board Meeting this next week

Second Ward, Councilor Baker reported:

- Ward Items – none
- Committee Updates – Planning Commission Meeting updates

Third Ward, Councilor Marin reported:

- Ward Items – Hardship Policy regarding Special Assessment payments
- Committee Updates – Human Right's Commission Meeting

Fourth Ward, Councilor Olson reported:

- Ward Items – referred to staff
- Committee Updates - none
- Happy Birthday to Maggie turning 5 today

Fifth Ward, Councilor Anderson reported:

- Ward Items – referred to staff
- Committee Updates - None
- Take A Kid Fishing – June 8, 2013- 335 participants
- Thanked the youth that helped at the boat house

Sixth Ward, Councilor Brooks reported:

- Ward Items – referred to staff
- Committee Updates – Port Authority meeting
- Happy Birthday to his Mother

Mayor Rasmussen Jr. reported:

- Thanked Mr. Jim Hanson for the tour of the airport
- Encouraged residents to keep the grass clipping off the street and out of the lake
- Open Streets Event – 300 to 400 people attended
- Special “Thank You” to Blue Cross Blue Shield of Minnesota
- Thank you to the Sportsmen’s Club
- Port Authority meeting updates
- Legislature passed a new taxing for warehousing that will hurt the efforts of any Minnesota City especially a city such as Albert Lea which is a border city in trying to entice businesses to our community. Staff will continue to work at the state level regarding this issue.
- Congratulations to all of the 2013 graduates

CITY MANAGER REPORT

City Manager Adams reported on the following:

- Update on the IDD, staff met with Jensen Excavating to determine their proposed use. Staff continues to work on language revisions to the zoning ordinance and a public hearing will be scheduled by the Planning Commission in July.

RESOLUTION 13-103 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 #49233 through #49346 in the amount of \$740,798.00; 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 13-103
included with these minutes.)

ADJOURNMENT

Councilor Baker moved and Councilor Anderson seconded that there being no further business, the council meeting be adjourned at 7: 29 p.m., until the next regular meeting of the Albert Lea City Council at 7:00 PM on Monday, June 28, 2013. 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.

Filed and attested this 11th day of June, 2013

Secretary to the Council