

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. Also present was a representative from the Albert Lea Tribune.

CEREMONIAL

MAIL CARRIERS FOOD DRIVE TROPHY

Albert Lea's Postal Service received the Mail Carrier's Food Drive Trophy for collecting over 14,000 lbs. of food compared to Austin's Postal Service which collected over 11,000 lbs. of food for the food shelves. City of Austin's Mayor Stiehm and Mayor Rasmussen Jr, praised the Postal Service Employees for the food drive.

REVIEW COUNCIL AGENDA OF JUNE 24, 2013

- A. Approve Minutes Of The June 10, 2013 Regular Council Meeting
- B. Approve Minutes Of The June 6, 2013 Work Session
- C. Licenses And Permits (See Attached List)
- D. Resolution 13-104-Declaring Surplus And Abandoned Property
- E. Resolution13-105-Authorizing Agreement Between City Of Albert Lea And Grizzlies Football Incorporation
- F. Resolution 13-106-Authorizing Subordination Agreement On Property Located At 914 Lincoln Avenue
- G. Resolution 13-107-Approving Administrative Survey
- H. Resolution 13-108- Declaring Official Intent To Reimburse Certain Expenditures From Proceeds Of Bonds To Be Issued By The City For Water Meter Program
- I. Resolution 13-109- Declaring Official Intent To Reimburse Certain Expenditures From Proceeds Of Bonds To Be Issued By The City For Project 1007
- J. Resolution 13-110-Declaring Official Intent To Reimburse Certain Expenditures From Proceeds Of Bonds To Be Issued By The City For Project 1350
- K. Resolution13-111- Declaring Official Intent To Reimburse Certain Expenditures From Proceeds Of Bonds To Be Issued By The City For Project 1351
- L. Resolution13-112- Authorizing Broadway Ridge Grant Agreement With Robert And Angie Hoffman

Motion: I will 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.

PUBLIC FORUM

Mr. Roger Bakken, 1912 W. 9th Street, asked if food could be grilled and served on Broadway in front of the American Legion on July 4, 2013. He also requested Council to waive the Temporary Liquor License fee of \$50.00 for July 3 - 4, 2013.

Mrs. Beverly Jackson-Cotter, Art Center Board of Directors, presented an invitation to the council for an event sponsored by the Art Center to be held at Prairie Wind Coffee. She also asked Council to waive the Temporary Liquor License fee of \$50.00 for this event.

PETITIONS-REQUESTS-COMMUNICATIONS

UNFINISHED BUSINESS

ORDINANCE 165,4D AMENDING CHAPTER 58, EXCEPTIONS AND EXEMPTIONS REGARDING LODGING TAX (2nd READING)

City Manager Adams stated that the Council introduced the ordinance at its regular meeting of June 10, 2013. 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 adoption of the amended ordinance.

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

(See Secretary's Original Ordinance
165,4d included with these minutes)

RESOLUTION 13-113 APPROVING FINAL PLAT OF SUMMERDALE TOWNHOMES 4TH ADDITION

City Manager Adams noted that the final plat of Summerdale Townhomes 4th Addition has been reviewed by staff and is substantially compliant with the preliminary plat reviewed and approved by City Council on May 28, 2013. By resolution, staff recommended approval of the final plat of Summerdale Townhomes 4th Addition.

Councilor Baker moved the adoption of the resolution, 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 resolution passed.

(See Secretary's Original Resolution 13-113
included with these minutes.)

NEW BUSINESS

PUBLIC HEARING AND ORDINANCE AMENDING FOUR SECTIONS OF THE CITY CHARTER

City Manager Adams stated the Albert Lea Charter Commission, at their meeting of May 6, 2013 voted unanimously to amend these sections of the City Code which are primarily “housekeeping amendments” that permit the Charter to reflect more clearly actual practice. The amendments will not have a financial impact on the operation of the City. The Council must unanimously approve each section in order for it to become enacted.

Mayor Rasmussen Jr. opened the Public Hearing.

Mr. Randy Kehr, Plainview Lane, member of the Charter Commission, stated that the Charter Commission Committee worked on these ordinances for over a year with the help of City Attorney Bjorndal. Mr. Kehr thanked the council for their consideration of the amendments.

Mayor Rasmussen Jr. called three times and then closed the Public Hearing.

ORDINANCE 166,4D AMENDING THE CITY OF ALBERT LEA CHARTER, CHAPTER 3, SECTION 3.07 – PROCEDURES ON RESOLUTIONS

City Manager Adams stated that the current Ordinance states resolutions must be “read in full before a vote is taken unless the reading is dispersed with.” The proposed 3.07 removes the requirement that resolutions be read aloud. Resolutions are not read aloud, but could be if requested. The Charter Commission unanimously voted to amend.

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

(See Secretary's Original Ordinance
166,4d included with these minutes)

ORDINANCE 167,4D AMENDING THE CITY OF ALBERT LEA CHARTER, CHAPTER 3, SECTION 3.09 – WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT

City Manager Adams stated that ordinances currently take effect 30 days after adoption or a later date noted in the Ordinance. The proposal would permit ordinances to take effect upon publication or no later than 30 days after adoption. This will permit Ordinances, which have already had two hearings, to take effect sooner. The Charter Commission unanimously voted to amend.

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

(See Secretary's Original Ordinance
167,4d included with these minutes)

ORDINANCE 168,4D AMENDING THE CITY OF ALBERT LEA CHARTER, CHAPTER 7, SECTION 7.05 – ADOPTION OF BUDGET

City Manager Adams stated that the way a city adopts its budget and levies taxes is set forth in State Statute. The State Statute expressly provides it applies “notwithstanding any law or charter to the contrary.” In other words, State law pre-empts any contrary Charter provision. The City has followed the State procedure for adoption of the budget

(which is permitted by the current Charter language). The redrafted amendment retains the State dates, removes specific dates in the Charter which are not followed, and yet retains the Charter's flavor of encouraging citizen input. The Charter Commission unanimously voted to amend.

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

(See Secretary's Original Ordinance
168,4d included with these minutes)

ORDINANCE 169,4D AMENDING THE CITY OF ALBERT LEA CHARTER, CHAPTER 12, SECTION 12.06 – VACATION OF STREETS

City Manager Adams stated that the current Charter provision notes that road vacations may be made after ten days published notice of a public hearing. State law provides fourteen days, which is greater notice to interested parties. The Charter Commission voted unanimously to amend this language and follow State law.

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

(See Secretary's Original Ordinance
169,4d included with these minutes)

PUBLIC HEARING AND RESOLUTION 13-114 GRANTING BUSINESS SUBSIDIES TO VETERAN'S ADMINISTRATION COMMUNITY BASED OUTPATIENT CLINIC

City Manager Adams stated that the Veteran's Administration posted a Request for Proposals in May to create a Community Based Outpatient Clinic (CBOC) in southern Minnesota. Health care providers interested and experienced in providing these services are required to submit a proposal for a location in southern Minnesota by June 28, 2013. Staff is supportive of providing up to a \$50,000 business subsidy to a qualified Veteran's health services provider. The CBOC is expected to create jobs and tax base for the community and Freeborn County. Staff recommends approval of the resolution.

Mayor Rasmussen Jr. opened the Public Hearing, called three times and then closed the Public Hearing.

Councilor Marin moved the adoption of this resolution, 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 resolution passed.

(See Secretary's Original Resolution 13-114
included with these minutes.)

ORDINANCE 170,4D AMENDING THE PD PLANNED DEVELOPMENT DISTRICT FOR THORNE CREST APARTMENT CENTER (1st Reading)

City Manager Adams stated that the City has received an application from Thorne Crest Apartment Center to amend their PD Planned Development ordinance to allow for the expansion of the senior housing and assisted living center. The current request would make several changes including a wellness center with pool, exercise and therapy rooms, conference and multi-purpose space, an indoor parking garage, expanded parking lot, and the demolition of the existing convent building and detached garages on the property. The property was rezoned from R-1 to PD-Planned Development District in 1988 to accommodate a more flexible site plan and reduced setbacks. The attached staff report describes the expansion plan in further detail. Staff recommends approval of the amendment to the PD Ordinance.

Councilor Olson moved the adoption of the first reading, seconded by Councilor Marin. On roll call vote, the following councilors voted in favor of said ordinance: 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
170,4d included with these minutes)

RESOLUTION 13-115 DENYING REQUEST FROM ALBERT LEA PORT AUTHORITY TO REZONE PROPERTIES FROM IDD-INTERSTATE DEVELOPMENT DISTRICT TO I-1 LIMITED INDUSTRIAL DISTRICT

City Manager Adams stated that City staff has been discussing the issue of outside storage in the IDD District with the Albert Lea Port Authority for the past few months. On May 7, 2013, the Port Authority submitted an application requesting that four parcels along Plaza Street, east of County Road 20 be rezoned from IDD-Interstate

Development District to I-1 Limited Industrial District to allow for more generalized regulations regarding development on these parcels. An excavation company that has been working with the Port Authority would like to purchase property in the area and has large outside storage needs. The Planning Commission, at its meeting of June 4th held a public hearing in accordance with state statute and recommended to deny the request to rezone, and directed staff to prepare revisions to the IDD zoning district to clarify outside storage standards and make other changes to the ordinance. From the date of application, there is a 60 day review period which will expire on July 6, 2013, therefore action must be taken to approve or deny the application, or request an extension. Staff has already begun drafting revisions to the IDD zoning district. A staff memo and map is included for further reference. Staff recommends approval of the attached resolution. Options tonight include approval of the resolution denying the zoning change, approving the zoning change with findings, or tabling the action to gauge progress on the IDD zoning district revisions.

Councilor Olson moved to table this until July 8th, 2013 meeting, 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 resolution passed.

(See Secretary's Original Resolution 13-115
included with these minutes. TABLED)

MAYOR & CITY COUNCIL REPORTS

First Ward, Councilor Schulte V. reported:

- Ward Items– none
- Committee Updates –Library Board Meeting

Second Ward, Councilor Baker reported:

- Ward Items – Referred to staff
- Committee Updates – Planning Commission Meeting Updates

Third Ward, Councilor Marin reported:

- Ward Items –Reminded the public of Wind Down Wednesday at Central Park
- Committee Updates – None
- Problems with flooding in the 3rd Ward:
 - Plainview and South 4th Avenue

- Wetland area north of Plainview, please have staff review these areas
 - Madison near 7th Avenue – Storage Building and the buildup of this property causes flooding on Madison
 - Unlicensed motor home, junk in the yard on Madison
 - Several water issues on Jansen. Concerns about tree limb and questions regarding the replacing of trees on Boulevard.
 - Thank you to all city workers who have been working around the clock. No easy fixes to this water issues.
- Complimented City Manager Adams for his quick response to questions, etc.

Fourth Ward, Councilor Olson reported:

- Ward Items – none
- Committee Updates - Park Commission updates

Fifth Ward, Councilor Anderson reported:

- Ward Items – Thanked city staff
- Committee Updates – None
- Be safe regarding the deep water

Sixth Ward, Councilor Brooks reported:

- Ward Items – Alley issues between Frank Hall and Todd
- Committee Updates – None

Mayor Rasmussen Jr. reported:

- Remind residents to contact City Hall if interested in attending the Blandin Community Leadership Program in September. This is a five-day seminar, receive scholarship, etc.
- Reminder of the upcoming community events and July 4th celebration.

CITY MANAGER REPORT

City Manager Adams reported on the following:

- Broadway Reconstruction and Streetscape Project is generally on schedule and thanked city crews, contractor and project engineer for all working together to keep the project on schedule.

RESOLUTION 13-116 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 Schulte V to approve payment of claims as presented for checks #49347 through #49507 in the amount of \$545,542.84; 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 13-116
included with these minutes.)

ADJOURNMENT 7:37 P.M

Councilor Anderson moved and Councilor Marin seconded that there being no further business, the council meeting be adjourned at 7:37 p.m., until the next regular meeting of the Albert Lea City Council at 7:00 PM on Monday, July 8, 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 24th day of June, 2013

Secretary to the Council