

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

CONSENT AGENDA

- A. Approve Minutes of the November 13, 2012 Regular Council Meeting
- B. Approve Minutes of the November 8, 2012 Work Session
- C. Approve Minutes of the November 13, 2012 Canvassing Board Meeting
- D. Resolution 12-237-Authorizing Execution Of Minnesota Department Of Transportation Grant Agreement For Airport Improvement – Airport Apron Rehabilitation And Security/Wildlife Fence Construction
- E. Resolution 12-238-Deferring Special Assessment For City Project 1250 & 1251 Improvements Against Certain Property Based Upon Age Or Disability (1807 Southeast Marshall)

MOTION: I will move to approve the consent agenda as amended with the addition of 5B., Senior Resources Report.

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 12-227-12-228 included with these minutes.)

PUBLIC FORUM

PETITIONS-REQUESTS-COMMUNICATIONS

TIGER HILLS SUBDIVISION PLAYGROUND EQUIPMENT

City Manager Adams explained that Brian and Emma Johnson, representing residents that live in the Tiger Hills Subdivision presented a check in the amount of \$10,201.20 to the City of Albert Lea for approval by Council. The neighborhood raised this money for the purchase of playground equipment for Tiger Hills Park. The City has \$10,000 of matching funds in the 2013 budget for the purchase of equipment for the park. Upon

council approval, the equipment would be purchased and installed next summer. Staff recommends accepting the donation. Grant received also from Mayo Clinic for their donation, also thank you to Greg and Rhonda Moen for their donation.

City Manager Adams noted that an additional \$20,000 of City funding towards the park will be considered in the next year for future placement in the City's Capital Improvement Plan.

Mayor Rasmussen Jr., thanked everyone who donated and helped to make this project.

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

Ms. Annette Petersen from Senior Resources explained their programs, contributions that have been received in the past, collaboration with the Task Force, interaction with newsletter, media and both Boards. Senior Resources is requesting a \$4,000 donation from the City to support additional rides, Chore Services and additional hours committed to Advocacy, be reinstated for the budget year 2013.

UNFISHED BUSINESS

BROADWAY INFRASTRUCTURE AND STREETScape PROJECT

City Manager Adams explained that a public information meeting was held on the project on November 19th to review some of the final Streetscape elements and decisions. Staff and the project engineer are in the final design stage for preparation of plans and specs and are seeking comment/direction on the proposed plan and streetscape elements. This will be the last scheduled agenda item for discussion of the project until Staff returns to the Council with the final plans and specs for Council action to approve and authorize for bid. A presentation will be provided at the meeting. No action is required on this item.

City Engineer Steve Jahnke presented a summary on the "Final" Streetscape Design Concepts

- Street Width, Sidewalk Width and Bump-outs
- Replace deteriorating infrastructure
- Develop a unique, quality design
- Provide for Increased business and event opportunities in the downtown area
- Remove the existing signal systems and replace with four-way stops
- Water Street Plaza
- William Street Plaza

- Fountain Lake Park Improvements
- Fountain Street Connection
- Fountain Lake Park Lookout Area
- Light Fixtures on Broadway
- Mid-Block Street Lights
- Intersection Street Lights
- Storm Sewer and Stormwater Treatment Discussion
- Preliminary Cost Estimate
- Project Schedule – November, 2012- February, 2013
- Complete in October/November, 2013
- Dollars from grants, special assessments, bonding, etc.

Discussion by the council to have deducts in the bidding process for the plazas and Fountain Lake Park.

Mayor Rasmussen Jr., thanked everyone and the comments that have been presented for this project.

ORDINANCE 154, 4d - AUTHORIZING CITY OF ALBERT LEA TO PERFORM BACKGROUND CHECKS (1ST READING)

City Manager Adams explained that the City would like to use the Albert Lea Police Department to run background checks that include criminal histories. The attached ordinance would give the police department the authority to provide this service. Currently, city police departments can have access to the state's database of criminal justice information maintained by the Bureau of Criminal Apprehension (BCA) only to perform duties that are required by law (MN 299C.46) and generally means performing law enforcement duties. However, an ordinance can be adopted to allow the use of this data for non-criminal purposes such as employment background checks, liquor license applications and peddler licenses. Staff recommends that Council adopt the ordinance.

Motion was introduced by Councilor Baker for the 2nd reading and publication of a Summary of the Ordinance, 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.

NEW BUSINESS

ORDINANCE 155,4d- GRANTING FRANCHISE TO CC VII OPERATING LLC, D/B/A CHARTER COMMUNICATIONS TO OPERATE AND MAINTAIN A CABLE

COMMUNICATIONS SYSTEM IN THE CITY OF ALBERT LEA; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS (1ST READING)

City Manager Adams explained that the City's legal counsel representing the City on the franchise renewal, Bob Vose with Kennedy and Graven, is recommending approval of the franchise agreement after both parties have agreed to terms. One of the substantive changes to the agreement would be the City's ability to institute a Public, Education, Government (PEG) fee to use for acquisition of new video and audio equipment needs to enhance our local programming. The City can make a decision on that PEG fee at a later date. The term of the franchise is 15 years. Adams added that there is no "favored nations" clause in this agreement and other franchises have the opportunity to provide service in the community as long as they meet comparable requirements in this agreement. Staff recommends approval of the ordinance.

Motion to adopt the 1st reading of Ordinance 155,4d as presented. Motion was introduced by Councilor Anderson and 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.

ORDINANCE 156,4d - AMENDING CHAPTER 22, ARTICLE XI – PROHIBITING SMOKING AND TOBACCO RELATED PRODUCTS OF ANY KIND AT CITY HALL (1ST READING)

City Manager Adams explained that the attached ordinance would amend Section 22 of the City Code to prohibit smoking and tobacco related products at City Hall. City Hall will include the facility and all adjacent parking owned by the City at the property. Staff recommends approval of the ordinance.

Ms. Pat Stumme, 73779 240th Street, works with Senior Resources, 55 years and older, in favor of the No Smoking at City Hall, second hand smoke is not healthy for any of the residents. She is in favor of this ordinance.

Mr. Randy Kehr, 1712 Plainview Lane, significant business have participated in No Smoking, Fairlane Building had a No Smoking Day at the Fair, ordinance should include the city arena and within 25 feet of the door, residents and customers must enter second hand smoke. He is in favor of this ordinance.

Jenine Kozolek, 1121 Shore Acres Drive, dealing with Fountain Treatment Center, quality of life if we stay tobacco free. Quality of life for our youth in Albert Lea and include all youth areas.

Alice Englin, 203 W. Clark Street, tribute to our youth that are present, wants to encourage “No Smoking” at City Hall. Stated that Riverland College Campus is now a “No Smoking Center”.

Kessa Albright, 131 N. 2nd Avenue, Senior at Albert Lea High School, in favor, of the ordinance for “No Smoking” within Albert Lea.

Patricia Hareid, Mayo Clinic Health Systems, Albert Lea, experience in 2003, grounds still not good enough, setting a poor example on sending the employees outside to smoke. Staff was offered some no smoking replacement therapy. She is in favor of this Ordinance

Motion to adopt the 1st reading of Ordinance 156,4d as presented. Motion was introduced by Councilor Baker and seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said motion: Councilors Baker, Kehr, Anderson, Brooks and Mayor Rasmussen Jr. Councilor Schulte V and Olson voted nay. Mayor Rasmussen Jr. declared the motion passed.

MAYOR & CITY COUNCIL REPORTS

First Ward, Councilor Schulte V. reported:

- Committee Updates– None
- Ward Items – None.

Second Ward, Councilor Baker reported:

- Committee Updates – Attended Act Meeting, Freeborn County Commissioners Meeting
- Ward Items – All items are being addressed.

Third Ward, Councilor Kehr reported:

- Committee Updates – None
- Ward Items – None

Ward Items –Fourth Ward, Councilor Olson reported:

- Committee Updates –Park Recreation Meeting, naming of Bancroft Park Disc Parks
- Ward Items – None

Fifth Ward, Councilor Anderson reported:

- Committee Updates– Airport Meeting, Openings in the Airport Commission, Shop local
- Ward Items –All have been addressed

Sixth Ward, Councilor Brooks reported:

- Committee Updates – CVB Meeting Issue
- Ward Items – Homeowner that has some cleanup issues
- Susie Petersen – CVB Meeting, financial issue, lodging tax in the amount of \$13,000 per month, great event on Twin City Boat Races on August 10 & 11th, 2013. Tough Mudders problems with airport and wetlands, etc. Lakes Meeting will be on Thursday at 6 p.m., fundraising.

Mayor Rasmussen Jr. reported the following:

- New Holiday Express is now open
- Continued need for people to apply for serving on our Boards and Commissions
- Attended the Lakeview Lunch with students

CITY MANAGER'S REPORT

City Manager Adams reported that the County Board has tentatively committed \$6,500 for 2013 to be used for the Broadway Grant Funds. The county had not committed any dollars to this fund in the past year.

RESOLUTION 12-229 - APPROVING CONTRACT WITH COUNCILMEMBER BROOKS

Councilor Anderson moved that the resolution be approved for payment of claims in the amount of \$ to Brooks Safety Equipment, seconded by Councilor Baker. 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. Councilor Brooks abstained.

(See Secretary's Original Resolution 12-229)

included with these minutes.)

RESOLUTION 12-230- APPROVING CLAIMS

Councilor Anderson moved that the resolution be approved for payment of claims as presented for checks #46435 through#46625 in the amount of \$1,061,503.26, 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 Resolution 12-230
included with these minutes.)

ADJOURNMENT

Councilor Anderson moved and Councilor Olson seconded that there being no further business, the council meeting be adjourned at 8:20 p.m., until the next regular meeting of the Albert Lea City Council at 7:00 p.m. on Monday, December 10, 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 November 27, 2012

Shirley Slater-Schulte
Secretary to the Council