

**REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
Monday, October 27, 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 City Manager Chad Adams, Assistant City Manager Sack Thongvanh, City Engineer Steven Jahnke, City Attorney Lee Bjorndal and City Clerk Shirley Slater-Schulte.

YOUTH IN GOVERNMENT

Dennis Dieser was present with several students representing “Youth in Government” class in attendance for the Council Meeting. Students are learning about local government and thanked the council for allowing them to participate.

CEREMONIAL ITEMS

PRESENTATION OF CAPITAL CREDIT RETIREMENT CHECK FROM FREEBORN MOWER COOPERATIVE SERVICES

Jim Krueger, President of Freeborn Mower Cooperative Services, presented a check in the amount of \$33,682.52 to the City of Albert Lea for the retirement of Capital Credits. The check will be allocated to the Sewer Fund as the check pertains to the Wastewater Treatment Plant.

PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Mayor Rasmussen presented the ‘Certificate of Achievement for Excellence in Financial Reporting’ to Kristi Brutlag and Tanya Harms, Finance Staff, as it was awarded to the City of Albert Lea by the Government Finance Officers Association of the United States and Canada for its comprehensive annual financial report for the year ended December 31, 2013. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. The City of Albert Lea has received this Certificate of Achievement since 1983 for 31 consecutive years.

ALBERT LEA POLICE DEPARTMENT AWARDS

Public Safety Director Dwaine Winkels introduced Officer Brianna Lutz and Officer Todd Deming who received Life Saving Awards from the Albert Lea Police Department. Both officers responded to a medical call where a patient was unresponsive. Upon arrival, the officers determined the patient was not breathing and didn’t have a pulse. They immediately administered life-saving CPR and assisted paramedics when they arrived on the scene. The patient was successfully revived and eventually returned home after a short hospital stay. This

is Officer Lutz's and Officer Deming's second life-saving award since joining the department less than two years ago.

PUBLIC FORUM

Bruce Holland, 521 E. 11th Street, property owner of 902 Frank Avenue requested guidance for the house directly next to his property that has lots of debris and is in bad condition. He contends that he is unable to sell his home because of the condition of the home next to his. Mayor Rasmussen suggested that City Manager Adams follow up with Mr. Holland.

Hugh O'Byrne, 72897 220th Street, developed property known as the Sundance Subdivision. Mr. O'Byrne stated that a person building a home on the property was told by city staff that they needed to have the site surveyed before the home could be built. He stated further that the lot lines were obvious and he felt an additional survey was unnecessary as the property was surveyed in the beginning. Discussion was held among council and staff about whether or not a survey of property is becoming mandatory.

CONSENT AND APPROVAL OF AGENDA

- A. Approve Minutes Of The October 13, 2014 Regular Council Meeting
- B. Approve Minutes Of The September 9, 2014 Work Session
- C. Licenses And Permits (See attached list.)
- D. Resolution 14-225 - Authorizing Agreement With Harty Mechanical, Inc. For Arena Fluid Cooler Replacement
- E. Resolution 14-226 - Authorizing Agreement Between Southeastern Libraries Cooperating (SELCO) And The City Of Albert Lea
- F. Resolution 14-227 - Approving Lawful Gambling Premises Permit For Albert Lea Hockey Association
- G. Resolution 14-228 - Deferring Special Assessment For City Project 1450 Improvements Against Certain Property Based Upon Age Or Disability
- H. Approve Small Cities Development Program (SCDP) Pre-Application
- I. Set Canvass Board Meeting For November 10, 2014 At 6:45 P.M.

Motion: Move to approve the consent agenda as presented.

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.

(See Secretary's Original Resolution 14-225-228
included with these minutes.)

UNFINISHED BUSINESS

**ORDINANCE 184,5D AMENDING CITY CODE TO RESTRUCTURE CITY DEPARTMENTS
(2nd READING)**

City Manager Adams explained that the first reading of the ordinance was held at the October 13th Council meeting. The ordinance includes the proposed restructure of departments as recommended by the City Manager. The primary changes to the restructure include the elimination of the Parks and Recreation Department and the Library Department. However, parks services will be maintained similarly, but restructured underneath Public Works. Recreation services will be maintained or enhanced through increased collaboration with Community Education, the YMCA, or other private associations. The Library Department would be restructured under the Administrative Department and again would not see any impact on services, with the exception of increased possibility and sustainability to re-open the Library with Friday hours. Staff recommends approval to amend the ordinance.

City Manager Adams presented a slide presentation of the recommended staff organizational chart. The City does not intend to reduce level of maintenance or care of parks; there will be opportunities to increase service through this new model.

Councilmember presented questions regarding this item.

MOTION: I will move to table this item until November 24, 2014.

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

(See Secretary's Original Ordinance 184,5d
included with these minutes.)

ORDINANCE 185,5D AMENDING CITY CODE TO ADD ALBERT LEA SENIOR CENTER AS CITY BOARD (2nd READING)

City Manager Adams explained that the first reading of the ordinance was held at the October 13th Council meeting. The Senior Center Board is an advisory board to the Senior Center. The Board should be acknowledged as part of the City structure and as an advisory board to the Senior Center. Staff supports adding language to the City Code clearly establishing the Senior Center Board and its advisory duties. Staff recommends approval.

Motion made by Councilor Baker, 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 Ordinance 185,5d
included with these minutes.)

ORDINANCE 186,5D AMENDING CITY CODE CHAPTER 14 – LIVESTOCK REGULATIONS (2nd READING)

City Manager Adams stated that the first reading of the ordinance was held at the October 13th Council meeting. The current animal ordinance has references to a city sanitarian, a position that has been abolished. A team of staff members has reviewed the ordinance for necessary changes and updated language. The proposed ordinance specifies where livestock and small animals may be kept, the permitting process and general restrictions. The proposed fee for the license will be \$60 to help cover the licensing process and inspection. Staff supports the ordinance to amend the City Code regarding livestock regulations.

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

(See Secretary's Original Ordinance 186,5d
included with these minutes.)

**RESOLUTION 14-239 PERMITTING PUBLICATION OF ORDINANCE SUMMARY 186,5D
AMENDING CITY CODE CHAPTER 14, ARTICLE I – LIVESTOCK REGULATIONS**

City Manager Adams explained that the attached resolution would approve publication of a summary of this ordinance to amend livestock regulations. Publishing the summary meets the publication guidelines, but must pass by a four-fifths vote of the council. Staff recommends approval of the resolution permitting publication of the summary.

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

(See Secretary's Original Resolution 14-239
included with these minutes.)

**ORDINANCE 187,5D AMENDING CITY CODE CHAPTER 14, ARTICLE II, SECTION 14-35(C)
- DOG LICENSING (2nd READING)**

City Manager Adams explained that the first reading of the ordinance was held at the October 13th Council meeting. The current ordinance states that a certificate of rabies vaccination is required as part of licensing a dog in the City. The ordinance is being amended to add that the owner will be responsible to keep the animal vaccinated against rabies for the term of the license. Staff recommends approval to amend the ordinance.

Motion made by Councilor Anderson, 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 Ordinance 187,5d
included with these minutes.)

ORDINANCE 188,5D AMENDING SECTIONS OF THE CITY CODE TO INCORPORATE REVISED FLOODPLAIN DISTRICTS AND REGULATIONS (2nd READING)

City Manager Adams explained that the first reading of this ordinance was held at the October 13th Council meeting. The Federal Emergency Management Agency (FEMA) has updated the existing flood maps with new technology. After FEMA makes revisions, local governments must adopt the new maps if they want their communities to have flood insurance. This results in the need to amend or delete numerous sections of the City Code to bring it into compliance. This has been approved by the Planning Commission. Staff recommends approval to amend the ordinance.

Motion made by Councilor Brooks, 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 Ordinance 188,5d
included with these minutes.)

RESOLUTION 14-240 PERMITTING PUBLICATION OF ORDINANCE SUMMARY 188,5D AMENDING SECTIONS OF THE CITY CODE TO INCORPORATE REVISED FLOODPLAIN DISTRICTS AND REGULATIONS

City Manager Adams explained that the attached resolution would approve publication of a summary of this ordinance to amend floodplain districts and regulations. Publishing the summary meets the publication guidelines, but must pass by a four-fifths vote of the council. Staff recommends approval of the resolution permitting publication of the summary.

Motion made by Councilor Brooks, 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 14-240
included with these minutes.)

NEW BUSINESS

PUBLIC HEARING AND RESOLUTION 14-241 ADOPTING A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 5 AND MODIFICATION TO TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 5-22

City Manager Adams explained that a public hearing is being held to receive input on modifications to the Development Program for Development District No. 5 and the Tax Increment Financing Plan. The District would be modified to facilitate a 93,600 sq. ft. expansion to Mrs. Gerry's existing manufacturing facility along with improvements to storm water infrastructure related to the project, and desirably the construction of a regional storm water pond to benefit other properties in the area. The duration of the District is nine years of increment; the district was created two years ago and only seven years remain in the life of the district. Rebecca Kurtz with Ehlers and Associates presented an overview of the Modified Plan. Staff recommends approval.

Mayor Rasmussen Jr. opened the Public Hearing.

No one spoke to this issue.

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

Motion made by Councilor Marin, 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 14-241
included with these minutes.)

PUBLIC HEARING AND RESOLUTION 14-242 ADOPTING A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 5; AND ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 5-24 THEREIN AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR

City Manager Adams explained that at their meeting of September 22nd, Council moved to table the public hearing to this meeting to consider the establishment of Tax Increment Financing District 5-24 for St. John's Lutheran Home of Albert Lea. St. John's has applied for tax increment financing assistance for the construction of a continuing care retirement community. The project would be eligible for a housing tax increment district that has 26 years of tax increment beginning in 2015. The tax increment plan, modification to development district and summary are attached for your reference. The Planning Commission, at their September meeting, also adopted a resolution in support of the Development District program and plan. Rebecca Kurtz with Ehlers and Associates provided an overview of the Modified Plan. Staff recommends approval.

Mayor Rasmussen Jr. opened the Public Hearing. No one spoke to this issue.

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

Motion made by Councilor Marin, 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 14-242
included with these minutes.)

SEVERANCE PAY POLICY

City Manager Adams has reviewed various models and options; Staff is recommending the approval of the attached severance policy in circumstances where the City permanently eliminates a position. Severance policies are beneficial to the employee and employer in terms of providing better clarity to employees when such eliminations are needed, to ease an employee's transition to new employment, as well as provides more competitive application pools and makes a newly hired employee feel more secure and valued.

MOTION: Move to table this item until November 24, 2014.

Motion made by Councilor Marin, 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.

MAYOR AND COUNCIL REPORTS

First Ward, Councilor Schulte V reported:

- Ward Items – Received numerous telephone calls regarding the reorganization and the Blazing Star Landing site.
- Committee Update – none

Second Ward, Councilor Baker reported:

- Ward Items – none
- Committee Update – Preservation Committee is planning a “Downtown Expo” for Spring, 2015
- Attended the Edgewater Cottage re-opening – Thanked everyone involved with this project, Corp Sponsors, volunteers, donations, Tony Trow, Bob Goldman and Kim Hanson

Third Ward, Councilor Marin reported:

- Ward Items – Thank you to the Cottage Restoration Committee for all of their hard work in completing this project.
- Committee Update – Questions regarding simple majority and super majority. City Attorney Bjorndal gave explanation on this vote.

Questions regarding a Public Hearing on the reorganization issue.

- Questions on lot survey requirement – City Manager Adams will follow and bring the item back to Council.

Fourth Ward, Councilor Olson reported

- Ward Items – Several telephone calls regarding the reorganization
- Committee Update – none

Fifth Ward, Councilor Anderson reported:

- Ward Items – Referred to city staff.
- Committee Update - Reported on Airport Improvements, Arrival/Departure Building, CIP Projects for the Airport, etc.
- Thanked the “Youth in Government” for attending the council meeting.

Sixth Ward, Councilor Brooks reported:

- Ward Items – Received numerous telephone calls on reorganization and garbage.
- Committee Update – none

REPORT OF THE MAYOR

Mayor Rasmussen Jr. reported the following:

- Chapel Halloween – Chapel Comics is sponsoring a Halloween party for kids on October 31st from 12 noon to 7:00 p.m.; the event will be on the sidewalk in front of the downtown store located at 115 S. Broadway. Activities include pumpkin painting, a coloring contest, costume contest, free food and prizes.
- Congratulated the Soccer Team and daughter Katie who participated on the team.
- Choir Concert tomorrow night at First Lutheran Church.

APPOINTMENT OF SENIOR CENTER BOARD MEMBERS

Mayor Rasmussen requested that the following residents be appointed to the Senior Center Board:

- Edward Hanson
- Beverly Torgerson
- Sharon Gardner
- Alberta Alderson
- Dick Mucha
- Mary Renchin

- Judy Thorson

MOTION: Move to approve the appointment of the Senior Center Board Members as stated.

Motion made by Councilor Marin, 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.

CITY MANAGER REPORT

City Manager Adams reported the following:

- Attended the Cottage presentation and historical factors.
- Freeborn Bank Building update and moving forward with ideas on this project

APPROVAL OF CLAIMS

RESOLUTION 14-243 APPROVING CLAIMS

City Manager Adams explained 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 #54019 through #54156 in the amount of \$637,160.96, 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 14-243
included with these minutes.)

ADJOURNMENT 8:22 P.M.

Motion made by Councilor Marin, seconded by Councilor Baker 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, November 10, 2014. 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.

Dated this 28th day of October, 2014

Shirley Slater-Schulte, Council Secretary