

**REGULAR COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
Monday, September 9, 2013, 7:00 P.M.**

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

REVIEW CONSENT AGENDA OF SEPTEMBER 9, 2013

- A. Approve Minutes of the August 26, 2013 Regular Council Meeting
- B. Approve Minutes of the August 22, 2013 Work Session
- C. Licenses and Permits (See Attached List)
- D. Resolution 13-163 Accepting Donations
- E. Resolution 13-164 Approving Agreement to Operate Concession Stand at Lakeview and Memorial Parks
- F. Resolution 13-165 Approving Agreement With Albert Lea Hockey Association
- G. Resolution 13-166 Approving City of Albert Lea Fire Department eDispatch Mutual Aid Agreement
- H. Resolution 13-167 Declaring Celebrate Albert Lea As Community Event
- I. Resolution 13-168 Approving Multi-Agency Law Enforcement Joint Powers Agreement with the State of Minnesota and the City of Albert Lea Acting through its Police Department

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. Mike Lee, 720 Clausen Avenue, addressed the council regarding the plan to show the Vikings vs. Green Bay football game on October 27, 2013, in the North Broadway Parking Lot. Staff suggested that a Special Events application be submitted for this event.

Rebecca Gisel, representing Alliant Energy, 104 N. Broadway, stated that Alliant Energy has announced plans to sell its southern Minnesota territory to the Southern Minnesota Energy Cooperatives. The sale will take between six and twelve months for approval by the Federal Government and State of Minnesota. The sale includes a

10 year agreement for Alliant Energy to supply a diverse portfolio of energy to the purchasing cooperatives. Most of the staff will be offered employment with the different cooperatives. The council thanked Ms. Gisel for this information and update.

PETITIONS-REQUESTS-COMMUNICATIONS

RESOLUTION 13-169 REQUEST FROM ALBERT LEA YOUTH SOCCER ASSOCIATION TO EXTEND LICENSE AGREEMENT FOR SOCCER FIELDS AT EDGEWATER PARK

City Manager Adams stated that the attached resolution would approve an amendment to the current Agreement with the Albert Lea Youth Soccer Association. The Association is committing to complete the construction of the soccer fields by September 1, 2014 or the Agreement would be null and void. Youth Soccer has made progress in raising funds and in-kind contributions to date. Staff supports the amendment to the Agreement.

Motion made by Councilor Brooks to adopt this resolution, 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 13-169
included with these minutes)

PRESENTATION OF 2014 PORT AUTHORITY BUDGET – RYAN NOLANDER

Mr. Ryan Nolander, Executive Director of the Albert Lea Port Authority, reviewed the Albert Lea Port Authority 2014 Proposed Budget. It is required by Statute that the budget be presented to the council for review. The Port Authority is not requesting a levy for 2014. No action is needed on this item.

Mr. Nolander reviewed the following:

- No tax levy is being requested at this time
- 2014 General Fund Budget
- 2014 Real Estate Fund
- 2014 Combined Budget Summary
- 2012 Annual Audit for JOBZ
- Total Capital is \$51,926,282 per the JOBZ Audit
- Applying for Minnesota Investment Funds dollars to help a local company expand

Mr. Nolander submitted information on the history and the operation of ALEDA. Mayor Rasmussen Jr. thanked him for the information and report.

UNFINISHED BUSINESS

ORDINANCE 173,4D AMENDING PD PLANNED DEVELOPMENT DISTRICT FOR NELSON'S MARKET PLACE (2ND READING)

City Manager Adams explained that the first reading of the ordinance was held at the August 26th Council meeting. The City had received a request from Chris Nelson to amend the PD-Planned Development Ordinance to allow for the use of a small used car lot on the property. The Planning Commission held a public hearing on August 7th and recommended approval of the ordinance amendment, subject to the conditions listed in the attached staff report. Staff recommends approval of the final ordinance.

Councilor Marin moved to approve the 2nd reading of this ordinance, 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 2nd reading of this ordinance passed.

(See Secretary's Original Ordinance 173,4d
included with these minutes)

NEW BUSINESS

ORDINANCE 174,4D APPROVING REZONING TO PD PLANNED DEVELOPMENT DISTRICT FOR ST. JOHN'S LUTHERAN HOME DEVELOPMENT (1ST READING)

City Manager Adams explained that St. John's Lutheran Home has purchased a portion of the land previously held by the Albert Lea Golf Course for the development of a Continuing Care Retirement Community called St. John's on Fountain Lake. The applicant is requesting rezoning from the R-1 Single Family Residential District to the PD Planned Unit Development to allow for development of the overall plan for a plat and the construction of a continuing care retirement community. The Planning Commission held a public hearing on August 20, 2013 and recommended approval of the ordinance, with the conditions listed in the staff report. City Manager Adams provided a slide presentation of the site and layout.

Councilor Anderson moved to approve the ordinance, 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 1st reading of this ordinance passed.

(See Secretary's Original Ordinance 174,4d
included with these minutes)

RESOLUTION 13-170 APPROVING PRELIMINARY PLAT FOR ST. JOHN'S LUTHERAN HOME

City Manager Adams explained that the attached resolution would approve the preliminary plat of St. John's Lutheran Home. St. John's has purchased a portion of the land previously held by the Albert Lea Golf Course for the development of a Continuing Care Retirement Community called St. John's on Fountain Lake. The applicant is requesting preliminary plat consideration to develop four lots and an outlot to accommodate the development. The Planning Commission met on August 20, 2013, held a public hearing regarding the preliminary plat, and recommended approval of the plat, with conditions listed in the staff report. Staff recommends approval.

Motion made by Councilor Baker to adopt this resolution, 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 13-170
included with these minutes)

RESOLUTION 13-171 APPROVING CONDITIONAL USE PERMIT IN PD PLANNED DEVELOPMENT DISTRICT FOR ST. JOHN'S LUTHERAN HOME

City Manager Adams explained that St. John's Lutheran Home (the applicant) has applied for a Conditional Use Permit to allow for a Continuing Care Retirement Community within the PD district. The Planning Commission met on August 20, 2013, held a public hearing, and recommended approval of the conditional use permit, subject to the conditions listed in the staff report. Staff recommends approval.

Motion made by Councilor Baker to adopt this resolution, 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 13-171
included with these minutes)

RESOLUTION 13-172 ADOPTING ALBERT LEA HOUSING AND REDEVELOPMENT AUTHORITY PRELIMINARY PROPERTY TAX LEVY FOR FISCAL YEAR 2014

City Manager Adams explained that the attached resolution proposes a property tax levy for the Housing and Redevelopment Authority in 2014. The HRA is requesting the maximum special levy of \$162,928 as provided by Minnesota Statute 469.033 but Staff is recommending the levy not to exceed \$109,000 or 67% of the maximum. The city approved \$50,000 levy for 2013. The original intent was to get to the maximum levy in three years. City Manager Adams provided a slide presentation regarding this request. Staff recommends approval of the resolution.

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

(See Secretary's Original Resolution 13-172
included with these minutes)

RESOLUTION 13-173 ADOPTING CITY OF ALBERT LEA 2014 PRELIMINARY BUDGET AND PROPERTY TAX LEVY

City Manager Adams explained that Minnesota municipalities are required to establish a proposed tax levy and preliminary budget for the following year by September 15th of each year. The attached resolution would establish the proposed tax levy for 2014 at \$5,831,370 and approve the preliminary budget. This levy would include expenses to operate the General Fund, Public Improvement Revolving (PIR) Bond Debt Service Fund and Capital Improvement Bond Debt Service Fund. The resolution also establishes the budget public comment meeting for Monday, December 9 at 7:00 p.m. After receiving public input on the 2014 proposed budget in December, the City Council may choose to lower the levy but they may not raise it higher than the proposed levy. The proposed levy is recommended at the same level as 2013 for operating and increased for debt service due to bonds issued in 2013. Levy limits apply for 2014 but the City is not increasing the operating levy, so there is no issue with levy limits. Staff recommends approval.

City Manager Adams presented a brief budget slide report including the following:

- 2014 Budget Process and Highlights
- Background/Goals

- Tax Capacity History
- Net Property Tax Levy per Capital
- 2014 Recommended General Fund Budget
- 2014 Recommended General Fund Budget Revenues
- 2014 Recommended General Fund Budget Expenditures
- 2013 Tax Levy for Taxes Payable 2014, recommended levy is \$5,831,370, General Levy is \$4,758,453, and Debt Service Levy is \$1,072,917. Currently, the city is under the levy limit, levy can be reduced in December, cannot be increased.
- Tax Levy Comparison
- City Levy History
- Debt Service Levies
- Tax Levy and LGA History
- Impact on Property Owners
- Reviewed the next steps
- December 9, 2013 – Public meeting on Final Levy and Budget

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

(See Secretary's Original Resolution 13-173
included with these minutes)

MAYOR & CITY COUNCIL REPORTS

First Ward, Councilor Schulte V. reported:

- Ward Items - Received concerns about the condition of the Hammer Road Railroad Crossing
- Committee updates - HRA Meeting

Second Ward, Councilor Baker reported:

- Ward Items –Thanked the Albert Lea Community Theater for their efforts at the Marion Ross Performing Arts Center
- Committee updates - none

Third Ward, Councilor Marin reported:

- Committee updates - Human Rights Commission Meeting
- Announced event to be held September 10, 2013, 6 P.M. at Central Park – The Human Rights Commission is hosting a Memorial Service in honor of World Suicide Prevention Day. The public was invited to attend.
- Ward Items - Concern regarding the policies that the council creates, such as the sidewalk on South 4th Avenue; it seems a little wrong that government has the power to say that a sidewalk will be put in where no one has asked for it. Residents are forced to pay for and maintain it.
- Sunset Street Extension – City Engineer Jahnke commented that the goal is to begin next week on the improvement of this road.

Fourth Ward, Councilor Olson reported:

- Ward Items - none
- Committee updates - none

Fifth Ward, Councilor Anderson reported:

- Ward Items – All items have been referred to staff.
- Committee updates - Power Boat races scheduled for Saturday, September 14, 2013
- Encouraged residents to drive safely as school has resumed.

Sixth Ward, Councilor reported:

- Ward Items - South Margaretha – regarding semi-trucks, consider signage on 19th Street on the north side.
- ACT presented an excellent show.
- Concern regarding assessment policies and notification of projects, etc.
- Committee updates - Reported on the Port Authority meeting.

Mayor Rasmussen Jr. reported:

- Updates from The Port Authority meeting
- Tesla Electric Car - Researching location for a charging station in Albert Lea.
- Mayor Rasmussen Jr. expressed his disappointment in the neighborhood improvement projects, the performance that has been completed by the contractor has been lacking quite significantly. The Mayor has had conversations with residents, and suggested that the city needs to put more pressure on the

contractors. Residents are being treated poorly and this needs to be passed along to the companies the City is working with.

CITY MANAGER REPORT

Downtown Parking Report – The City is requesting that ‘No Parking’ in the downtown be extended from the 2:00 a.m. – 6:00 a.m. hours, to 2:00 a.m. – 7:00 a.m. hours to primarily assist with snow removal operations during the winter season. Staff will be seeking comment from downtown businesses on this request prior to seeking Council action at the September 23rd Council meeting.

Open House at the Freeborn Bank Building, 6:00 P.M., Tuesday, September 10, 2013

- Tours from 6-7 P.M.
- Presentation begins at 7 P.M.
- What are the public ideas for this building?
- Held seven Focus Group meetings over the summer.
- This is the last phase for public engagement and feed-back on the project.

APPROVAL OF CLAIMS

RESOLUTION 13-174 APPROVING CONTRACT - COUNCILMEMBER SCHULTE V.

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 \$1,695.00 on behalf of the City for a claim from Jones, Haugh & Smith, Inc. and to issue payment for filing the affidavit of official interest by the interested official, John Schulte V.

Councilor Brooks moved that the resolution be approved for payment of claims in the amount of \$1,695.00 to Jones, Haugh & Smith, Inc., seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said motion: Councilors: Baker, Marin, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Councilor Schulte V abstained. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolution 13-174
included with these minutes.)

RESOLUTION 13-175 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 \$121.03 on behalf of the City

for a claim from Brooks Safety and to issue payment for filing the affidavit of official interest by the interested official, Al Brooks.

Councilor Anderson moved that the resolution be approved for payment of claims in the amount of \$121.03 to Brooks Safety, 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 13-175
included with these minutes)

RESOLUTION 13-176 APPROVING 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 #50131 through #50251 in the amount of \$743,754.01; 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 13-176
included with these minutes.)

CLOSED SESSION – ONGOING LITIGATION

Mayor Rasmussen Jr. requested a motion be made to move into a Closed Session for the purpose of attorney/client privilege discussion regarding a potential settlement of litigation.

MOTION: I move to enter into a Closed Session for the purpose attorney/client privilege to discuss potential settlement of litigation.

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

Mayor Rasmussen Jr. reopened the council meeting at 8:25 p.m. and stated that the Mayor and City Manager have been authorized to execute a settlement agreement for pending litigation.

ADJOURNMENT 8:26 P.M.

Councilor Marin moved and Councilor Baker seconded that there being no further business, the council meeting be adjourned at 8:26 p.m., until the next regular meeting of the Albert Lea City Council at 7:00 PM on Monday, September 23, 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 10th day of September, 2013

Secretary to the Council