

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 December 10, 2012 Regular Council Meeting
- B. Approve Minutes Of The December 6, 2012 Work Session
- C. Licenses And Permits (See attached list)
- D. Resolution 12-243-Accepting And Awarding Bids For 2013 Chemical and Fuel Supplies
- E. Resolution 12-244-Declaring Intent To Reimburse Certain Expenditures From Proceeds Of Bonds
- F. Resolution 12-245- Authorizing An Agreement For 1438 South Shore Drive
- G. Resolution 12-246-Approving Non-Union Employees Salaries for 2013

MOTION: I will move to approve the consent agenda as amended with the addition of 7B – Approval of the ASFCME Union Contract.

Motion made by Councilor Schulte V, 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 12-243-246 included with these minutes.)

PUBLIC FORUM

Mr. Harold Kamrath, 326 Glenn Road inquired about the cost of taking squad cars home and what the allocation of \$270,000 is being used for.

PETITIONS-REQUESTS-COMMUNICATIONS

UNFINISHED BUSINESS

PUBLIC HEARING VACATION OF ROADWAY EASEMENT

City Manager Adams explained that a public hearing was held on December 10, 2012 to consider the petitions of Convenience Store Investments, Inc. and Albert Lea Motorcars, LLC to vacate a frontage road located between Sykes Street and Westron Street along the west side of Bridge Avenue, with all utility easements to remain in place. Convenience Store Investments, Inc. is seeking to vacate the roadway easement in order to have a right turn constructed to its property. In order to vacate a roadway easement, a valid public purpose must be demonstrated

to warrant the vacation. No determinations were made at the December 10th meeting and Council moved to continue the hearing. Staff has also been directed to negotiate an agreement with Kwik Trip to ensure that appropriate infrastructure removal, replacement, and needs at the intersection are secured and understood between all parties. The City has also been working with the County to address the immediate and future intersection infrastructure needs. No agreements have been reached between the parties.

Mayor Rasmussen Jr. reopened the Public Hearing for this vacation of roadway easement.

Peter Coyle, Land Use Attorney for Kwik Trip, Minneapolis, MN stated the following:

- Met with staff to resolves some of the issues.
- Requested the approval of the vacation of the easement.
- Public purposes for the vacation.
 - Redundant easement which carries very little public traffic.
 - City needs to maintain this easement and maintenance cost.
 - This alignment creates an unsafe condition which would be corrected by granting the vacation.
- Requested that the vacation be granted this evening.
- Stated willingness to cooperate with the City.
- Would like to complete this project in 2013.

Councilor Brooks inquired as to what the City would be gaining by waiting until January 14, 2013. City Manager Adams advised that the City should receive something in writing and enter into a formal agreement prior to approving the vacation.

Councilor Anderson stated that the City would need to have a Developer's Agreement for all of the parties.

Mr. Harold Kamrath, 326 Glenn Road, asked if all three Kwik Trip businesses will remain open.

Mayor Rasmussen Jr. called three times before closing the public hearing.

Councilor Baker inquired as to the recommendation of no more right-in turns as was stated in a study conducted in 2005 for the Bridge Avenue Corridor.

Craig Vaughn, Senior Associate, SRF Consulting Group, Inc. reviewed the following:

- Bridge Avenue Corridor Evaluation, dated September 24, 2012.
- For long-term planning, safety and function of the Bridge Avenue corridor, a traffic signal should be installed at the intersection of Bridge Avenue and Sykes Street.
- The management of access along Bridge Avenue will increase mobility and improve safety.
- Best interest to maintain consistent access management along the corridor.
- Access to the proposed Kwik Trip station should be restricted along Bridge Avenue.

- Kwik Trip should have a detailed traffic impact analysis conducted for its site.
- Answered several questions from the council.

Councilor Brooks commented that semi-trucks would use the right-in and this would make it a better turn for the trucks. The Bridge Avenue Corridor Study looked at Hammer Road to I-90.

Councilor Olson noted that if Kwik Trip already has approval for a right-in turn from the County, why wouldn't the City grant the vacation of easement?

Councilor Anderson commented that the City should ask the correct questions so this will be taken care of in the future and residents won't have to be taxed.

Kwik Trip's Attorney stated that they will become a willing partner on the signal, and in a future 429 proceeding; they would not be a negative player.

Motion offered by Councilor Baker to table the item until January 14, 2013 and directed staff to prepare an agreement and all other documents needed, seconded by Councilor Kehr. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, Kehr and Mayor Rasmussen Jr. Councilor Olson, Anderson and Brooks voted nay. Mayor Rasmussen Jr. declared the motion passed.

PUBLIC HEARING AND ORDINANCE 157,4D AMENDING ZONING FOR ALBERT LEA MUNICIPAL AIRPORT (2nd READING)

City Manager Adams explained that on December 10, 2012 a public hearing was held to receive comment regarding the ordinance to amend zoning for the Albert Lea Municipal Airport. The amendment to the City's Zoning Ordinance, Chapter 74 of the City Code was approved by the Director of the Office of Aeronautics, MnDOT, on October 31, 2012. The zoning maps and ordinance are available for review at the City Engineers office at City Center. Staff recommends adoption of the final ordinance and summary. A complete copy of the Ordinance is available in the City Clerk's office.

A motion to adopt the second reading of Ordinance 156,4d as presented was introduced by Councilor Anderson 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.

ORDINANCE 158,4D ADOPTING INDUSTRIAL USERS WASTE WATER REBATE PROGRAM (2nd READING)

City Manager Adams explained that the Council introduced the attached ordinance at its regular meeting of December 10, 2012. The ordinance would allow a rebate of up to twenty-five percent of wastewater charges for certain new and expanded industrial wastewater users. This is an economic development tool. The State legislature passed a special law that permits this,

waiving the State law requirements of Minnesota Statute 444.075, where charges must be “just and equitable” and “proportionate to the cost of furnishing the service.” Staff is awaiting written approval of federal authorities for an interpretation of whether this may violate federal law and the terms of the grant agreement building the waste treatment plant. The law and protection of the special law will not become valid unless the City files a certificate of approval with the Secretary of State before the first day of the upcoming legislative session. Staff recommends adoption of the final ordinance and summary, but will wait to publish the ordinance, making it effective, until the City receives sufficient federal authorization.

A motion to adopt the second reading of Ordinance 158,4d as presented 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, Anderson, Olson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed.

NEW BUSINESS

RESOLUTION 12-247 RELATING TO CITY GOVERNMENT AMENDING CITY OF ALBERT LEA CHARTER

City Manager Adams explained that the attached resolution would amend Section 2.03, Subdivision 4 of the City Charter to state that Mayors elected prior to November 1, 2014 shall serve terms of two years, and Mayors elected after November 1, 2014 shall serve terms of four years; and amends Section 2.03, Subdivision 5 by adding “except for the term of Mayor, which will continue as a four year term for mayors elected after November 1, 2014.” Staff recommends adopting the amendment as passed by voters on November 6, 2012 and canvassed by the Municipal Canvassing Board on November 13, 2012.

Motion was introduced 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, Anderson, Olson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary’s Original Resolutions 12-247
included with these minutes.)

RESOLUTION 12-248 APPROVAL OF ASFCME UNION CONTRACT

City Manager Adams explained that the ASFCME Local #1018 approved a one year contract, with a 1.75% cost of living increase, new deductible plans and new co-insurance rates.

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

(See Secretary's Original Resolutions 12-248
included with these minutes.)

MAYOR & CITY COUNCIL REPORTS

First Ward, Councilor Schulte V:

- Committee Updates – Attended HRA Board and Shell Rock River Watershed District meetings.
- Ward Items – none

Second Ward, Councilor Baker:

- Committee Updates – Met with the Shell Rock River Watershed and County Commissioners on the Stables Area.
- Ward Items – Items are being addressed.
- Thanked Ellen Kehr for her years of service.
- Merry Christmas to everyone.

Third Ward, Councilor Kehr:

- Committee Updates – none
- Ward Items – none
- Wished a Merry Christmas and Happy New Year to everyone.
- Thanked everyone for the opportunity to serve the community.

Fourth Ward, Councilor Olson:

- Committee Updates - none
- Ward Items - none
- Thanked Ellen Kehr for service.
- Merry Christmas greeting.

Fifth Ward, Councilor Anderson:

- Committee Updates – none
- Ward Items – none
- Thanked Ellen Kehr for her years of service.

Sixth Ward, Councilor Brooks:

- Committee Updates – none
- Ward Items – none
- Thanked Ellen for serving the community.

Mayor Rasmussen Jr.:

- Encouraged people to apply for open positions on Boards and Commissions.
- Thanked Ellen Kehr for her years of service.
- Wished everyone a Merry Christmas.

CITY MANAGER'S REPORT

City Manager Adams:

- The City Manager stated that he does not have a specific cost for taking squad cars home but noted that Police Lieutenants who take vehicles home respond to calls from home frequently and improves service to the community. The average cost would be approximately \$20,000 to \$25,000 per vehicle.
- The Fire/Police Interest Earnings and fund are being used to support the \$270,000 law enforcement payment and equipment and operating expenses both for police and fire, which ultimately reduces the taxpayers cost. Future funds are set aside for a future station, equipment and operating, which also reduces taxpayers' future costs.
- Thanked the Freeborn Mower Cooperative for the rebate check in the amount of about \$20,000.
- The City is seeking public comment at the January 14, 2013 meeting regarding future soccer fields to be constructed at Edgewater Park to be paid through donations.
- Thanked Councilor Kehr for her years of service and expressed best wishes for the future.

RESOLUTION 12-249 APPROVING CONTRACT WITH COUNCILMEMBER SCHULTE V

City Manager Adams explained that the attached resolution directs the Mayor and City Clerk to make payment on behalf of the City for a claim from Jones, Haugh & Smith and to issue payment for filing the affidavit of official interest by the interested official, John Schulte V.

Councilor Anderson moved that the resolution be approved for payment of claims in the amount of \$400.00 to Jones, Haugh & Smith, 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 Schulte V abstained.

(See Secretary's Original Resolution 12-249
included with these minutes.)

RESOLUTION 12-250 APPROVING CONTRACT WITH COUNCILMEMBER BROOKS

City Manager Adams explained that the attached resolution directs the Mayor and City Clerk to make payment on behalf of the City for a claim from Brooks Safety Equipment and to issue payment for filing the affidavit of official interest by the interested official, Al D. Brooks.

Councilor Olson moved that the resolution be approved for payment of claims in the amount of \$263.50 to Brooks Safety Equipment, seconded by Councilor Anderson. 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 12-250
included with these minutes.)

RESOLUTION 12-251 APPROVING CLAIMS

Councilor Schulte V moved that the resolution be approved for payment of claims as presented for check #46880 through check #47045 in the amount of \$714,222.49; 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 Resolution 12-251
included with these minutes.)

ADJOURNMENT

Councilor Anderson moved and Councilor Kehr seconded that there being no further business, the council meeting be adjourned at 6:20 p.m., until the next regular meeting of the Albert Lea City Council at 7:00 p.m. on Monday, January 14, 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 December 21, 2012

Secretary to the Council