

On Monday, September 28, 2009 the meeting of the Albert Lea City Council was called to order at 7:00 p.m. in the City Center Council Chambers by Mayor Michael Murtaugh.

**1. CALL TO ORDER AND ROLL CALL**

Present were Mayor Michael Murtaugh, Councilors Vern Rasmussen, Larry Baker, Ellen Kehr, Reid Olson and Larry Anderson, Al Brooks and Mayor Michael Murtaugh. Also present were City Manager Victoria Simonsen, and Council Secretary Shirley Slater-Schulte. The Albert Lea Tribune representative was also present.

- a. The Pledge of Allegiance was recited.

**\*2. CONSENT AGENDA**

- \*a. APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING OF SEPTEMBER 14, 2009**

- \*b. RESOLUTION 09-178 – APPROVING CLAIMS:** Resolution 09-178 represents the financial claims of the City.

(See Secretary's Original Resolution 09-178 included with these minutes.)

- \*c. LICENSES AND PERMITS:**

**TATTOO ARTISTS**

**Brooke Ann McKinney, 918 Saint Thomas Avenue, Albert Lea at Dinah's Style**

**Dagan Shane Chamberlain Sr., 201 N. 3<sup>rd</sup> Street, Keister, MN 56051 at Mr. Mike & Roosters Insane Ink, 204 W. Clark Street, Albert Lea**

- \*d. RESOLUTION 09-179 ACCEPTING ADMISSION AND PROPOSED ORDER THE ZOO OF ALBERT LEA, INC., D/B/A NASTY HABIT**

- \*e. CALL WORKSHOP FOR CITY COUNCIL, COUNCIL CHAMBERS, OCTOBER 8, 2009 AT 5:30 P.M. FOR DISCUSSION OF SEWER STUDY**

- \*f. CALL WORKSHOP FOR CITY COUNCIL, COUNCIL CHAMBERS, OCTOBER 22, 2009 AT 5:30 P.M. FOR MERLENE STILES**

- \*g. RESOLUTION 09-180 – APPROVING AN ADMINISTRATIVE SURVEY OF LOTS OF RECORD – TIGER HILLS**

- \*h. RESOLUTION 09-181 – APPROVING AN ADMINISTRATIVE SURVEY OF LOTS OF RECORDS – DAKKEN**

**MOTION:** Move to approve the consent agenda.

Councilor Brooks moved that the consent agenda items be adopted as amended, seconded by Councilor Baker. On roll call vote, the following councilors voted in favor of said motion: Councilors: Rasmussen, Baker, Kehr, Olson, Anderson, Brooks and Mayor Murtaugh. Mayor Murtaugh declared the motion passed.

3. **PUBLIC FORUM**

Mr. Bob Miller, 25537 768<sup>th</sup> Avenue, Clarks Grove, MN, representing the AFM Local 567 requested that funding for the music which has been provided on Sunday afternoons for concerts at the Edgewater Park be continued. Usually, there are close to 300 people that attend these concerts. We are requesting an additional \$500.00 for a total of \$2,500.00 for this project.

City Manager Simonsen explained that the proposed budget for 2010 has set the funds to be at \$15,000 instead of \$50,000. The City usually has 30 agencies applying for these funds. A letter is being prepared regarding these funds.

4. **PETITIONS-REQUESTS-COMMUNICATIONS**

a. **FOUNTAIN LAKE BOOK STORE ANNUAL REPORT**

Grace Haukoos, 111 Fairview, presented an annual report of the Fountain Lake Book Store operations. The store opened on September 10, 2008, the hours are from 9-3 p.m. The group has paid off all expenses, and cash on hand is \$10,000.00. They will be giving \$2,500 for six additional book carts and \$2,500 for two wooden Franklin double-sided fixtures with sign holders and casters. We feel that we have improved this building due to the Fountain Lake Book Store. We have also donated books to the Freeborn County Detention Center, the Humane Society and the Federal Prison at Waseca. The next Friends sale will be October 8, 9, and 10 in the city center garage. We would like to thank you for your support.

Mayor Murtaugh and Councilors thanked the Fountain Lake Book Store and volunteers for all of their support and hard work.

b. **REQUEST FOR USE OF NORTH BROADWAY PARKING LOT ON MONDAY, OCTOBER 5, 2009**

Mr. Mike Lee, in conjunction with Shinefest and CAST, is requesting the use of the North Broadway parking lot on October 5, 2009 from 5:00 p.m. – 10:00 p.m. to host a family friendly, tail-gate party for the Minnesota Vikings/Green Bay Packer game scheduled that night. There is no request to serve alcohol at this event. The organizers are requesting use of electricity and the moving billboard to advertise the event. Local food vendors may also be present. The group will be responsible for their own trash collection following the event.

**MOTION:** Move to approve this request.

Councilor Baker moved to approve this request, seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said motion: Councilors Rasmussen, Baker, Kehr, Olson, Anderson, Brooks and Mayor Murtaugh. Mayor Murtaugh declared the motion passed.

5. **UNFINISHED BUSINESS**

6. **NEW BUSINESS**

**PUBLIC HEARING AND RESOLUTION 09-182 – ORDER OF REMOVAL OF 316 RAILROAD AVENUE**

City Manager Simonsen explained that on April 9, 2007, the property located at 316 Railroad Avenue was placarded as unfit for human occupancy. On April 27, 2009, a public hearing was held in front of the city council. A timeframe for property repair was agreed to. On September 24, 2009 Steven and Jolene Svendsen, 1203 Southview Lane, owners of the property, informed the city council that the property had been sold on contract for deed to Jose Soto-Gonzalez, 713 Jefferson Avenue, and would be repaired. As of today, the list of repairs has not been completed.

Mayor Murtaugh opened the public hearing and called three times for public input.

Mr. Jose Soto-Gonzalez, 713 Jefferson, had an interpreter and requested a time frame of three months to complete the project. Councilor Rasmussen requested a time frame of less than three months so progress would be made prior to that time. Most of the siding has been completed and a roof is partial, windows will be installed and the foundation may take a little longer. The roof, siding and windows could be completed by the end of October, 2009 but the foundation may take a longer.

Mayor Murtaugh called three times and then closed the public hearing.

Captain Mark Roche, City of Albert Lea, stated that the property is now owned by Mr. Soto-Gonzalez with a Contract for Deed. He has a good start on the property and permits are needed for the repairs, water meter, etc. A lot of work has been completed on this property, siding is on, preparing for replacement of the roof and he is comfortable with the time table. Foundation will be a winter project and the time frame will be approximately two months to complete.

MOTION: Move to extend this project deadline until November 9, 2009.

Motion was introduced by Councilor Brooks, seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said resolution: Councilors Rasmussen, Baker, Kehr, Olson, Anderson, Brooks and Mayor Murtaugh. Mayor Murtaugh declared the resolution passed.

b. **PUBLIC HEARING AND RESOLUTION 09-182 – AUTHORIZING TRANSFERRED OF LOT 1, BLOCK 3, ALBERT LEA INDUSTRIAL PARK NORTH**

City Manager Simonsen explained that this resolution would authorize the execution of a quit claim deed to transfer Lot 1, Block 3 of the Albert Lea Industrial Park North from the City of Albert Lea to Greater Jobs, Inc. It appears that the property was wrongly deeded in March 2000, as evidenced by a signed agreement.

Mayor Murtaugh opened the public hearing and called three times for public input.

There was no public comment.

Mayor Murtaugh called three times and then closed the Public Hearing.

Resolution 09-182 was introduced by Councilor Anderson, seconded by Councilor Kehr. On roll call vote, the following councilors voted in favor of said resolution: Councilors Rasmussen, Baker, Kehr, Olson, Anderson, Brooks and Mayor Murtaugh. Mayor Murtaugh declared the resolution passed.

(See Secretary's Original Resolution 09-182  
included with these minutes)

**c. RESOLUTION 09-183 - AUTHORIZING CONTRACT WITH ALLIANT ENERGY  
– SHARED SAVINGS PROGRAM**

City Manager Simonsen explained that resolution would authorize the mayor and city manager to enter into a contract with Alliant Energy to participate in the Shared Savings Program to provide low-interest financing for the replacement of the heating system at the city arena in the amount of \$42,000. The heating system will consist of radiant heat tubes in both arenas. Geo-thermal heating options were not cost effective in this particular situation.

Resolution 09-183 was introduced by Councilor Olson, seconded by Councilor Baker. On roll call vote, the following councilors voted in favor of said resolution: Councilors Rasmussen, Baker, Kehr, Olson, Anderson, Brooks and Mayor Murtaugh. Mayor Murtaugh declared the resolution passed

(See Secretary's Original Resolution 09-183  
included with these minutes)

**d. RESOLUTION 09-184 – APPROVING VARIANCE TO RIVERLAND  
COMMUNITY COLLEGE**

City Manager Simonsen explained on September 22, 2009, the Board of Appeals considered a request from Riverland Community College for the installation of a 40 KW electric and wind turbine tower system and 3.5 KW electric solar, photovoltaic systems as part of Riverland's proposed alternative energy program. The college is located in an R-1 district, in which wind towers are not allowed. Public input was received at the meeting. The Board of Appeals tabled a decision until the Airport Advisory Committee could also review the request. On September 23, 2009, the Airport Advisory Committee discussed the request and voted that they did not oppose the wind tower as there are other obstructions already existing in the airport zone. The Board of Appeals voted unanimously to approve the variance.

Resolution 09-184 was introduced by Councilor Anderson, seconded by Councilor Olson. On roll call vote, the following councilors voted in favor of said resolution:

Councilors Rasmussen, Baker, Kehr, Olson, Anderson, Brooks and Mayor Murtaugh. Mayor Murtaugh declared the resolution passed.

(See Secretary's Original Resolution 09-184  
included with these minutes)

**e. RESOLUTION 09-185 – ACCEPTING REQUEST TO CONNECT TO CITY  
WATER AND SEWER – 2234 SE MARSHALL**

City Manager Simonsen explained that the city has received a request from Anthony and Marilee Majerus, 2234 SE Marshall Street, to connect to the Albert Lea water main and sanitary sewer system. The owners agree to pay \$2,300 toward the sewer and water development fees, annexation, and publication costs. The agreement further identifies that the owners will not contest or object to annexation into the city limits of Albert Lea.

Resolution 09-185 was introduced by Councilor Anderson, seconded by Councilor Brooks. On roll call vote, the following councilors voted in favor of said resolution: Councilors Rasmussen, Baker, Kehr, Olson, Anderson, Brooks and Mayor Murtaugh. Mayor Murtaugh declared the resolution passed.

(See Secretary's Original Resolution 09-185  
included with these minutes)

**f. RESOLUTION 09-186 – ACCEPTING REQUEST TO CONNECT TO CITY  
WATER AND SEWER – 2238 SE MARSHALL**

City Manager Simonsen explained that this resolution would accept a request from Robert D. Sabin, 2238 SE Marshall Street, to connect to the Albert Lea water main and sanitary sewer system. The owner agrees to pay \$2,300 in development fees, annexation and publication costs. The owner also agrees that they will not object or contest to annexation into the city limits of Albert Lea.

Resolution 09-186 was introduced by Councilor Kehr, seconded by Councilor Brooks. On roll call vote, the following councilors voted in favor of said resolution: Councilors Rasmussen, Baker, Kehr, Olson, Anderson, Brooks and Mayor Murtaugh. Mayor Murtaugh declared the resolution passed.

(See Secretary's Original Resolution 09-186  
included with these minutes)

**g. RESOLUTION 09-187 – AMENDING PROFESSIONAL SERVICE CONTRACT  
WITH MEAD & HUNT – JOB #0719 – TASK ORDER #10, AMENDMENT #1**

City Manager Simonsen explained on April 27, 2005, the city entered into a Professional Services Agreement with Mead & Hunt, Inc. The agreement needs to be amended to include Task Order #10, Amendment #1, an aeronautical survey for runway 16/34 involving the planning and surveying associated with the proposed new runway. The cost of the service is

not to exceed \$54,535. This amount would be paid for by 95% federal funds and 5% local funds.

Resolution 09-187 was introduced by Councilor Anderson, seconded by Councilor Baker. On roll call vote, the following councilors voted in favor of said resolution: Councilors Rasmussen, Baker, Kehr, Olson, Anderson, Brooks and Mayor Murtaugh. Mayor Murtaugh declared the resolution passed.

(See Secretary's Original Resolution 09-187  
included with these minutes)

**h. RESOLUTION 09-188 – AUTHORIZING AGREEMENT WITH D&R VENDING AT CITY ARENA**

City Manager Simonsen explained this resolution would authorize an agreement with D & R Vending, Rochester, to provide vending machines at the city arena for a five year period. The city shall receive a commission of 30% from the beverage machines, 20% from the coffee machine and 15% from the snack machines. The city has requested that at least 50% of the offerings in the snack machine be of a more healthy nature, to which the company has agreed.

Resolution 09-188 was introduced by Councilor Olson, seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said resolution: Councilors Rasmussen, Baker, Kehr, Olson, Anderson, Brooks and Mayor Murtaugh. Mayor Murtaugh declared the resolution passed.

(See Secretary's Original Resolution 09-188  
included with these minutes)

**j. ORDINANCE 128,4d – AMENDING CHAPTER 6-35 – DELINQUENT TAXES**

City Manager Simonsen explained that this is the first reading of a proposed amendment to chapter 6-35 Effect of Delinquent Taxes and Charges. The city attorney is recommending modification of language in the current ordinance that would clarify that liquor licenses would neither be granted nor renewed when taxes, assessments, or installments on the premises are delinquent and unpaid. It further defines "delinquent and unpaid" and clarifies that licenses would not be renewed under those circumstances as well.

Ordinance 128, 4d was introduced by Councilor Rasmussen, seconded by Councilor Baker. On roll call vote, the following councilors voted in favor of said Ordinance 128,4d (1<sup>st</sup> reading): Rasmussen, Baker, Kehr, Olson, Anderson, Brooks and Mayor Murtaugh. Mayor Murtaugh declared the motion passed.

**7. MAYOR AND COUNCIL ITEMS**

First Ward, Councilor Rasmussen reported:

- Committee Updates
- No ward items

Second Ward, Councilor Baker reported:

- Committee Updates
- Toured city projects with city staff

Third Ward, Councilor Kehr reported:

- Committee Updates
- Reminder for all councilors and city staff regarding meeting on Diversity and Human Rights on October 20, 2009
- Candlelight Walk for Violence – Denmark Park
- Fountain Book Store – positive – please volunteer

Fourth Ward, Councilor Olson reported:

- Committee updates
- Lights on Bridge and Hawthorne, working good all week, but not today

Fifth Ward, Councilor Anderson:

- Committee Updates
- Better signing within city
- Big Island Rendezvous Event
- Events for Youth

Six Ward, Councilor Brooks:

- No Committee updates
- Water stops will be filled in shortly
- Update on Highway 65

Mayor Murtaugh's Report

- Attended the Freeborn County League of Cities Meeting
- Attended and Reported on the HRA Programs
- Domestic Violence Event
- Chief Winkels on Removal of Graffiti – Channel 6
- Attended Coalition of Greater Minnesota Cities – LGA Funding
- Certificate of Recognition:
  - Gay Horgen – 100 Years of Age on September 22, 2009
  - Eleanor Berg – 100 Years of Age on September 20, 2009
  - Nellie Johnson – 101 Years of Age on September 29, 2009

City Manager's Report:

- Purpose Workshop for Blue Zones
- Wrap up event for Blue Zones – Albert Lea High School
- Issues with dust control – Sunset Project

- Request from Mr. Harold Kamrath for extra parking credits, no motion was made to do so, two parking credits were allow.
- Bridge Avenue lights are being reviewed
- Reported lights out in different neighborhoods
- House on 8<sup>th</sup> & Frank, improvements are being made, vehicle is licensed

**8. ADJOURNMENT – 8:22 P.M.**

Councilor Baker moved and Councilor Kehr seconded that there being no further business, the council meeting be adjourned at 8:22 p.m., until the next regular meeting of the Albert Lea City Council at 7:00 p.m. on Monday, October 12, 2009. On roll call vote, all councilors voted in favor of said motion. Mayor Murtaugh declared the motion passed and the meeting adjourned.

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Mayor Michael K. Murtaugh

Filed and attested September 29, 2009.

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Secretary to the Council