

**PRESENT:** Mayor Rasmussen Jr., Councilors John Schulte V, Larry Baker, Ellen Kehr, Reid Olson, Larry Anderson and Al Brooks. Also present was City Engineer Steven Jahnke, and Council Secretary Pro Tem Wendy Flugum. City Manager Adams was absent. City Attorney Lee Bjorndal presided.

**CONSENT AGENDA**

- A. Approve Minutes of the September 24, 2012 Regular Council Meeting
- B. Approve Minutes of the September 20, 2012 Work Session
- C. Licenses and Permits (See attached list)
- D. Schedule City/County/Watershed Concurrent Work Session for October 25, 2012 at 5:15 p.m. in Council Chambers
- E. Resolution Approving Renewal of Multi-Agency Law Enforcement Joint Powers Agreement with the State of Minnesota
- F. Resolution Approving Professional Services Agreement with Stantec Consulting Services, Inc.
- G. Resolution Approving Application for Eligibility to Receive Federal Surplus Property
- H. Resolution Approving Addendum to Prairie Wind Coffee Lease Agreement
- I. Resolution Approving Equipment Shared Use Agreement Between City of Albert Lea and Freeborn County

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 12-191 - 12-195  
included with these minutes.)

**PUBLIC FORUM**

Marguerite Kirchner, 2731 Campus Lane, expressed concern about residents in her area possibly having medical emergencies and medical assistance being delayed due to trains that sometimes block the road to their subdivision. She stated they have been waiting for years for the Sunset Street extension and requested that Council consider the importance of the road in emergency situations. Mayor Rasmussen noted that the Sunset Street extension is in the 2013 Capital Improvements Plan.

**PETITIONS-REQUESTS-COMMUNICATIONS**

**NEW BUSINESS**

- A. PUBLIC HEARING AND RESOLUTION 12-196 ADOPTING ASSESSMENTS FOR JOB 1103**

City Attorney Bjorndal explained that the resolution would adopt the final assessments for Job 1103 which involved the complete reconstruction of Lincoln Avenue from Front Street to the DM & E Railroad. Work included removing and replacing the sanitary sewer, watermain, curb and gutter, sidewalk and installing a new aggregate base and bituminous surface to replace the existing gravel surface. The final costs for the project came in higher than the original estimate which was due primarily to higher than expected prices for bituminous and aggregate. Because of this, the final assessments will be the same as the proposed assessments with the exception of the two properties on the east side of the road. The original proposal called for the replacement of the sidewalk on both sides of the street. After discussions with property owners, it was decided that the section of sidewalk on the east side is not used and should be removed and not replaced. The original assessments included the property owners paying for half of the sidewalk replacement, so those assessments have been reduced to reflect the change.

The final costs for the project are \$145,619.02 with a City cost of \$86,947.86 and assessable costs of \$58,671.16. The assessments would be at 4.10% interest over a period of 10 years. Staff recommended approval.

Mayor Rasmussen opened the public hearing and called three times. No one spoke to the issue. Mayor Rasmussen closed the public hearing.

Motion was introduced by Councilor Kehr, 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 12-196  
included with these minutes.)

## **B. PUBLIC HEARING AND RESOLUTION 12-197 ADOPTING ASSESSMENTS FOR JOB 1008**

City Attorney Bjorndal explained that the project involved resurfacing the downtown alleys between Washington Avenue and Broadway Avenue from College Street to Water Street. The existing surface was milled to a depth of three inches along the edges, and increased to five inches in the center in order to give the alleyway a "dish" shape and to help channel the water away from the buildings. The entire surface was then overlaid with three inches of new bituminous. The final costs for the project came in significantly lower than the original estimate. The original estimate had a large contingency for working around the obstructions in the alleys. By moving one foot away from the buildings, the City was able to eliminate most of the obstructions which resulted in the total costs, assessed costs and City costs being reduced by approximately 44% from the original estimate.

Final costs for the project were \$84,391.48 with a City cost of \$19,366.66 and assessable cost of \$65,024.82. Originally, the assessments were to be over ten years. Since the final assessments

were significantly lower than what was originally proposed, Engineering is recommending that the assessments be placed over five years at 4.10% interest. This is in line with the assessment policy. Staff recommended approval.

Mayor Rasmussen opened the public hearing and called three times. No one spoke to the issue. Mayor Rasmussen closed the public hearing.

Motion was introduced by Councilor Baker and seconded by Councilor Schulte. 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 12-197  
included with these minutes.)

#### **C. RESOLUTION 12-198 APPROVING PRELIMINARY DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ALBERT LEA AND FREEBORN PARTNERS, LLC**

City Attorney Bjorndal explained that the City of Albert Lea and Freeborn Partners, LLC, intend to enter into a Preliminary Development Agreement to help decide whether to redevelop the Freeborn Bank and Jacobson buildings. The Agreement will allow Freeborn Partners, LLC, to assemble information, prepare a preliminary concept plan and negotiate with the City concerning approval of a term sheet with a view towards eventual execution of a contract for private redevelopment. The Agreement also sets forth the rights and responsibilities of the City and the Redeveloper with respect to the redevelopment of the Freeborn Bank Building/Jacobson Building. Staff recommended approval of the Preliminary Agreement.

Motion was introduced by Councilor Anderson and 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 Resolutions 12-198  
included with these minutes.)

#### **D. RESOLUTION 12-199 ACCEPTING BID AND AWARDING CONTRACT FOR CITY CENTER ROOFING PROJECT**

City Attorney Bjorndal explained that two bids were received and opened for the re-roofing of City Center. One was from Larson Contracting of Lake Mills, Iowa with a bid of \$381,785.00 and the second was from Interstate Roofing of Onalaska, Wisconsin in the amount of \$282,273. The roofing project is more than a simple re-roof. When constructed, the building included only two 4-inch roof leaders for just over 20,000 square feet of roof which is less than 25% of that required by current code. In addition, there is a lack of adequate drainage, compounded by

existing asbestos, making the project quite complex. The engineering firm of Zenk, Read, and Trygstad (ZRT) recommends accepting the apparent low bid as submitted by Interstate Roofing. The Engineer's estimate was \$250,000. ZRT also recommends accepting Alternate Bid A-1 for an additional cost of \$7,730 which would increase the roofing insulation from an approximate R=30 to R=36. Staff agreed with the recommendation.

Motion was introduced by Councilor Olson and 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 motion passed.

(See Secretary's Original Resolutions 12-199  
included with these minutes.)

#### **E. RESOLUTION 12-200 ACCEPTING BID AND AWARDING CONTRACT FOR ASBESTOS ABATEMENT**

City Attorney Bjorndal explained that the City Center Roofing Project also included a separate bid for asbestos abatement, which was a requirement to do the project. The bid tabulation showed that five bids were received. The apparent low bidder is VIC Environmental, Inc. with a bid of \$9,335.00. The engineering firm of Zenk, Read, and Trygstad recommends awarding the contract to VIC Environmental. The roof project, along with the inclusion of the alternate bid for additional insulation and asbestos abatement brings the total cost of the project to \$299,338.00. Staff agreed with the recommendation.

Motion was introduced by Councilor Baker and seconded by Councilor Olson. 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 12-200  
included with these minutes.)

#### **MAYOR & CITY COUNCIL REPORTS**

First Ward, Councilor Schulte V. reported:

- Committee Updates – Attended HRA meeting and discussed implementing the levy that was recommended by the City.
- Ward Items – All items have been addressed.

Second Ward, Councilor Baker reported:

- Committee Updates – None

- Ward Items – Thanked the Fire Department for fixing the flag on top of the Freeborn Bank Building.

Third Ward, Councilor Kehr reported:

- Committee Updates – Attended Port Authority meeting and discussed the Enderes and GameTec buildings, and transfer of funds from the real estate fund to general fund. Also attended the Human Rights Commission meeting and discussed the Choose Civility initiative in Freeborn County.
- Ward Items – None

Fourth Ward, Councilor Olson reported:

- Committee Updates – None
- Ward Items – Received an email requesting a curb cut and sidewalk and will pass the location on to the City Engineer.

Fifth Ward, Councilor Anderson reported:

- Committee Updates – None
- Ward Items – Items were already submitted; also thanked Police Department for going after vandalism and congratulated the City and County on sharing resources.

Sixth Ward, Councilor Brooks reported:

- Committee Updates – Attended the Port Authority meeting.
- Ward Items – Received updates from City Engineer's office on 12<sup>th</sup> and 13<sup>th</sup> Streets and will contact industries.

Mayor Rasmussen Jr. reported the following:

- Candlelight Vigil for Domestic Violence on October 11, New Denmark Park.
- 'Hero's for Ferals' Walk for Freeborn County Humane Society on October 13.
- School Board Candidate Forum on Oct. 10 - City/County Candidate Forum on Oct. 11.
- The Mayor announced that the 2013 Tough Mudder competition is looking for a location in southern Minnesota for their July 20-21 event. The event requires 350 to 400 acres of land and the owner would be compensated. Anyone interested in hosting should contact Susie Petersen at the CVB.

#### **RESOLUTION 12-201 APPROVING CLAIMS**

Councilor Anderson moved that the resolution be approved for payment of claims as presented for checks #46119 through #46270 in the amount of \$823,280.59, 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 Resolution 12-201  
included with these minutes.)

**ADJOURNMENT**

Councilor Kehr moved and Councilor Olson seconded that there being no further business, the council meeting be adjourned at 7:36 p.m., until the next regular meeting of the Albert Lea City Council at 7:00 p.m. on Monday, October 22, 2012. 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.

Filed and attested October 9, 2012

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Council Secretary Pro Tem