

**REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
Monday, September 14, 2015, 7:00 P.M.**

PRESENT: Mayor Vern Rasmussen Jr., Councilors John Schulte V, Larry Baker, Reid Olson, Larry Anderson and Al Brooks. Also, present were City Manager Chad Adams, Assistant City Manager Jerry Gabrielatos, City Engineer Steven Jahnke, City Attorney Lee Bjorndal, and City Clerk Shirley Slater-Schulte

ABSENT: Councilor George Marin

CEREMONIAL ITEMS

PUBLIC FORUM

Robert Arnold, 1309 Abbott Street, stated the following concerns:

- Quality of the water in the area of Dane Bay and the City Beach. Arnold suggested that the City and Watershed address this issue.

Gary Hagen, 501 Albert Lea Street, had the following comments:

- Questions regarding the expenditures for the purchase of buildings
- Questions regarding the increase of the tax levy
- Concerns about buildings sitting idle for months or years and there is no return on our investment.
- Citizen Survey showed that the council has a poor showing in a lot of areas and what plans will the council have to improve these comments.

Rhonda Moen, 1891 Paradise Road, stated the following comments:

- Concerns about the operating budget which has not changed in 4 years, receiving more in LGA, no longer pay for a finance director, community director, dispatchers, couple of positions at the city garage, citizens are receiving less and paying the same.
- Stated that over 5 years the taxes have increased by over 20%. Since, it is not the operating budget it is the debt service levy. Stated that citizens cannot afford this amount of increase
- Using savings to cover the debt service levy for next years is not a wise idea. City needs to balance the project with the growth and growth has been less than 1% over two years.
- City needs to be real and not use savings.

Harold Kamrath, 326 Glenn Road, questions regarding Tiger Hills Addition and the proposed tax levy.

CONSENT AND APPROVAL OF AGENDA

- A. Approve Minutes Of The August 24, 2015 Regular Council Meeting
- B. Approve Minutes Of The August 20, 2015 Work Session
- C. Licenses And Permits (See Attached List)

- D. Resolution 15-178 Accepting Donations Presented To The City Of Albert Lea Friends of the Library for the donation of \$6, and
- E. Resolution 15-179 Calling A Hearing On Proposed Assessments For Lakeview Boulevard Reconstruction Project (Job 1001)
- F. Resolution 15-180 Calling A Hearing On Proposed Assessments For Northwest Sewer And Water Extension (Job 1556)
- G. Resolution 15-181 Calling A Hearing On Proposed Assessments For 2015 Neighborhood Improvement Project (Job 1550)
- H. Resolution 15-182 Calling A Hearing On Proposed Assessments For 2015 State Aid Improvement Project (Job 1551)
- I. Resolution 15-183 Calling A Hearing On Proposed Assessments For 2015 State Project 2404-41 Pavement Resurfacing MN Hwy 65 And TH-13 (Job 1464)
- J. Resolution 15-184 Calling A Hearing On Proposed Assessment For Delinquent Water/Sewer Accounts And Miscellaneous Delinquent Accounts Receivable
- K. Resolution 15-185 Calling A Hearing On Proposed Assessment For The Parking Maintenance District
- L. Resolution 15-186 Declaring Hometown Pride Fall Cleanup Day And Authorizing Reduced Rates At Transfer Station
- M. Resolution 15-187 Approving Master Subscriber Agreement For Minnesota Court Data Services For Governmental Agencies

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

(See Secretary's Original Resolution 15-178-187
included with these minutes)

PETITIONS, REQUESTS, AND COMMUNICATIONS

BLUE ZONES COMMUNITY POLICY CERTIFICATION AND BLUE ZONES DEMONSTRATION SITE - ELLEN KEHR

Ellen Kehr presented the City of Albert Lea with the recognition of Albert Lea's achievements in the area of community policy as part of the Blue Zones Project. Heathways is also declaring Albert Lea a Blue Zones Demonstration Site, which may be utilized by the community (i.e. Experience Albert Lea) to promote and market Albert Lea as a Blue Zones community.

Mayor Rasmussen Jr. thanked everyone involved in the Blue Zones Project.

ANNUAL ALEDA UPDATE – RYAN NOLANDER, ALBERT LEA ECONOMIC DEVELOPMENT AGENCY

Mr. Ryan Nolander, Economic Development Agency Director, provided a general update and review of the 2016 Port Authority budget and economic development projects and partnerships. Mr. Nolander stated that the Port Authority will not have a tax levy for 2016.

Nolander gave updates of the Port, ALEDA, projects, encouraged positive relationships, educational sessions, development of certain properties, Work Force, expansions, etc.

UNFINISHED BUSINESS

ORDINANCE 198-5d GRANTING FREEBORN MOWER COOPERATIVE SERVICES, A MINNESOTA COOPERATIVE, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE FOR A PERIOD OF FIFTEEN YEARS (2nd Reading)

City Manager Adams explained that the first reading of this ordinance was held on August 24, 2015. City staff and Freeborn Mower Electric Cooperative Services, a Minnesota Cooperative, have negotiated a new electric franchise agreement. This is following the Co-op's transfer from Alliant Energy. This is a fifteen year franchise agreement. The agreement addresses the relationship between the parties regarding the utility's physical distribution system placement within City right-of-ways, as well as a franchise fee of 4.5% of total gross receipts of the Co-op's energy sales. Any disputes between the parties will first be addressed with staff, and if not resolved by staff, will be taken to mediation in the form of alternative dispute resolution. Staff recommends approval of the second reading.

Motion made by Councilor Brooks to approve the 2nd reading of this ordinance, seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, Olson, Anderson, Brooks, and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Ordinance 198,5d
included with these minutes)

RESOLUTION 15-188 PERMITTING PUBLICATION OF ORDINANCE SUMMARY 198,5D GRANTING TO FREEBORN-MOWER COOPERATIVE SERVICES, A MINNESOTA COOPERATIVE, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE FOR A PERIOD OF FIFTEEN (15) YEARS

City Manager Adams explained that approved ordinances need to be published. However, summaries of lengthy Ordinances may be published if they reasonably inform the public of the effect and intent of the Ordinance. Publishing summaries decreases cost to the public while the summary still directs the public how to obtain the complete Ordinance. This resolution must be approved by a four-fifths vote of the council. Staff recommends approval.

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

(See Secretary's Original Resolution 15-188
included with these minutes)

NEW BUSINESS

PUBLIC HEARING AND RESOLUTION 15-189 APPROVING PURCHASE OF REAL ESTATE FROM ALBERT LEA HRA BY THE CITY OF ALBERT LEA

City Manager Adams explained that the City of Albert Lea seeks to purchase real estate at 1002 Bridge Avenue from the Albert Lea HRA. This real estate is necessary for the future expansion and development of the Bridge Avenue Corridor. The cost is \$56,000.00. The property has a single family dwelling on it. The real estate will continue to be managed by the HRA. The parties anticipate entering into a Management Agreement with the HRA, where the HRA leases to tenants, collects rent, and works on repairs as needed. The HRA will develop a capital improvement account with rents in excess of that amount being paid to the City. The Planning Commission found that this transaction is consistent with our Comprehensive Plan. Staff recommends approval.

Mayor Rasmussen Jr. opened the public hearing.

Harold Kamrath, 326 Glenn Road, questions regarding the purchase price of this property.

Mayor Rasmussen Jr. called three times and then closed the public hearing.

Councilor Baker stated that he suggested that the city establish a plan for this property before the city acquires it.

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

(See Secretary's Original Resolution 15-189
included with these minutes)

PUBLIC HEARING AND AUTHORIZING REMOVAL OF HAZARDOUS PROPERTY – 1326 SOUTH BROADWAY AVENUE

City Manager Adams explained that in June 2014, the house at 1326 South Broadway was placarded as unfit for human habitation. The property is unoccupied. Problems include: Broken windows, no natural gas or electricity, no foundation under front porch, and back porch is falling off. The house was re-inspected on October 23, 2014 and the conditions were getting worse. The owner has been notified of the hearing and the Notice of Hearing has been published and mailed. Jerry King, an agent of the owner (the Terry Hindman Trust), has contacted staff and noted he hopes to improve the foundation soon. Staff recommends continuing the public hearing to October 26, 2015 to follow up on the progress of the work.

Mayor Rasmussen Jr. opened the public hearing.

Bruce Cather, 1402 S. Broadway, property owner adjacent to this property for 33 years stated the following comments:

- Condition of the house is deteriorating, lawn has only been mowed twice this year, parts of the property have never been mowed.
- Lots of garbage located in the back yard.
- Window facing his property has been boarded up for 5 years, inside of the house is partially gutted. Animals are living in the house.
- House is a fire hazard and real estate taxes have not been paid.
- Requesting the council take action on the removal of this house.

Harold Kamrath, 326 Glenn Road, questions regarding this property and requested to see a picture of the property.

Mayor Rasmussen Jr. called three times and then asked the council to continue this public hearing.

City Attorney Bjorndal gave an explanation on the continuation of the public hearing.

MOTION: Move to continue this Public Hearing until October 26, 2015.

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

RESOLUTION 15-190 ADOPTING THE 2016 PRELIMINARY BUDGET AND PROPERTY TAX LEVY

City Manager Adams presented a PowerPoint presentation regarding the proposed preliminary budget and property tax levy which included the following:

- 2016 Budget Process and Highlights
- Tax capacity increase
- Net Property Tax Levy Per Capita
- 2016 Preliminary General Fund Budget, Revenues and Expenditures
- Tax Levy for Taxes Payable for 2016 of \$6,156,614. Adams explained the approximate 3.3% levy increase is attributed to infrastructure improvements (debt service) and that the General Fund levy would not increase for the fourth year in a row due to operational, technological and process efficiencies, while still providing the same or increased level of services to the residents. Adams also noted that the City is using sufficient fund reserves for the next year or two to keep down the debt service levy increase and the long-term financial management plan illustrates bonds expiring, which will provide some relief for long-term capital improvement implementation and containing tax increases in the future. Due to some tax base growth, the effective increase on properties will be closer to 2.2%, considering no other variables such as market value, etc. change.
- Reviewed Levy History
- Tax Levy and LGA History
- Impact on Property Owners

- What do your taxes buy you?
- Reviewed the next steps in the budget process

Staff is seeking approval of the attached resolutions.

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

(See Secretary's Original Resolution 15-190
included with these minutes)

RESOLUTION 15-191 APPROVING ALBERT LEA HOUSING AND REDEVELOPMENT AUTHORITY PRELIMINARY PROPERTY TAX LEVY FOR FISCAL YEAR 2016

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

(See Secretary's Original Resolution 15-191
included with these minutes)

RESOLUTION 15-192 ADOPTING PEDESTRIAN CROSSWALK POLICY

City Manager Adams explained that the attached resolution would adopt the Pedestrian Crosswalk Policy. In the spring of 2015, the City contracted SEH, Inc. to evaluate the City's pedestrian crossing network and to assist the City in development of a Pedestrian Crossing Policy and installation criteria. The evaluation included three components; 1) assist the City in development of a pedestrian crosswalk policy, 2) a general evaluation of the existing crosswalk system to determine the necessity and efficacy of all existing pedestrian crossings and to identify any possible additional pedestrian crossing locations; and, 3) evaluation of seven locations that either the community or City staff have identified for a potential crossing location.

The attached proposed pedestrian crossing policy establishes guidelines and considerations for the installation of marked crosswalk within the City of Albert Lea. The policy includes the following:

- **Evaluation Process:** This process is centered on an engineering study which reviews the infrastructure parameters which impact a pedestrian crossing, system connectivity, and other guidelines and requirements including the Americans with Disabilities Act (ADA) and the Minnesota Manual on Uniform Traffic Control (MN MUTCD).
- **Installation Criteria:** Provides guidance with regard to pedestrian and vehicle volumes, and crosswalk locations.
- **Treatments:** Provides guidance and direction for types of pavement markings, signs, traffic signals and flashers, and roadway features.

Staff recommends approval.

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

(See Secretary's Original Resolution 15-192
included with these minutes)

RESOLUTION 15-193 ORDERING CHANGES AND IMPROVEMENTS TO PEDESTRIAN CROSSWALK SYSTEM

City Manager Adams explained that in the spring of 2015, the City contracted the engineering firm of SEH, Inc. to evaluate the City's pedestrian crossing network and to assist the City in development of a Pedestrian Crossing Policy and installation criteria. The evaluation included three components; 1) assist the City in development of a pedestrian crosswalk policy, 2) a general evaluation of the existing crosswalk system to determine the necessity and efficacy of all existing pedestrian crossings and to identify any possible additional pedestrian crossing locations; and, 3) evaluation of seven locations that either the community or City staff have identified for a potential crossing location.

A summary of findings is included in the attached report. Based upon the findings in the report from SEH, Inc., Engineering recommends making changes to the pedestrian crossing network in accordance with the pedestrian crosswalk policy developed in conjunction with this study. The locations and changes are detailed in the attached resolution. The review included all of the pedestrian crossings within the City, including crossing locations which are controlled by either the Minnesota Department of Transportation or Freeborn County. Any changes to the pedestrian crossings at these locations will require coordination and permission from these entities. Engineering will begin discussions with MN/DOT and Freeborn County regarding these recommendations. The attached resolution would authorize city staff to make pedestrian crossing changes at locations under the control and jurisdiction of the City. Staff recommends approval.

City Engineer Jahnke reviewed the location and changes.

Motion made by Councilor Baker, seconded by Councilor Brooks to include the addition of markings on James, in both directions of north and south. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, Olson Anderson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolution 15-193
included with these minutes)

RESOLUTION 15-194 AUTHORIZING RELEASE OF ORIGINAL MORTGAGE – BENJAMIN ANDERSON, SMALL CITIES DEVELOPMENT PROGRAM - FAILED

City Attorney Bjorndal explained that the city has a loan through Small Cities Development Program to improve properties within the city. In the case of Benjamin Anderson had a

mortgage of \$22,000 and the mortgage is a forgivable note. Mr. Anderson passed away and the family is requesting forgiveness of this loan in the amount of \$15,400 in order to sell this property.

Arlene Walker, 1304 Academy Avenue, daughter of Mr. Anderson, stated the house is valued at \$38,000 and the family is looking at selling the property.

Motion made by Councilor Brooks to authorize the release of the original mortgage, seconded by Councilor Olson.

After some discussion, the following motion was made.

MOTION: I will move to table.

Motion by Councilor Baker, motion dies for lack of a second.

Vote on the first motion. On roll call vote, the following councilors voted in favor of said motion: Councilors Brooks, Olson, Anderson voted aye. Councilor Schulte V, Baker and Mayor Rasmussen Jr. voted nay. Mayor Rasmussen Jr. declared the motion failed.

(See Secretary's Original Resolution 15-194
included with these minutes)

MAYOR AND COUNCIL REPORTS

First Ward, Councilor Schulte V reported:

- Ward Items – Stop sign and speeding on Morningside
- Committee update – none

Second Ward, Councilor Baker reported:

- Ward Items – Referred to the City Manager
- Committee Update – Presented the Proclamation for Patriots Day, attended Parking Maintenance District meeting, Planning Commission updates, Heritage Preservation updates, etc.

Third Ward, Councilor Marin - Absent

Fourth Ward, Councilor Olson reported:

- Ward Items – Noise complaint at Freeborn County Fair property, questions regarding 820 Freeborn Avenue, Children back in school encouraged safety
- Committee update – None

Fifth Ward, Councilor Anderson reported:

- Ward Items – Referred to city staff
- Committee update – none

Sixth Ward, Councilor Brooks

- Ward Items – Received calls on Virginia and 5th Street, and notify residents that the project will be delayed until next year.
- Committee update – none

REPORT OF THE MAYOR

Mayor Rasmussen Jr. reported the following:

- **Sat, Sept 19** – The Humane Society's "Bike Ride for Cats" is on Saturday, September 19th at 10:00 AM. The event includes a 5K Bike Ride, a cake walk and 'Paw Prints' sale. The money raised goes to the low-cost Spay/Neuter Program in Freeborn County – the public is invited to participate.
- **Sat, Sept 19** – The Upper Midwest Power Boat Association will hold their Fountain Lake Power Boat Drag Race on Saturday, September 19th starting at 1:00 p.m. The race course is between North Edgewater Park and the Edgewater Pavilion. There is no admission fee – the public is invited to attend.
- **Wed, Sept 23** – The High School Homecoming Parade starts at 6:00 PM and will pass through the downtown on Broadway Avenue. Come and cheer them on!
- **Sat, Sept 26** – A '5k Fun Run' is planned for Saturday, September 26th starting at 8:00 a.m. in Edgewater Park. The run will benefit kids programs at the Family Y. The run is sponsored by ABG and the YMCA.

Mayor Rasmussen Jr. stated that we should all keep employee Doug Johnson in our prayers.

CITY MANAGER REPORT

City Manager Adams reported on the following:

- Attended Work Force Development meetings – Riverland Community College will have a Gala on September 26, 2015 celebrating 75 years at the North Bridge Mall – raising dollars for students, bringing in the Work Force and training students to meet our local industry and employment needs.
- Dane Bay water quality has been improving, the green on the lakes is Duck Weed, water quality is moving in the right direction.
- Acquiring property and creating partnerships, reuse, new or redevelopment of the 300 block, working with developers to make this happen.
- Public information is available through Freeborn County on Tax Forfeited properties.

APPROVAL OF CLAIMS

RESOLUTION 15-195 APPROVING CONTRACT WITH COUNCILMEMBER SCHULTE

City Manager Adams explained that the attached resolution directs the Mayor and City Clerk to make payment of two claims to Jones, Haugh & Smith; the first claim in the amount of

\$17,163.06, and the second in the amount of \$450.00, and to issue payment for filing the affidavit of official interest by the interested official, Councilor Schulte.

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

(See Secretary's Original Resolution 15-195
included with these minutes)

RESOLUTION 15-196 APPROVING CONTRACT WITH COUNCILMEMBER BROOKS

City Manager Adams explained that the attached resolution directs the Mayor and City Clerk to make payment in the amount of \$149.95 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, Councilor Brooks.

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

(See Secretary's Original Resolution 15-196
included with these minutes)

RESOLUTION 15-197 APPROVING CLAIMS

Motion made by Councilor Brooks to approve payment of claims as presented for checks #57154 through #57337 in the amount of \$1,209,898.45, seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said motion: Councilors Schulte V, Baker, Olson, Anderson, Brooks and Mayor Rasmussen Jr. Mayor Rasmussen Jr. declared the motion passed.

(See Secretary's Original Resolution 15-197
included with these minutes)

ADJOURNMENT 8:59 p.m.

Motion made by Councilor Brooks, seconded by Councilor Olson 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, September 28, 2015. 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 14th day of September, 2015

Council Secretary