

On Monday, December 14, 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, Larry Anderson and Al Brooks. Also present were City Manager Victoria Simonsen, City Engineer Steven Jahnke, and Council Secretary Shirley Slater-Schulte.

Mayor Murtaugh asked for a moment of silence in remembrance of the Previous Mayor Niles Shoff.

***2. CONSENT AGENDA**

***a. APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING OF NOVEMBER 28, 2009.**

***b. RESOLUTION 09-219 – APPROVING CLAIMS:** Resolution 09-218 represents the financial claims of the City.

(See Secretary's Original Resolution 09-218
included with these minutes.)

***c. LICENSES AND PERMITS:**

1. Jon Boyer d/b/a Precision Signs, LLC, 209 South Main, Austin, MN – Sign Hanger

***d. RESOLUTION 09-220 – APPROVING A LAWFUL GAMBLING APPLICATION FOR ST. THEODORE CATHOLIC CHURCH ON APRIL 17, 2010 AT THE NATIONAL GUARD ARMY**

***e. CALL A PUBLIC HEARING FOR ORDER TO CORRECT HAZARDOUS CONDITION AT 1100 SOUTH BROADWAY AVENUE FOR 12/28/09 AT 7:00 P.M.**

***f. CALL A PUBLIC HEARING FOR CHANGES TO THE FEE SCHEDULE FOR 2010 FOR 12/28/09 AT 7:00 P.M.**

***g. CALL A PUBLIC HEARING FOR ALLOCATION OF POLICE AND FIRE PENSION INTEREST EARNINGS**

A public hearing will be held on Monday, December 28, 2009, at or around 7:00 pm to receive input regarding the proposed allocations of police and fire pension interest earnings for 2009.

***h. CALL A PUBLIC HEARING FOR ORDINANCE AMENDING CHAPTER 66 – SEWER AND WATER**

A public hearing will be held on Monday, December 28, 2009, at or around 7:00 pm to receive input regarding the proposed amendments to Chapter 66 - Sewer and Water.

***i. RESOLUTION 09-221 AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE FREEBORN COUNTY HUMANE SOCIETY REGARDING FENCING**

This resolution would authorize the mayor and city manager to enter into an agreement with the Freeborn County Humane Society (FCHS) to allow the installation of fencing and kennels on the property located near the current animal shelter. The FCHS would donate the fencing to the City after a five year period and would pay for the cost of installation.

***j. RESOLUTION 09-222 – RESCINDING RESOLUTION 08-88 REGARDING THE PROPOSED ANNEXATION WITH BANCROFT TOWNSHIP – GEORGE AND ARLYS JENSEN**

In April 2008, the Albert Lea City council adopted Resolution 08-88 involving the annexation of approximately 8.32 acres of land owned located at 22276 770th Avenue and owned by George and Arlys Jensen. Part of the resolution included the payment of two and a half years of property taxes to Bancroft Township. The Bancroft Township supervisors did not agree to the payment structure and proposed payment of five years of taxes for annexation of the property. This resolution will rescind Resolution 08-88 as originally presented.

***k. RESOLUTION 09-223 – SUPPORTING THE FIRE DEPARTMENT APPLICATION FOR THE “SAFER” GRANT**

MOTION: Move to approve the consent agenda as amended.

Councilor Brooks moved that the consent agenda items be adopted as presented, 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.

included with these minutes)

PUBLIC FORUM

Mr. Harold Kamrath, 326 Glenn Road, inquired as to when he can speak to issues on the agenda. He stated that per the Rules adopted by the City Council it states that he can speak to an issue after a first and second has been received on a motion. Mayor Murtaugh explained the rules to Mr. Kamrath.

PETITIONS-REQUESTS-COMMUNICATIONS

Mr. Randy Kehr and Ms. Susie Peterson requested that a Winter Celebration on the land near the Waste Water Treatment Facility be made available for radar runs for the snowmobile races, winter plunge, and winter carnival for the kids, broom ball tournaments, chili cook-off, vendors, etc.

This item was placed under new business.

UNFINISHED BUSINESS - None

NEW BUSINESS

REQUEST FOR "BIG FREEZE" EVENT FOR FEBRUARY 13, 2010

Mr. Randy Kehr and Ms. Susie Peterson requested that the land be used for a Winter Celebration on the land near the Waste Water Treatment Facility, radar runs for the snowmobile races, winter plunge, winter carnival for the kids, broom ball tournaments, chili cook-off, vendors, etc.

MOTION: Move to approve this request.

Motion was introduced by Councilor Anderson, seconded by Councilor Olson. 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.

ORDINANCE (1ST READING) 128,4D OF THE CITY OF ALBERT LEA, MINNESOTA AMENDING CHAPTER 22, ARTICLE IX – REGULATIONS AND LICENSING REQUIREMENTS FOR THE BUSINESS OF TATTOOING, BODY PIERCING, BODY BRANDING, AND BODY SCARIFICATION AND CALL A PUBLIC HEARING FOR 12/28/09

City Manager Simonsen explained that this is the first reading of an amendment to the existing ordinance relating to tattoo establishments. The proposed ordinance addresses beyond tattooing and includes body piercing (excluding ear piercing), body branding and body scarification with the intent to protect the health and welfare of the general public.

The ordinance includes a section on definitions, licensing requirements and procedures, license application, review and investigation, restrictions on businesses, as well as health and sanitation requirements to be a licensed facility. Input was received by the public and incorporated into the newly proposed ordinance.

Ordinance (1st Reading) 128,4d was introduced by Councilor Anderson seconded by Councilor Rasmussen. 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.

ORDINANCE (1ST READING) 129,4D OF THE CITY OF ALBERT LEA, MINNESOTA AMENDING CHAPTER 74, ARTICLE IV, INTERIM ORDINANCE (SIGNS)

City Manager Simonsen explained that recent events have shown public concern over illuminated flashing light signage in Albert Lea. Questions have arisen as to whether the signs pose a hazard to the traveling public and potentially threaten the safety of motorists, cyclists, pedestrians, and other users of public streets and property. Still others have questioned the extent to which these signs should be regulated within the B-3 zoning district, if at all, and whether this signage fits aesthetically within that area with its unique architectural heritage.

Minnesota Statute Section 462.355, subd. 4 authorizes an interim ordinance to regulate, restrict or prohibit any use or development within a city for a period of up to one year, with a possible extension of up to eighteen months while these issues are being studied. This proposed interim ordinance would temporarily prohibit "illuminated flashing light" signage within the B-3 district and such signs greater than 400 square feet throughout the community.

A second reading and public hearing would be held on Monday, December 28, 2009, at 7:00 p.m.

Ordinance 129,4d was introduced by Councilor Baker, 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.

RESOLUTION 09-224 – APPROVING A VARIANCE TO JOSEPH AND CATH KLINK FOR AN ATTACHED GARAGE

City Manager Simonsen explained that on November 10, 2009, the Board of Appeals considered the request of Joseph and Cathy Klick, 817 Lakeview Boulevard, for the construction of the attached garage to the west side of their existing house. The ordinance requires a 50 foot setback for buildings from the lake's shore line. The Klicks are requesting a 25 foot variance from the required 50 foot setback to allow the construction of a 28 x 34 foot garage and entry addition to the house. The Board of Appeals voted unanimously to allow the variance as requested.

Resolution 09-224 was introduced by Councilor Baker, 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 09-224
included with these minutes)

PUBLIC HEARING ON PROPOSED 2010 BUDGET

City Manager Simonsen explained that over the past year, the city council has hosted numerous ward meetings to receive input on the services provided by the City of Albert Lea and discuss priorities for our community. There was also the formation of a citizen task force and employee task force to review and make recommendations for budget strategies. The city council has held three budget workshops to discuss the 2010 budget with the following presentation representing their direction. Finance Director Rhonda Moen will give a power point presentation on the proposed 2010 Budget.

Mayor Murtaugh opened the public hearing.

Mike Golen, 3001 University Avenue SE, Minneapolis, representing the Police Union stated that fewer officers on the street would not be safe for this community. Union gave up \$45,000 in negotiations. During the Public Hearings and city meetings, people were willing to spend more money on public services.

David Dopplehammer, 414 Ridge Road, Albert Lea, thanked the council for the opportunity to address them on this issue, encouraged the council to keep the police staffing levels to remain at its present level.

Cory Farris, 18602 700th Avenue, Albert Lea, works for the Task Force with the Sheriff Department. When conducting search warrants, this department is already too short, within the policy it is stated that uniformed police officers during the search warrants and the officers are getting call from this task. This department is already operating at the bare minimum.

Tim Matson, 2141 Grand Avenue, Albert Lea, has worked for Albert Lea over 24 years and there should be no reducing of police service or personnel. There must be other areas that can be cut.

Joe Attig, 18542 750th Avenue, Albert Lea, nothing against the police department, but the city needs to make cuts and not keep raising taxes. He has several rental properties and cannot raise the rents, value of homes decrease and taxes went up. Seniors have to pay more in Medicare and they cannot raise the taxes on these people. Water bills cannot be raised again. Rent is too high already. He stated that mowing of grass when it is 1 inch or more in height, cut other expenses.

Roy Stockwell, 1101 Martin Road, Albert Lea, stated that Albert Lea wants to be known, we have a new court house, new school, vitality center, etc. In moving into a community, they check out the police department, whether it is worth living here cut out safety and why would they come to Albert Lea.

Ted Herman, 1017 Maplehill, Albert Lea, stated that he is the officer providing service at the High School and last fall had to leave a school event to help when the call came out that an officer was down. Stated that the city should not cut any officers.

Bill Varimeal, 201 Sheridan, Albert Lea, spent 29 years in the police department, knows that the economy forecasts are not good, and you cannot keep cutting. The city council and county board must sit down and discuss combining the two departments. No one wants to cut police or public safety services. Work with the county board and do not cut any police officers.

Kate Arms, 207 Sheridan, Albert Lea, proud of the police department, law enforcement, they are highly trained and they are very valuable to the city in saving lives.

Jim Munyer, 1101 Foothills Circle, times are tough this year, presentation stated that they will be worse next year and the following years. Keep as much public safety as possible. No one wants their taxes raised; encourage keeping what you have.

Mr. Harold Kamrath, 326 Glenn Road, the entire budget, reserves and police and fire pension funds needs to be reviewed. Austin and Owatonna has only 30-40 employees and Albert Lea has 50. Stated that the city has too much in reserves. Maybe councilors and mayor should take a cut in pay, during these hard times. Questions regarding why police cars are taken home and not used for 16 hours per day. Vehicles are replaced too often. LGA is our own money; taxes are higher than indicated on the power point presentation.

Dwaine Winkels, Police Chief, you have been elected to cut the budgets and you have heard from the public not to cut public safety. I do not want to lose any staff; we live in the safest community. I hope that you make the best decision for the City of Albert Lea.

Frank Cole, Police Department, behalf on our officers, things getting worse, more crime, detective serious crimes, more and more serious crimes. Farris reported on the search warrant process, one and two officers go because there is not a patrol officer that can leave so we are doing search warrants by ourselves. If the city keeps cutting more and more the safety of officers are in danger.

Mike Juntunen, 107 McArthur Drive, Albert Lea, concerns citizen, in fact, good guy and good job. We are running short and the various awards. Support the police department.

Jon Potts, Front Street, stated that he had the opportunity to work with the police department. Channel View Apartments had drugs, violence, etc, and it has improved greatly because of the ability to work with the police department. Do not cut police at this time.

Mayor Murtaugh closed the public hearing.

This item is scheduled for the December 28, 2009 council meeting.

PUBLIC HEARING ON ADJUSTING SEWER AND WATER RATES

City Finance Director Moen presented an overview of the proposed sewer and water rates that are being recommended for 2010. The city council has hosted a series of meetings and workshops to discuss the sanitary sewer rate study that was conducted by TKDA over the past months. Staff will propose a formal recommendation to the city council at their 12/28/09 city council meeting.

Mayor Murtaugh opened the public hearing.

Mr. Mike Woites, 1408 Levison Street, stated that he was very unsatisfied with the way that this policy is put together. Base rate will double because of the water metered size. Water bill will increase by \$128.00 dollars, flow rate not meter size, and we cannot go down to a smaller meter size because of the number of rooms. Background checks on meter sizes must be checked. Our business wants to be competitive.

Mr. Randy Kehr, 1712 Plainview Lane, stated that this is the first time that he had seen the numbers. Suggested that an Executive Summary on the report and rates be provided before you close the public hearing, so that the public would be able to review this material and give input before the close of the public hearing.

Mr. Harold Kamrath, 326 Glenn Road, it is easy to raise rates, but they not go back to cutting expenses at the plant. Take off one or more of the digesters. \$750,000 for the I & I checks.

Mayor Murtaugh closed the public hearing.

This item is scheduled for the December 28, 2009 council meeting.

RESOLUTION 09-225 – APPROVING AGREEMENT WITH FREEBORN COUNTY HUMANE SOCIETY REGARDING KENNEL USE, SERVICES, LEASES, ETC.

City Manager Simonsen explained that the Freeborn County Humane Society (FCHS) has offered to enter into a joint project with the City of Albert Lea. FCHS has received significant financial contributions for the construction of an animal shelter. The Albert Lea Police Department currently operates a shelter at 101 James Avenue on city property.

FCHS proposes to finance the construction of a new kennel facility on city property in exchange for a thirty-year lease, payments by the City to FCHS of at least \$400 per month, and the promise to meet and discuss a ten year extension on the lease following the thirty year period.

The building will be owned by the City subject to the lease. The Agreement consists of two parts: A Kennel Use Agreement and Lease Agreement. This project benefits the Humane Society, the Police Department and animals within the community. This project is supported by the Police Chief, City Attorney, Freeborn County Humane Society and countless financial donors to the project.

Resolution 09-225 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 09-225
included with these minutes)

RESOLUTION 09-226- ACCEPTING COMMERCIAL-INDUSTRIAL PURCHASE AGREEMENT AND ADDENDUM - CHADWICK

City Manager Simonsen explained that Mr. J. Edwin Chadwick, LLC, is offering to sell the City a 3.16-acre parcel of land on Blake Avenue for \$130,000. The purchase would be made by the City assuming previously deferred assessments of \$83,515 on a different parcel (PN 34-384-0010, legally described as Lot 1, Block 1, Water Tower Place First Addition) owned by Mr. Chadwick. The balance of the purchase price would be deemed a "gift" by the Seller based on an appraisal's evaluation of \$130,000.

There are no pending assessments on the 3.16-acre parcel at this time. The 3.16-acre parcel is encumbered by a Reciprocal Easement. The easement will, in essence, prohibit much construction on the property, though the property could be used for walkways or parking. This parcel may also be used for access to an additional corner lot.

The Planning Commission has reviewed the proposed purchase to see whether it is consistent with the Comprehensive Plan. A motion was made following extensive discussion that "acquisition would not be inconsistent with the comprehensive plan." That motion failed for lack of a second. No further motions were made. The issue is whether the Council wants to accept this offer.

Mr. Jon Chadwick was present and the councilors asked questions of Mr. Chadwick.

Resolution 09-22 was introduced by Councilor Rasmussen, seconded by Councilor Olson. On roll call vote, the following councilors voted in favor of said resolution: Councilors Rasmussen, Baker, Olson, and Mayor Murtaugh. Nays: Councilor Kehr, Anderson and Brooks. Mayor Murtaugh declared the resolution passed

(See Secretary's Original Resolution 09-226
included with these minutes)

RESOLUTION 09-227 – ESTABLISHING THE TAX LEXY FOR 2010

City Manager Simonsen explained that this resolution would establish the tax levy for 2010. The city has held a series of workshops and public hearings to allow input into the city budget and setting the tax levy. This resolution would authorize the tax levy for 2010 as follows:

General Fund	\$4,590,000
PIR Bonds Debt Service	\$354,850

Capital Improvement Bonds Debt Service	\$85,425
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This is a \$70,000 increase in the General Fund tax levy from 2009. The proposed increase is below the state mandated levy limit of 3%. The city's share of tax on a home valued at \$100,000 would be \$367, an increase of \$21.00 from 2009. The city's overall tax capacity has remained stable for 2010. The 2010 tax rate is 46.681% up from 44.034% in 2008.

In 2010, 28% of a homeowner's tax dollars will go toward city services. The remaining dollars are spread between the county – 36%, the school district – 35%, and the watershed district – 1%.

There was discussion by the council regarding the tax levy.

Resolution 09-227 was introduced by Councilor Anderson, seconded by Councilor Baker. On roll call vote, the following councilors voted in favor of said resolution: Councilor Anderson Nays: Councilors Rasmussen, Baker, Kehr, Olson, Brooks and Mayor Murtaugh. **Mayor Murtaugh declared the resolution failed.**

(See Secretary's Original Resolution 09-227
included with these minutes)

RESOLUTION 09-228 – ESTABLISHING THE TAX LEVY FOR 2010

City Manager Simonsen explained that this resolution would establish the tax levy for 2010. The city has held a series of workshops and public hearings to allow input into the city budget and setting the tax levy. This resolution would authorize the tax levy for 2010 as follows:

General Fund	\$4,520,000
PIR Bonds Debt Service	\$354,850
Capital Improvement Bonds Debt Service	\$85,425

This is a \$70,000 decrease in the General Fund tax levy from 2009.

In 2010, 28% of a homeowner's tax dollars will go toward city services. The remaining dollars are spread between the county – 36%, the school district – 35%, and the watershed district – 1%.

Resolution 09-228 was introduced by Councilor Olson, 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 09-228
included with these minutes)

ADOPTING ANNUAL BUDGET FOR 2010

City Manager Simonsen explained that as presented earlier this evening, the 2010 General Fund budget shows a decrease of \$1,093,024 (or 8%) from 2009. All of the individual departmental budgets contributed to this decrease in expenses by reducing staffing and operating costs. The General Fund appropriations total \$13,657,076 with 33% of the budget being funded by local government aid and 33% funded through local property tax. The remainder of the revenue for the general fund will be collected through licenses and permits, charges for services and other miscellaneous income.

The Water Fund is budgeted to spend \$1,810,520 and the Sewage Disposal Fund is anticipated to spend \$4,047,529. Solid Waste Management, the Parking Fund, PIR Bond Debt Service and Capital improvement Debt Service total \$556,475. Details of each of these funds, the appropriation expense and the means of financing are available within the resolution.

MOTION: I will move to table until December 28, 2009.

Motion introduced by Councilor Baker, seconded by Council Brooks. 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.

APPROPRIATING FUNDS FOR FISCAL YEAR 2010

City Manager Simonsen explained that this resolution would authorize the appropriation of funds for 2010, as previously outlined, to allow the City to begin its monetary transactions for the New Year.

MOTION: I will move to table until December 28, 2009.

Motion introduced by Councilor Kehr, seconded by Council Rasmussen. 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.

RESOLUTION 09-229 – SETTING GROSS RECEIPTS FOR 2010

This resolution sets the Gross Receipts Tax for 2010. It is an annual requirement in order to be able to collect the tax on natural gas sales and electricity sales, as well as cable franchise services. City staff is recommending that the rate remain the same and be set at 4.5% for the year 2010. The municipal gross receipts tax is applied on natural gas sales and electricity sales made by Alliant Interstate Power, Freeborn-Mower Cooperative Services and Charter Communications.

Resolution 09-229 was introduced by Councilor Brooks, 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 09-229
included with these minutes)

RESOLUTION 09-230- POTENTIAL UNALLOTMENT OF LOCAL GOVERNMENT AID (LGA) PAYMENT

City Manager Simonsen stated that this resolution would request that Governor Tim Pawlenty and the Minnesota Legislature refrain from further unallotment of Local Government Aid payments to Minnesota municipalities. The State Budget Forecast predicts a budget deficit of \$1.2 billion for the current biennium. Governor Pawlenty unallotted scheduled local government aid payments in December 2008 and July 2009 to address state budget deficits. The City of Albert Lea was unallotted state aid in the amounts of \$400,138 in 2008, \$337,373 in 2009 and is expecting an additional \$778,679 in 2010. The resolution requests that the governor and the legislature call an immediate special session or address the budget deficit upon the opening of the 2010 legislative session on February 4, 2010.

Resolution 09-230 was introduced by Councilor Kehr, seconded by Councilor Rasmussen. 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 09-230
included with these minutes)

RESOLUTION 09-231 - APPROVING JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION AND THE CITY OF ALBERT LEA REGARDING "e-CHARING" OF CRIMINAL COMPLAINTS

City Manager Simonsen explained that the Minnesota Department of Public Safety seeks to enter into a Joint Powers Agreement (JPA) with the City of Albert Lea for e-Charging. This is a new service helping law enforcement communicate electronically with courts, prosecution, the Bureau of Criminal Apprehension and State Department of Public Safety. The sole cost to the City should be about \$200 for hardware. The JPA is intended to streamline charging, filing and prosecution processes. The Police Chief and City Attorney support entering into this Agreement.

Resolution 09-231 was introduced by Councilor Baker, 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 09-231
included with these minutes)

RESOLUTION 09-232 – AUTHORIZING AMENDMENT NO. 1 TO THE JOINT POWERS AND AMENDMENT NO. 1 TO THE GRANT AGREEMENT BETWEEN THE STATE OF MINNESOTA ACTING THROUGH ITS COMMISSIONER OF THE MINNESOTA POLLUTION CONTROL AGENCY (MPCA) AND CITY OF ALBERT LEA.

City Manager Simonsen explained that this resolution would authorize the mayor and city manager to enter into an agreement with the MPCA for use of excess funds from the Edgewater Park Dumpsite Cleanup to further remediate the site. In 2006, the State Legislature allocated \$3.65 million of state general obligation bond proceeds to the project, and an additional \$2.5 million in 2008.

Recently, the dumpsite cleanup was completed at a total cost of approximately \$5.2 million. The agreement specifies that the remaining funds of approximately \$862,000 may be used by the city to provide sewer and water service and replace the public park amenities that were removed during the remediation.

Resolution 09-232 was introduced by Councilor Olson, 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 09-232
included with these minutes)

RESOLUTION 09-233 – ALBERT LEA TOWNSHIP AND THE CITY OF ALBERT LEA DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE MUNICIPAL BOUNDARY ADJUSTMENT OFFICE OF THE OFFICE OF ADMINISTRATIVE HEARINGS PURSUANT TO M.S. 414.0325 (Sabin & Majerus)

City Manager Simonsen stated that this resolution would authorize the joint orderly annexation with Albert Lea Township for property located at 2238 and 2234 SE Marshall Street, consisting of approximately 5.50 acres of land. The petition for annexation was made by the owners of the properties, Robert D. Sabin and Anthony and Marilee Majerus (.99 acres). Because the annexation agreement was signed by 100% of the owners, a public hearing is not required. The Township is requesting an amount equal to five years of existing taxes derived from the area to be paid subject to annexation.

Resolution 09-233 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 09-233
included with these minutes)

RESOLUTION 09-234 – BANCROFT TOWNSHIP AND THE CITY OF ALBERT LEA DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE MUNICIPAL BOUNDARY ADJUSTMENT OFFICE OF THE OFFICE OF ADMINISTRATIVE HEARINGS PURSUANT TO M.S. 424.0325 (Ringoen)

City Manager Simonsen stated that this resolution would authorize the joint orderly annexation with Bancroft Township for property located at 2313 Hammer Road, consisting of approximately 5.0 acres of land. The petition for annexation was made by the owners of the properties, Terry and Jeanette Ringoen. Because the annexation agreement was signed by 100% of the owners, a public hearing is not required. The Township is requesting an amount equal to five years of existing taxes derived from the area to be paid subject to annexation.

Resolution 09-234 was introduced by Councilor Baker, seconded by Councilor Rasmussen. 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 09-234
included with these minutes)

RESOLUTION 09-235 – BANCROFT TOWNSHIP AND THE CITY OF ALBERT LEA DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE MUNICIPAL BOUNDARY ADJUSTMENT OFFICE OF THE OFFICE OF ADMINISTRATIVE HEARINGS PURSUANT TO M.S. 424.0325 (George and Arlys Jensen)

City Manager Simonsen stated that this resolution would authorize the joint orderly annexation with Bancroft Township for property located at 22276 770th Avenue, consisting of approximately 8.32 acres of land. The petition for annexation was made by the owners of the properties, George and Arlys Jensen. Because the annexation agreement was signed by 100% of the owners, a public hearing is not required. The Township is requesting an amount equal to five years of existing taxes derived from the area to be paid subject to annexation.

Resolution 09-235 was introduced by Councilor Anderson, seconded by Councilor Rasmussen. 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 09-235
included with these minutes)

7. MAYOR AND COUNCIL ITEMS

a. Mayor/Ward and Committee Updates

First Ward, Councilor Rasmussen reported:

- Committee Updates
- No Ward Items

Second Ward, Councilor Baker reported:

- Committee Updates
- No Ward Items
- Merry Christmas to everyone

Third Ward, Councilor Kehr reported:

- Committee Updates.
- No Ward Items

Fourth Ward, Councilor Olson reported:

- No Committee updates.
- Ward Items – Snow Removal Issue
- Encouraged residents to shop locally

Fifth Ward, Councilor Anderson:

- No Committee Updates
- Ward Items
- Drive careful and Merry Christmas and Happy New Year

Sixth Ward, Councilor Brooks

- No Committee updates
- Snow Removal – Tagging of cars
- Calls on Animal Shelter
- Comments on 2010 Budget
- Residents wished City Manager the best of luck

Mayor Murtaugh

- Recognized the Scouts on clean-up

- Update on Albert Lea Thunder Hockey Team
- Resignation of City Manager as of February 12, 2009

City Manager's Response to Public Items

- No Public Items

8. Recess until 4:30 on December 18, 2009 – 9:40 P.M.

MOTION: I will move to recess until 4:30 p.m., Friday, December 18, 2009.

Motion was introduced by Councilor Baker, seconded by Councilor Kehr. On roll call vote the following voted for said motion: Councilors Rasmussen, Baker, Kehr, Olson, Anderson, Brooks and Mayor Murtaugh. Mayor Murtaugh declared the council meeting recess until 4:30 on December 18, 2009.

Mayor Michael K. Murtaugh

Filed and attested December 14, 2009.

Secretary to the Council