

PRESENT: Mayor Rasmussen Jr., Councilors John Schulte V, Larry Baker, Ellen Kehr, Reid Olson, Larry Anderson and Al Brooks; also City Manager Chad Adams, City Attorney Lee Bjorndal, City Clerk Shirley Slater-Schulte and City Engineer Steven Jahnke.

CONSENT & APPROVAL OF AGENDA

- A. Approve Minutes of the July 23, 2012 Regular Council Meeting
- B. Approve Minutes of the July 19, 2012 Work Session
- C. Licenses and Permits (See attached list)
- D. Resolution 12-152 Declaring Surplus and Abandoned Property
- E. Resolution 12-153 Authorizing Agreement for Sanitary Sewer and Watermain and Petition for Annexation for 601 9th Street West
- F. Resolution 12-154 Amending Professional Agreement with Mead & Hunt, Inc. for Municipal Airport Task Order #22
- G. Resolution 12-155 Designating Depositories and Signatories for City Funds
- H. Resolution 12-156 Accepting Donations
- I. Waive Statutory Tort Limits
- J. Set Canvass Board Meeting for August 16, 2012 at 5:30 P.M.
- K. Schedule Special Meeting for August 20, 2012 at 7:00 P.M.

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

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

(See Secretary’s Original Resolutions 12-152 - 12-156
included with these minutes)

PUBLIC FORUM

Mr. Keith Porter Sr., 1634 Masee, asked what the consulting costs were for the North Broadway Streetscape project, and also inquired about staining the Lakeview Boulevard retaining wall north of Grace Street.

PETITIONS-REQUESTS-COMMUNICATIONS

REQUEST FROM GIRL SCOUTS TO WAIVE LANDFILL FEE AND APPROVE STORM DRAIN MARKERS FOR THE OCTOBER 13, 2012 NATIONAL CENTENNIAL DAY OF SERVICE

City Manager Adams introduced Ms. Deanne Adams, 2141 Bridge Avenue, Freeborn Service Unit Manager who provided information about the nationwide ‘Centennial Day of Service’ that all Girl Scouts may participate in on October 13, 2012. Local Girl Scouts are planning to rake and bag leaves in City parks and are requesting that landfill fees be waived for delivery of leaves to the compost area. They

are also asking for approval to distribute door hangers to educate the public about their activities and to glue pre-cast markers on storm drains. The storm drain markers must also be inspected and authorized by the City Engineer.

MOTION: I will move to approve the request from the Girl Scouts to waive the landfill fees and approve the Storm Drain Markers for the October 13, 2012 National Centennial Day of Service.

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

REQUEST FROM HRA TO WAIVE BUILDING PERMIT FEES FOR 2012 SHINEFEST INITIATIVE

Mr. Jon Ford from the HRA was present and explained that ShineFest and several other organizations and churches have partnered together to initiate a home improvement rehabilitation project. The work will involve improvements at five homes already identified in the City and is similar to the work being done through the Small Cities Development Program. Materials and labor are being provided by local contractors and individuals. Mr. Ford requested that Council waive building permit and landfill fees associated with the project and has estimated that to be a maximum waiver of less than \$2,500. State surcharge fees would still need to be paid and all building permit applications and inspections would still be required.

MOTION: I will move to approve the request to waive building permit and landfill fees for 2012 Shinefest Initiative.

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

REQUEST FROM HRA TO WAIVE BUILDING PERMIT FEES FOR 2013 SMALL CITIES DEVELOPMENT PROGRAM OWNER-OCCUPIED REHABILITATION GRANT APPLICATION

Mr. Jon Ford from the HRA requested a waiver of building permit fees for the 2013 Small Cities Development Owner-Occupied Rehab Grant Application. Grant funding has been reduced for 2013 which makes the application process much more competitive. The waiver would act as an “in-kind match” and will help enhance their application. To date, fifty owner-occupied properties in Albert Lea have been rehabbed through the Small Cities Program with improvements totaling \$1.1 million. State surcharge fees would still need to be paid and all building permit applications and inspections would still be required.

MOTION: I will move to approve the request from HRA to waive building permit fees for the 2013 Small Cities Development Program Owner-Occupied Rehabilitation Grant Application.

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

UNFINISHED BUSINESS

ORDINANCE 151,4D REPEALING CITY CODE SEC. 22-122 – LICENSE REQUIRED (2ND READING)

City Manager Adams explained that City Code Sec. 22-122 would be amended by removing language that states restaurants require licenses from the City and exempts some establishments from that requirement. The City of Albert Lea does not issue restaurant licenses. Restaurants are regulated by the State of Minnesota therefore the section may be repealed. Other portions of City Code Sec. 22, which discuss other regulations for restaurants, will continue. Staff recommends approval of the ordinance amendment.

MOTION: I will move to adopt Ordinance 151,4d and authorize the publication of summary as presented.

Motion made by Councilor Schulte V, seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, Kehr, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the 2nd reading of the Ordinance passed.

BANCROFT BAY DISC GOLF REPORT

City Manager Adams gave a summary on the Bancroft Bay Disc Golf Course as follows:

Purpose: To provide an update on the expansion of the disc golf course at Bancroft Bay Park.

Background

- February
 - Park Commission reviewed and recommended approval for expansion of disc golf from 9 holes to 18 holes
 - City Council reviewed proposal to expand disc golf course. City did not act on the proposal and desired public input before expanding the disc golf activity in the park. The intent of the delay was to allow ample time for the City and public to consider changing the use of the park.
- April
 - Council approved the expansion of the disc golf course from 9 holes to 18 holes. The tee pads and baskets were to be donated to the course without any City cost. The City agreed to provide staff oversight of volunteers providing the work to prepare the work via a work

plan. City also agreed to provide high-level tree trimming. Volunteers agreed to provide the brush clearing.

- Summer
 - Volunteers provided brush clearing for the expanded tee boxes, fairways and baskets with staff oversight. Majority of clearing was buckthorn (an invasive species), but also included some other tree and vegetative removal.
 - In reviewing the volunteer work, Staff determined that some areas needed re-vegetation and tree plantings, which the volunteers agreed to complete.
- Next Steps - Addition of concrete tee pads in next week.

General Comments

- City worked with volunteers, who have experience in designing disc golf courses, to locate the disc golf course around existing use (i.e. walking patterns) of the park. Some areas were improved based on the design of the course, but areas remain where disc golf activity might conflict with other users of the park.
- City has reviewed past files, including an Environmental Assessment Worksheet (EAW). The Minnesota Historical Society found in 1982 that there are no locations of known sites of historic, architectural, cultural, archaeological, or engineering significance within the area of the 38 acres being acquired.
- City's grant agreement (1983) for funds to acquire the property state the project scope is to acquire the 38 acres for outdoor recreation purposes.
- In 1986, MN DEED confirmed via their periodic inspection that the park was being used appropriately, and specified the park should be used for outdoor recreation.
- DNR, Division of Ecological and Water Resources has inspected the recent vegetative clearing, and have found no violations. The DNR agreed to review the mitigation plan and provide any comments/suggestions.
- Parks staff has also contacted the office that administers the grant and have clarified that our expansion of disc golf is compatible with outdoor recreation purposes.

Ms. Carol Bertelson, 2215 Rowe Lane, presented a petition of 250 signatures requesting that the Bancroft Bay Disc Golf Course be returned to its natural state.

Mr. Brian Blowers, 2007 Wilby Circle, had questions as to how the restoration will be completed.

Ms. Debra Blowers, 2007 Wilby Circle, stated the following:

- Destruction started a few weeks ago. Why did the public not know? How was it made public?
- \$230,000 was donated to keep the park in its original state.
- Mission statement promised to maintain the natural state of this park.
- Public is disappointed.

Mr. Arlo Blumer, 1938 Wilby Road, resident of Texas, lives by the park, and stated that he sees activity going on in the park and is disappointed.

Mr. Miles Pechacek, 524 East 4th Street, stated that he agrees with what the public has stated. Park has a lot of wildlife within it.

Ms. Clemencia Gujral, 217 Lee Place, said the City is a wonderful place to raise family. She expressed her disappointment with the destruction of the park. She is not against disc golf but opposes the placement of the course and asked Council to reconsider the decision. She stated that \$230,000 was given for the preservation of the park.

Ms. Nancy Rosenberg, 207 E. Richway Drive, said she is feeding the birds and that a lot more birds and squirrels have been coming over to her house from the park area.

Mr. Tim Engstrom, 1210 Fountain Street, plays golf and does not believe the wildlife will be displaced. Disc golfers appreciate nature and more people are supporting nature. This brings more people outdoors. There was publication of this disc golf course. Most of the trees cut were buckthorn and box elder. He thanked the community for the support. Donations and volunteers are in place and there is no charge to the public.

Marie Harshbarger, 711 Sheridan Street, enjoys nature but worried about being hit by disc. Asked how this all happened without notification and said things are done without public input. Talked about ecology, green space and vitality.

Mary Hopperstad, 1936 Wilby Road, stated they took down a dead elm and there was a Pelican nesting in the tree. She had contacted Jay Hutchison. Stated it is appalling to see shore land affected.

Karen Meyerson, 106 Ridge Road, stated that we need to study the issue further and should place a moratorium on the project in order to do it the right way.

Jim Burns, 1905 Brookside Drive lives across from the bay. He enjoys the walks, but is worried about a disc hitting him. It is noisy and is not a quiet park anymore.

Mayor Rasmussen Jr., clarified that the request is to relocate all 18 holes and the audience agreed.

Petition was presented to the Council by Ms. Carol Bertelson.

NEW BUSINESS

PUBLIC HEARING REGARDING SMALL CITIES DEVELOPMENT PROGRAM (SCDP) GRANT PROGRESS REPORT

Mr. Jon Ford, Director of the HRA explained that the HRA and SEMCAC currently administer a grant funded through the Small Cities Development Program that has provided rehabilitation of 15 housing units in Albert Lea. The grant has a remaining balance of just over \$8,000 which will be retained by the state for other housing purposes. As part of the grant process, the City is required to hold a public

hearing to receive input from the general public and also gives the Mayor and Council an opportunity to comment on the progress or outcomes of the grant work.

Mayor Rasmussen Jr. opened the public hearing.

Mayor Rasmussen Jr. called three times and no public spoke to this issue.

Mayor Rasmussen Jr. closed the public hearing.

INFORMATIONAL MEETING REGARDING INTENT TO ANNEX CERTAIN LAND TO THE CITY OF ALBERT LEA PURSUANT TO MINNESOTA STATUTES § 414.033, SUBD. 3, HILLS GARDEN AREA, 1311 CROSSROADS BOULEVARD, WEST 9TH STREET, AND 77893 209TH STREET

Mayor Rasmussen Jr. stated that this is an informational meeting regarding the intent to annex certain land to the City of Albert pursuant to Minnesota Statutes.

No public comment was presented. The item will be placed on the next agenda.

ADOPT ALBERT LEA PORT AUTHORITY 2013 BUDGET

Mr. Dan Dorman, Executive Director of the Port Authority reviewed the Port Authority's budget for 2013.

MOTION: I will move to adopt the Albert Lea Port Authority 2013 Budget as presented.

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

RESOLUTION 12-157 SUPPORTING THE ALBERT LEA CITY COUNCIL AND FREEBORN COUNTY BOARD OF COMMISSIONERS TO DETERMINE A PRIORITY SEGMENT OF THE BRIDGE AVENUE/COUNTY STATE AID HIGHWAY #22 CORRIDOR

City Manager Adams explained that the Freeborn County Board and Albert Lea City Council met a few months ago to discuss the Bridge Avenue Corridor. The attached resolution would formally recognize that both agencies support the Bridge Avenue Corridor development with the Hammer Road to I-90 segment being the priority segment. The resolution further directs staff to continue working on preparing a plan for the remainder of the corridor. The City and County plan to submit an application for federal funding for the corridor by a February 2013 deadline. Staff recommends approval.

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

(See Secretary's Original Resolution 12-157
included with these minutes)

MAYOR & CITY COUNCIL REPORTS

First Ward, Councilor Schulte V. reported:

- Committee Updates
- Ward Items – Reminded everyone of the Primary Election on August 14, 2012

Second Ward, Councilor Baker reported:

- Committee Updates
- Ward items
- 2nd Wind-Down Wednesday on August 15, 2012

Third Ward, Councilor Kehr reported

- Ward Items
- Committee Updates – Vacancy on the Human Rights Commission
- Thanked the HRA and Freeborn County Fair – Smoke Free Day

Fourth Ward, Councilor Olson reported:

- Ward Item – Grass issue, Concerns on the proposed bump outs, calls on Bancroft Bay
- Committee Updates

Fifth Ward, Councilor Anderson reported:

- Ward Items – Concerns on the proposed bump outs, calls on Bancroft Bay
- Committee Updates

Sixth Ward, Councilor Brooks reported:

- No Ward Items
- Committee Updates – Port Authority Meeting
- Appreciated the people that attended the meeting

Mayor Rasmussen Jr. reported the following:

The following events will be held over the next two weeks:

- **NEIGHBORHOOD PICNICS** – There will be three community picnics this month:
 - Aug 16 - Frank Hall Park
 - Aug 21 - Troy Hammer
 - Aug 23 - Sondergaard

The picnics will be held from 5:30-7:30 p.m., and are intended to give staff and community members an opportunity to share ideas and learn about city services. Come and check out fire and police vehicles and other city displays. There will also be games for the kids. Hot dogs, baked beans and a beverage will be provided. Bring lawn chairs or a blanket.

The picnics are sponsored by the City of Albert Lea and the National Vitality Center Leadership Team. Thank you to food sponsors Mrs. Gerry's, Hy-Vee, Cargill, Nelson's Market Place, and Korner Mart.

- **SHINEFEST BLOCK PARTY** – Sat, August 18, from 4 p.m. to 11:30 p.m.: There will be a picnic, games for kids and a family movie located on the corner of Court Street and Euclid Avenue, in the green space area. Everyone is invited.
- **WIND DOWN WEDNESDAY** – this is the 2nd Wind Down Wednesday event in the downtown. It's a market and musical festival from 11 a.m. to 8:00 p.m. on Broadway Avenue. Come out and enjoy the wide variety of arts, crafts, baked goods, as well as the Farmers Market and food vendors.

Mayor Rasmussen Jr. reminded residents of the following:

- Primary Election on August 14, 2012

CITY MANAGER REPORT

City Manager Adams reported on the following:

- Shared Parking Agreement with St. Theodore's would allow City employees to park their vehicles in their lower parking lot during the summer months in exchange for the City performing the striping and sweeping of their lots.

APPROVAL OF CLAIMS

RESOLUTION 12-158 APPROVING CONTRACT WITH COUNCILMEMBER

City Manager Adams explained that the attached resolution directs the Mayor and City Clerk to make payment 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, Al D. Brooks.

Councilor Anderson moved that the resolution be approved for payment of claims in the amount of \$260.00, seconded by Councilor Olson. On roll call vote, the following councilors voted in favor of said motion: Councilors: Schulte V, Baker, Kehr, Olson, Anderson, and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed. Council Brooks abstained.

(See Secretary's Original Resolution 12-158)

included with these minutes)

RESOLUTION 12-159 APPROVING CLAIMS

Councilor Anderson moved that the resolution be approved for payment of claims in the amount of \$2,404,579.91, seconded by Councilor Baker. On roll call vote, the following councilors voted in favor of said motion: Councilors: Baker, Kehr, Olson, Anderson, Brooks, and Mayor Rasmussen Jr. Councilor Schulte V abstained. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolution 12-159
included with these minutes)

ADJOURNMENT

Councilor Baker moved and Councilor Brooks seconded that there being no further business, the council meeting be adjourned at 8:18 p.m., until the next regular meeting of the Albert Lea City Council at 7:00 p.m. on Monday, August 27, 2012. 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 August 14, 2012

Secretary to the Council