

**REGULAR COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
Tuesday, November 12, 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 Chad Adams, City Engineer Steven Jahnke and City Clerk Shirley Slater-Schulte.

REVIEW CONSENT AGENDA OF NOVEMBER 12, 2013

- A. Approve Minutes Of The October 28, 2013 Regular Council Meeting
- B. Approve Minutes Of The October 24, 2013 Work Session
- C. Licenses And Permits (See Attached List)
- D. Resolution 13-232 Amending Resolution 13-244 Adopting Reallocation Of Special Assessments For Summerdale Townhomes Fourth Subdivision
- E. Resolution 13-233 Authorizing Payment And Acceptance Of Permanent Easement
- F. Authorize Acquisition of Equipment For Engineering Department
- G. Authorize Acquisition Of Equipment From Minnesota Department Of Transportation (MNDOT)
- H. Resolution 13-234 Authorizing Application To FEMA 2013 Assistance To Firefighters Grant
- I. Resolution 13-235 Authorizing Application To IBM Smarter Cities Challenge Grant

Motion: I will move to approve the consent agenda and also the addition of Items 8B, 8C, and 8D under New Business.

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

PUBLIC FORUM

Mr. Harold Kamrath, 326 Glenn Road, had questions and comments regarding:

- 2014 Proposed Budget - would like to check out this document from the Library.
- Last year taxes were raised 4.5% with 3% dedicated to the full-time Fire Department, 1.5% for infrastructure and capital improvements. Instead, wage increases were given. Encouraged council to be honest with the taxpayers.
- Wage increases for City employees
- Increase in debt service
- Purchase of the vacuum truck, remodeling of the city garage, heating and cooling system for City Hall
- City reserves and interest rate on these dollars
- Monies paid out for the LEC, new Fire Station, etc.

PETITIONS-REQUESTS-COMMUNICATIONS

RESOLUTION 13-236 ACCEPTING DONATION FROM INNOVANCE, INC. FOR BROADWAY AVENUE STREETScape TREE GUARDS

City Manager Adams stated that in order to reduce costs of the Broadway Avenue Infrastructure and Streetscape project, the City eliminated the purchase and installation of 35 tree guards. The City had intended to fundraise in order to be able to purchase tree guards in the future. Innovance has approached the City and is willing to construct the tree guards at cost and donate half of the tree guards as well. The City would then be responsible for a cost of \$4,305.00, which is included in the 2014 budget. This is a significant cost savings over the bid prices for the City. Mr. Craig Schmidt of Innovance presented a sample tree guard. Staff recommends acceptance of the donation.

Mayor Rasmussen Jr. and Councilors thanked Innovance for the donation to the community. The Mayor also expressed this thanks to ALAMCO for the material donated for the Shoff Park shelter.

MOTION: I will move to accept this donation.

Motion made by Councilor Anderson 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 13-236
included with these minutes)

RESOLUTION 13-237 ACCEPTING DONATION FROM ALBERT LEA COMMUNITY THEATRE (ACT) FOR THE MARION ROSS PERFORMING ARTS CENTER

City Manager Adams explained that the attached resolution would be the formal action to accept donations from the Albert Lea Community Theatre (ACT) at the Marion Ross Performing Arts Center that included \$2,827.83 worth of improvements. The improvements included reupholstered benches in the front lobby, lights in the front windows, purchase and installation of acoustical panels and improvements to electrical. Staff recommends approval.

Mr. Rory Mattson thanked the council for the improvement to the downtown area. ACT has donated and installed acoustical panels and made improvements to the electrical. Mr. Mattson also stated that attendance has improved from 4,800 to 10,000 per year. The new management has brought in Opera, National Theatre Company, and ten rental acts operating 39 weekends out of the year. He thanked the council for the opportunity of running this facility. Improvements for the future will include an upgrade to the sound system for approximately \$10,000; this cost is suggested to be shared between the City and ACT.

MOTION: Move to accept the donation as presented.

Motion made by Councilor Baker to adopt this resolution, 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 13-237
included with these minutes)

SOUTHERN MINNESOTA INITIATIVE FOUNDATION (SMIF) PRESENTATION - TIM PENNY

Mr. Tim Penny, President and CEO for the Southern Minnesota Initiative Foundation provided handouts to the Mayor and Council regarding the investments in early childhood and entrepreneurs. Mr. Penny reported on the support given to local entrepreneurs in creating and growing strong businesses that provide quality jobs and have a positive local and regional economic impact and the support given to early childhood development.

Mayor Rasmussen and Councilors thanked Mr. Penny for the support and for the partnership with our community.

RELOCATION OF SKATEBOARD PARK

City Manager Adams explained that the City Council formally received a petition on October 14, 2013 to relocate the current Skate Park from the City Beach to another location. Prior to the City Council formally receiving this petition, the Park Board voted to recommend relocating the Skate Park to Frank Hall Park at their September 16, 2013 meeting. This is not a public hearing, but a public forum to solicit public input and feedback on relocating the Skate Park from the City Beach to Frank Hall Park. No action is required but the council may act on this or provide direction. A copy of written comments has been provided to the City Council at the work session, and subsequently the regular Council meeting if additional responses are received. Staff has also received a few phones calls pertaining to the location of the Skateboard Park, with the responses being mixed. Staff would recommend referring the item back to the Park Board and Staff for further research and analysis.

Mayor Rasmussen Jr., received a petition of approximately 27 people in favor of keeping the park where it is currently located.

Mr. Gary Hagen, 501 Albert Lea Street, stated the following:

- Council has spent millions of taxpayers' dollars on the Freeborn Bank Building and the Broadway Streetscape Project in the name of Downtown beautification and revitalization and asked us as taxpayers to support that decision.
- Taxpayers in the immediate Skate Park area, have spent thousands of our own dollars on our homes in an effort to beautify and revitalize our neighborhood, and ask you to support us and honor the original petition to move the Skate Park and the original

recommendation by the Parks and Recreation Advisory Board to move the Skate Park, so that we can enjoy our home and the lake in this area.

Cindy Gilbert, 310 Johnson Street, stated the following:

- During summer hours, the beach is loaded and she has no problem with the beach goers
- Lived in this area for 5 summers, this past summer has been the worst ever
- Skateboarding, rollerblading, scooters and bicycles start at sun-up and continue until past sundown, sometimes in the middle of the night
- Measured the noise decibel levels inside the home and the noise is too high
- The noise level consists of thumping, grinding and riding rails
- Has emailed the Parks and Recreation Department, contacted the Police Department several times during the summer
- Move the park to a non-residential area
- Develop the beach area

Vicki Larson, 204 North Shore Avenue, stated the following:

- Keep the Skate Park at its current location
- Participants are young and should not be combined with older children
- Measured the decibel levels and these levels are less than a normal conversation
- Skate Park was developed in 2001, Townhomes were built in 2004
- Letter from County Assessor stated no reduction of the market value on the homes located near the Skate Park
- 2013 – there were 24 telephone calls to the police, 14 related to the Skate Park, 11 due to signage issue, there are 3 signs posted regarding the closing of the park
- 2013 – many more telephone calls to the police regarding Frank Hall Park
- All of us need to watch out for all children
- Suggested potential solutions such as the installation of a sound barrier against the Skate Park wall that faces the neighborhood, spray equipment that would be installed to deaden the noise, Homeowners Association could install a sound barrier wall

Mr. Dave Karge, 702 Frank Avenue, stated the following:

- Where would this Skate Park be located
- Tennis courts should be maintained in the Frank Hall Park area
- Already lots of activity in this area, traffic is a problem, trucks and semis travel this route
Suggested that the City deal with the problem where it is, not move the park to another area.

Mr. Ken Mulgrew, 509 Clausen Drive, stated the following:

- Moved to Albert Lea in 1999, there was no skate park there, it should have stayed a tennis court
- Gave examples of the types of bad behavior, foul language and disrespect that has happened this past summer
- Skate Park was built in 2001 and there were plans to have it supervised
- Austin has their Skate Park in a nonresidential area.
- Skate Park should be moved out of a residential area

Ms. Sharon Nelson, 310 Johnson Street, stated the following:

- Not against the skate park
- Need to move this park to a larger area, it is too small for the bikes, scooters and skaters
- Wants to have a skate park in Albert Lea
- Encouraged the council to find a solution

Ms. Janelle Tuttle, 22094 Trout Avenue, stated the following:

- Questions regarding the moving of this park and what locations are being considered.
- Checked with other cities and most skate parks are located within the city parks
- Most of these skate parks do not have security other than regular police patrol
- Son has been riding BMX bike since 9, have traveled to many skate parks and participated in many contests
- Would encourage the community to work through the problems as this type of facility is needed in the community

Harold Kamrath, 326 Glenn Road, asked the cost of moving the skate-park.

MOTION: Move to direct this to staff for direction and options.

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.

UNFINISHED BUSINESS

City Manager Adams explained that he would address all of the following items together as they are all related to the Diversified Central District (DCD). Language needs to be added to the Sign Ordinance that addresses dynamic signs in the B3 District and the DCD District that are currently not allowed, but the city would allow them in the time duration of messages that would be 24 hours at a minimum. Also, want to confine the dynamic signs to be wall signs, have some language that would memorialize that, and language regarding the size that dynamic signs

would be subject to the review of the HPC. Based on that discussion, it would be a recommendation to table the following items until the November 25th Council Meeting:

ORDINANCE 163,4D AMENDING CHAPTER 74 OF THE CITY CODE BY ADDING DCD-DIVERSIFIED CENTRAL DISTRICT AND DIMENSIONAL STANDARDS (2ND READING)

RESOLUTION PERMITTING PUBLICATION OF SUMMARY ORDINANCE 163,4D BY TITLE AND SUMMARY – AMENDING CHAPTER 74 OF CITY CODE BY ADDING DCD-DIVERSIFIED CENTRAL DISTRICT AND DIMENSIONAL STANDARDS

ORDINANCE 164,4D AMENDING OFFICIAL ZONING MAP TO REZONE CERTAIN PARCELS TO DCD- DIVERSIFIED CENTRAL DISTRICT (2ND READING)

RESOLUTION PERMITTING PUBLICATION OF SUMMARY ORDINANCE 164,4D BY TITLE AND SUMMARY - AMENDING OFFICIAL ZONING MAP TO REZONE CERTAIN PARCELS TO DCD-DIVERSIFIED CENTRAL DISTRICT

ORDINANCE 176,4D AMENDING CHAPTER 74 OF THE CITY CODE – SIGN STANDARDS BY ZONING DISTRICT (2ndREADING)

RESOLUTION PERMITTING PUBLICATION OF SUMMARY ORDINANCE 176,4D BY TITLE AND SUMMARY - AMENDING CHAPTER 74 OF THE CITY CODE - SIGN STANDARDS BY ZONING DISTRICT AND DEFINITIONS OF THE CITY CODE

MOTION: Move to table until November 25, 2013.

Motion made by Councilor Anderson, 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.

NEW BUSINESS

RESOLUTION 13-238 AMENDING BROADWAY AVENUE STREETScape DONATION PROGRAM

City Manager Adams explained that at the meeting of June 10, 2013 the Albert Lea City Council approved a policy establishing procedures for the acceptance of donations to the Broadway Avenue Streetscape project. With the donation of tree guards from Innovance, Inc., and the City's cost-share, the policy may now be amended to remove tree guards from the list of design elements that may be donated. Staff recommends approval to amend Policy 2.10, the Broadway Avenue Streetscape Donation Program.

Motion made by Councilor Anderson to adopt this resolution, 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 13-238
included with these minutes)

RESOLUTION 13-239 PROVIDING FOR THE SALE OF \$1,285,000 GENERAL OBLIGATION EQUIPMENT CERTIFICATES 2013B

City Manager Adams explained that the City has planned to issue equipment certificates to finance several equipment projects in 2013. Now that all aspects of the City Center HVAC and boiler project have been bid, the City is ready to call for the sale of the equipment certificates that would finance asbestos abatement, boiler removal, the HVAC project and water meters. A bond rating will be conducted since the sale is in excess of one million dollars. Ehlers & Associates has prepared the Pre-Sale Report, which contains the calendar with the bond sale awarded at a special council meeting on Thursday, December 19 at 5:30 p.m. 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 13-239
included with these minutes)

RESOLUTION 13-240 AUTHORIZING SMALL CITIES DEVELOPMENT PROGRAM (SCDP) APPLICATION

City Manager Adams explained that the attached resolution would authorize the City to apply for Small Cities Development Program (SCDP) funding to rehabilitate households in various targeted areas of the City as defined in the Small Cities pre-application adopted by Council in 2006.

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 13-240
included with these minutes)

RESOLUTION 13-241 CORRECTING CLERICAL ERROR IN FINDINGS OF FACT AND ORDINANCE AMENDING THE OFFICIAL REZONING MAP TO REZONE CERTAIN

PARCELS FROM IDD INTERSTATE DEVELOPMENT DISTRICT TO I-1 LIMITED INDUSTRIAL DISTRICT

City Manager Adams explained that at the meeting of August 12, 2013, the City Council adopted Ordinance 171,4d amending the Zoning Map to rezone four parcels from IDD Interstate Development District to I-1 Limited Industrial District. A number was inadvertently omitted from a single property identification number. It listed the parcel number as 34090050 and the correct number should have been 344090050. The resolution will be signed by the Mayor and Secretary with the correct parcel identification.

Motion made by Councilor Anderson to adopt this resolution, 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 13-241
included with these minutes)

MAYOR & CITY COUNCIL REPORTS

First Ward, Councilor Schulte V. reported:

- Ward Items - Boulevard trees, Stop Sign Review, Senior Center Budget
- Committee updates - none

Second Ward, Councilor Baker reported:

- Ward Items - none
- Open House at Art Center featured local jewelry artists and other art displays
- Committee updates - Direct city staff to look into the City owned tennis courts, etc.

Third Ward, Councilor Marin reported:

- Ward Items - progress in ward regarding Sunset Street Extension
- Committee updates - none

Fourth Ward, Councilor Olson reported:

- Ward Items - Call regarding the budget for the Senior Center and issue with a road
- Committee updates - none

Fifth Ward, Councilor Anderson reported:

- Ward Items - none
- Committee updates - none

- Reminded people of the ice, wet leaves and to watch for children

Sixth Ward, Councilor reported:

- Ward Items - none
Committee updates - ALEDA, Skate Park, etc.

Mayor Rasmussen Jr. reported the following:

- Update on the Albert Lea Port Authority Meeting
- Project Blue Jay – stated that we were one of many cities and have been eliminated from the process as the City already has a food processing plant.
- Informed Council that he would be handing out evaluation forms for the upcoming review and performance of the City Manager to be completed and returned by the end of November, 2013. A Special Closed Meeting is scheduled for December 19, 2013 after the Work Session.

APPOINTMENT TO PARK AND RECREATION BOARD

Mayor Rasmussen Jr., requested the appointment of Mr. Brian Hensley to the Park and Recreation Board.

MOTION: Move to appoint Mr. Brian Hensley to the Park and Recreation Board.

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, 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:

- The City received an annual Capital Credit Retirement Check in the amount of \$64,000 from the Freeborn Mower Services Cooperative. Mr. Adams thanked the Freeborn Mower Cooperative.
- The City Manager will meet with the Senior Center Board on November 27, 2013 to review the transitional phase with the 2014, 2015 and 2016 budgets. City Manager Adams stated that the City is by no means removing staff or the \$87,000.00 in funding to the Senior Center effective January 1, 2014.

RESOLUTION 13-242 APPROVING CONTRACT WITH COUNCILMEMBER

City Manager Adams explained that the attached resolution directs the Mayor and City Clerk to make payment in the amount of \$1,235.00 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, Councilmember John Schulte.

Motion made by Councilor Olson to adopt this resolution, seconded by Councilor Baker. 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 13-242
included with these minutes)

RESOLUTION 13-243 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 #50707 through #50826 in the amount of \$1,307,958.41; 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 13-243
included with these minutes)

ADJOURNMENT 8:34 P.M.

Councilor Baker moved and Councilor Marin seconded that there being no further business, the council meeting be adjourned at 8:34 p.m., until the next regular meeting of the Albert Lea City Council at 7:00 p.m., on Monday, November 25, 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 12th day of November, 2013

Secretary to the Council