

**REGULAR COUNCIL MEETING MINUTES  
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA  
Monday, June 23, 2014, 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 Assistant City Manager Sack Thongvanh, City Engineer Steven Jahnke, City Clerk Shirley Slater-Schulte and a representative of the Albert Lea Tribune. City Manager Chad Adams was absent due to vacation.

**CEREMONIAL ITEMS**

Mayor Rasmussen Jr. requested a motion to reappoint Mr. Randy Sternberg to serve a second term on the Charter Commission.

Motion: I will move to appoint Mr. Randy Sternberg to a second term on the Charter Commission.

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

**PUBLIC FORUM**

Mr. Robert Arnold, 1309 Abbott Street, expressed the following:

- Frustration with the flooding and raw sewage in his basement.
- Stated that he has lived on Abbott Street for 32 years and this is the 5th time in 10 years that they have had water/sewage in the basement.
- Tired of replacing furnaces and hot water heaters, etc.
- Stated that fixing the city sewer system must be top priority before any other project.

**CONSENT AND APPROVAL OF AGENDA**

- A. Approve Minutes of the June 9, 2014 Regular Council Meeting
- B. Approve Minutes of the June 5, 2014 Work Session
- C. Approve Special Meeting Minutes of June 5, 2014
- D. Licenses and Permits (See Attached List)
- E. Resolution 14-122 - Declaring Surplus and Abandoned Property and Authorizing City Sale
- F. Resolution 14-123 - Authorizing Grant Agreement Between Minnesota Department of Public Safety and City of Albert Lea Police Department
- G. Resolution 14-124 - Declaring Wind Down Wednesdays as Community Events within the City of Albert Lea

Motion made by Councilor Marin to approve the Consent Agenda as presented, 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 14-122-124  
included with these minutes.)

### **PETITIONS – REQUESTS - COMMUNICATIONS**

#### **RESOLUTION 14-125 ACCEPTING DONATIONS PRESENTED TO THE CITY OF ALBERT LEA**

Assistant City Manager Thongvanh explained that the City of Albert Lea is generally authorized to accept donations pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens. The attached resolution would also accept a donation from Big Island Grille & Bar in the amount of \$100.00 for Parks and Recreation summer programming. Staff recommends acceptance of the donations.

Mr. John Bauernfiend, Dean Adams and Gail Levorson presented a check to the City of Albert Lea in the amount of \$6,000.00 for the purchase of six sets of permanent posts and nets for Pickleball courts. Mr. Bauernfiend thanked the council for allowing the development of the Pickleball courts. There is a website with a calendar of events for the courts.

MOTION: I will move to accept the donations in the amount of \$6,000.00 for the Pickleball courts and \$100.00 from Big Island Grille & Bar for Parks and Recreation summer programming.

Motion made by Councilor Olson, 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.

#### **RESOLUTION 14-126 REVERSING CITY MANAGER DENIAL OF ALCOHOL USE AT FOUNTAIN LAKE PARK DURING THE BEYOND THE YELLOW RIBBON FREEDOM FESTIVAL**

Assistant City Manager Thongvanh explained that a Special Event Permit application was submitted by Albert Lea's Beyond the Yellow Ribbon organization for approval of a Freedom Festival event to be held on July 3, 2014 from 4:00 p.m. to 10:00 p.m. in Fountain Lake Park. The application stated that food and adult beverages would be provided by the American Legion during the event. The City Manager granted approval of Permit #7.02, subject to certain

conditions which included no alcohol being allowed in the park during the event and also suspending music during the parade procession.

Mr. Josh Barker, 402 Hill Haven, representing the Freeborn Fest, stated that he would like to appeal the decision to deny serving alcohol on July 3<sup>rd</sup> at Fountain Lake Park. Mr. Barker stated that he would work with the city, and stated that the music is only background music and alcohol would be served in the fenced in area, fencing will be provided by the city. Mr. Barker stated that the event would be suspended during the parade and the American Legion will provide bracelets to persons over the age of 21 for the serving of alcohol.

Public Safety Director Winkles stated concerns regarding alcohol being served both at the Legion and in the park area. He stated that this is a family event with lots of children and has always been a non-alcohol event. Winkles suggested that the alcohol and the event be held within the fenced in area in the lower part of the park.

MOTION: I will move to approve the appeal and allow the Yellow Ribbon Freeborn Festival to have the American Legion serve liquor in the lower fenced in part of the park and the music will be off during the parade.

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.

## **NEW BUSINESS**

### **RESOLUTION 14-127 DECLARING EXCESS CITY PROPERTY AND AUTHORIZING SALE OF PROPERTY AT PUBLIC AUCTION**

Assistant City Manager Thongvanh explained that the City of Albert Lea has acquired certain real estate through tax forfeiture. Staff believes the property has no benefit to the City and the property is best in private ownership. The properties are located at 816 West William, 928 1<sup>st</sup> Avenue South, and 2216 Eunice Drive. Staff believes the property has no relationship with the Comprehensive Plan, but this issue has not been addressed by the Planning Commission. Planning Commission review of the sale of real estate may be waived by Council. The Council must approve this resolution by a two-thirds vote. Staff recommends approval.

Motion to approve 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.

(See Secretary's Original Resolution 14-127  
included with these minutes.)

**RESOLUTION 14-128 REJECTING BID FOR FOUNTAIN STREET SANITARY SEWER LIFT STATION IMPROVEMENTS AND FORCEMAIN CONSTRUCTION (JOB 1254)**

Assistant City Manager Thongvanh explained that after receiving and opening bids for the above referenced project on June 3, 2014, staff was disappointed that only one bid was received for the project. Though interest in the project seemed promising, the lone bid received was \$603,874.30 compared to the Engineer's estimate of \$321,807.75. The project would include the installation of a new force main and the replacement of the pumps, valves, piping, and electrical controls for the lift station. Engineering is evaluating ways to rebid the project by splitting the major divisions of work to make it into two independent projects. This may make the project more appealing to a wider range of contractors and should increase the competitive bids received if rebidding is approved by Council. At this time, staff recommends rejecting the bid received on the project from GM Contracting, Inc. in the amount of \$603,874.30. Staff will continue to evaluate ways to rebid the project and plans to bring a proposal at a later date.

Councilor Baker stated that he would like staff to research the issue of sewage in basements and the city needs to find a way to correct this problem. City Engineer Jahnke explained that during the flooding both pumps are pumping at full speed and the gravity line starts to back up as it does not have the capacity to accept all of the water, which then causes backups into that area. This project would install a new force main that would bypass this gravity sewer line and it would be pumped up to another location, so this entire area would be bypassed. Pumps will be sized larger so it would pump faster and move more water.

Motion made by Councilor Baker and seconded by Councilor Schulte V. 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 14-128  
included with these minutes.)

**RESOLUTION 14-129 ACCEPTING BID AND AWARDING CONTRACT FOR 1<sup>ST</sup> AVENUE AND MAIN STREET CONCRETE ALLEY PAVING PROJECT (JOB 1457)**

Assistant City Manager Thongvanh explained that the attached resolution would accept the low bid opened June 18, 2014 for the 2014 Concrete Alley Paving Contract No. 1 project. The existing alley consists of a gravel surface. The project involves constructing a 12' wide concrete surface in the alley between 1st Avenue and 2nd Avenue from West Main Street to William Street. One bid was received. Engineering recommends the bid of \$39,244.85 as submitted by Doyle Conner Co. of Rochester, Minnesota. The Engineer's estimate was \$42,639.48.

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 14-129  
included with these minutes.)

**RESOLUTION 14-130 ACCEPTING BID AND AWARDING CONTRACT FOR MAIN LIFT STATION AND BOAT LANDING PARKING LOT AND CITY GARAGE PARKING LOT RECONSTRUCTION (JOBS 1459/1460)**

Assistant City Manager Thongvanh explained that the attached resolution would accept the low bid opened June 18, 2014 for the 2014 Bituminous Contract No. 3 project. The project involves reconstructing the Main Lift Station and Boat Landing parking lots and the City Garage west parking lot. Two bids were received. Engineering recommends the low bid of \$187,400.50 as submitted by M&W Blacktopping of Faribault, MN. The bid abstract is attached. The Engineer's estimate was \$194,533.38. A power point presentation was reviewed of the area proposed for this project.

Motion made by Councilor Baker and 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 14-130  
included with these minutes.)

**RESOLUTION 14-131 CALLING PUBLIC HEARING REGARDING THE PROPOSED ESTABLISHMENT OF A TAX INCREMENT FINANCING DISTRICT FOR ST. JOHNS LUTHERAN HOME OF ALBERT LEA**

Assistant City Manager Thongvanh explained that St. John's Lutheran Home of Albert Lea has purchased land for the development of a continuing care retirement community which will be known as St. Johns on Fountain Lake. The facility will be for senior housing and a skilled nursing facility. St. Johns has made an application for TIF assistance. The market value of the facility once completed is estimated at \$29,105,300. The attached resolution would set a date for a hearing on the proposed establishment of a Tax Increment Financing District and adoption of the related plan; City staff will work with Ehlers & Associates, Inc. on the process. Staff supports the request.

Motion made by Councilor Brooks and 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 14-131  
included with these minutes.)

## **MAYOR AND COUNCIL REPORTS**

First Ward, Councilor Schulte V reported:

- Ward Items – Received calls regarding the charges at the landfill for brush.
- Committee- None

MOTION: I will move to reimburse residents that paid for brush at the landfill on Tuesday, June 17, 2014. (Landfill was open for free dumping of trees and brush on Wednesday, June 18, 2014.) This item should be posted on the City website.

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.

Second Ward, Councilor Baker reported:

- Ward Items – Reported on flooding in his ward.
- Attended the signing of the bonding bill with Governor Dayton.
- Attended the dedication of Fountain Lake Park.
- Wind Down Wednesday, June 25, 2014.
- Questions regarding crack sealing.
- Committee Items – none.

Third Ward, Councilor Marin reported:

- Ward Items – Thanked Mr. Arnold who spoke to the council regarding the sewage in his basement. Citizens are fed-up, they see the city investing millions of dollars in other places and feel they are not investing in the right places. Council needs to step up to the plate regarding these projects. Spoke with City Engineer regarding Main Street flooding; this is a DNR roadway and the City should meet with state officials to express the needs and issues regarding this area. Mayor should take the lead and meet with state officials; the City needs to find the \$6 million to get these issues fixed. If the City needs to put other projects on hold, then this is what needs to be done.
- Committee Items - none

Fourth Ward, Councilor Olson reported

- Ward Items – Tree limbs overhanging on other residents' property and can they be trimmed.

- Major storm damage in Ward 4, extremely happy with city clean-up crews.
- Appreciate the free tree dump at the landfill.
- Thank you to the Knight's Baseball League for a large tournament and city staff for getting the fields ready.

Fifth Ward, Councilor Anderson reported:

- Thanked city staff for all of their hard work during and clean-up after the storm.
- The city's normal flow for sewage to the Wastewater Treatment Plan is between 4.5 and 5.5 million gallons per day; during this storm event the flow increased to 20 million gallons per day.

Sixth Ward, Councilor Brooks reported:

- Ward Items – some storm issues
- Committee Items - none

## **REPORT OF THE MAYOR**

Mayor Rasmussen Jr. reported the following:

Wind Down Wednesdays will be held in June, July, & August. The first one is Wednesday, June 25<sup>th</sup>; it is an all-day 'Outdoor Festival & Market' on Broadway Avenue and features music, food vendors, and arts/crafts.

Freedom Festival – sponsored by Beyond the Yellow Ribbon, July 3<sup>rd</sup> - 4:00 to 10:00 PM at Fountain Lake Park; a traveling memorial will be on display for soldiers killed during war time. The public is invited.

3<sup>rd</sup> of July Parade – Annual parade begins at 6 PM at the Fairgrounds and ends at Central Park. Firemen will collect for "Fill the Boot" project during the parade.

4<sup>th</sup> of July Fireworks – Annual Fireworks Display starts at approximately 10PM.

3<sup>rd</sup> & 4<sup>th</sup> of July Carnival – 3 to 11 PM on July 3<sup>rd</sup>, 12 noon to 11 PM on July 4<sup>th</sup>.

American Legion Car Show – July 4<sup>th</sup> from 4 to 7PM – cars will be parked on N. Broadway and food and beverages sold at the American Legion.

April Sorensen Memorial Half-Marathon & Relay – July 12<sup>th</sup> starting at 7:30 a.m. – the race starts at Country Inn & Suites and ends in Hayward.

Neighborhood Picnics August 14<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup>.

Senator Walz and Franken were in Albert Lea viewing the storm damage.

Appreciated Mr. Arnold speaking to the council and understands the issues and frustration for homeowners.

Thanked RIPTIDE, the band that played at the Fountain Lake Park dedication ceremony.

### **REPORT OF THE ASSISTANT CITY MANAGER**

Assistant City Manager Thongvanh presented the following updates:

- Regarding questions about the intersection or access point on East Main by Trails Travel Center, the Police will continue to evaluate the intersection.
- Currently involved with Freeborn County Information Security Committee reviewing proposed policies and procedures, etc. for Council review later this summer.

### **APPROVAL OF CLAIMS**

#### **RESOLUTION 14-132 APPROVING CONTRACT WITH COUNCILMEMBER**

Assistant City Manager Thongvanh noted in the Staff report that the attached resolution directs the Mayor and City Clerk to make payment in the amount of \$881.80 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, Councilmember Al Brooks.

Councilor Baker moved that the resolution be approved for payment of claims in the amount of \$881.80 to Brooks Safety Equipment, seconded by Councilor Marin. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte, Baker, Marin, Olson, Anderson, and Mayor Rasmussen Jr. Councilor Brooks abstained. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolution 14-132  
included with these minutes.)

#### **RESOLUTION 14-133 APPROVING CLAIMS**

Assistant City Manager Thongvanh 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 #52818 through #52965 in the amount of \$518,794.93, 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 14-133

included with these minutes.)

**ADJOURNMENT 8:03 P.M.**

Motion made by Councilor Anderson, 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 Monday, July 14, 2014. 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 23rd day of June, 2014

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Shirley Slater-Schulte, Council Secretary