

**REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
January 08, 2024 - 7:00 P.M.**

PRESENT: Mayor Rich Murray, Councilors Rachel Christensen, Larry Baker, Jason Howland, Sherri Rasmussen, Brian Anderson. Also present were City Manager Ian Rigg, Public Works Director Steven Jahnke, City Attorney Joel Holstad of Lake National Law LLP, and Deputy City Clerk Karla Tukua.

ADDITIONAL STAFF PRESENT: Sergeant-at-Arms-Public Safety Director JD Carlson, Community Engagement & Enrichment Director Cathy Malakowsky

ABSENT: Councilor Robert Rasmussen and City Clerk Daphney Maras

CALL TO ORDER AND ROLL CALL - Mayor Murray called the meeting to order at 7:00 PM. Deputy City Clerk Tukua administered roll call.

PLEDGE OF ALLEGIANCE - Mayor Murray asked all in attendance to stand and recite the Pledge of Allegiance.

CEREMONIAL ITEMS - Mayor Murray read a Proclamation Declaring January as National Mentoring Month and presented proclamation to Hallie Raimann from Stars Mentoring.

PUBLIC FORUM

Bruce Manwarren notified Council of a dead deer on the highway.

CONSENT AND APPROVAL OF AGENDA

- A. Approve Minutes of the December 11, 2023 Regular Council Meeting
- B. Approve Minutes of the December 11, 2023 Work Session
- C. License & Permits
- D. Resolution Establishing 2024 Appointments And Designations
- E. Resolution Designating Depositories Of City Funds And Signatories For Withdrawal Of Funds And Authorizing Credit Card Use, Electronic Or Wire Transfers, Investment Of Municipal Funds And Collateral Securing Deposits For 2024
- F. Resolution Naming Official Newspaper For 2024
- G. Resolution Designating the Polling Places for 2024

Motion made by Councilor Baker, seconded by Councilor S. Rasmussen. On roll call vote the following councilors voted in favor of said motion: Christensen, Baker, Howland, S. Rasmussen, Anderson, and Mayor Murray. Mayor Murray declared the motion passed.

(See Secretary's Original Resolution 24-001 through 24-004
Included with these minutes)

PETITIONS, REQUESTS AND COMMUNICATIONS

A. Staff Report – Chapter 48, Article II. – Sec. 48.023 – Community Dock Permits

Rigg explained due to changes in the insurance industry the City's previous requirements for insurance will need to be changed in the ordinance. Rigg asked the Community Engagement and Enrichment Director Cathy Malakowsky to elaborate more on these changes and one other minor change that recreation staff is requesting. Malakowsky expressed that tonight is for informational purposes only, looking to have the first reading of this ordinance change at the January 22, 2024 council meeting. Malakowsky stated that dock permit holders are being notified that their insurance companies will no longer list the City as a third insured party and gave the reasons why. Dock permit holders will still be required to carry liability insurance and the City can determine what that should be. Malakowsky stated that through emails with our City Attorney and calls to League of Minnesota Cities it's been determined that the City would still be mitigating their risk by requiring dock holders to carry liability insurance without listing the city as an additional insured. The other change requested by staff at the recreation office, is to change the day dock permits open to the 2nd Friday in April each year. Malakowsky explained when there is a specific date listed, it can occasionally fall on a weekend and then special notices would be required. It is much easier if it can be the 2nd Friday in April each year. Malakowsky again reminded council that the amended ordinance showing these changes will be available for the council's first reading at the January 22nd council meeting. Rigg commended staff for the ease of the dock permit process this past season. He gave more information on what the city will require of dock permit holders.

UNFINISHED BUSINESS - None

NEW BUSINESS

A. Resolution 24-005 Approving Conditional Use Permit for Wedgewood Cove Estates

Rigg stated that Gerald Vogt on behalf of Wedgewood Cove Estates applied for a conditional use permit for outdoor events and activities in parking and open areas at 2200 and 1216 W 9th Street with varying hours of activity.

The Planning Commission held a public hearing on December 5, 2023 and forwards the following findings to City Council:

1. The application is consistent with the 2040 Comprehensive Plan
2. The application will meet the conditions of the Planned Development District related to density, size and open and green space.
3. The proposed use as applied has the protentional to interfere with the harmonization between two types of land use.
4. The proposed used has the potential to be averse to neighboring residential properties.

Planning Commission recommends approval of the Conditional Use Permit with the following conditions:

1. Outdoor events be allowed on the properties as applied until 8:00p.m. on weekdays (Sunday-Thursday) and until 10:00p.m. on weekends (Friday-Saturday).
2. Outdoor events shall use non-amplified music after 7:00p.m. every day of the week.
3. No added strobe, disco or flashing lights are allowed.

Motion made by Councilor Howland, seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said motion: Councilor Christensen, Baker, Howland, S. Rasmussen, Anderson, and Mayor Murray.

Councilor Howland asked about the proposed use since it is already an outdoor use facility, to which Rigg clarified more about the changes. Wanting to ensure due to proximity of neighborhoods, that requirements were in place for noise. There was additional discussion in regards to the CUP, with Rigg giving clarification that he misspoke and that a Conditional Use Permit stays with the property.

(See Secretary's Original Resolution 24-005
Included with these minutes)

B. Resolution Amending Establishing Rules and Procedures for the City Council of Albert Lea

Rigg explained the attached resolution addresses a variety of issues, including meeting times and places, role of the presiding officer, public hearings, record keeping, voting, ordinances, resolutions, motions, petitions and communications, rules for addressing the council, rules or decorum and maintenance of order. The amendments relate to Sec. 5. Quorum and voting, subd. 2. Voting. As well as subd. 5. Motions, petitions, communications. Staff recommends approval. Rigg stated that the changes will allow for Mayor to have the option to call for a voice vote vs. a roll call vote, explaining that nothing says we have to adopt these changes. Rigg gave different examples of when the voice vote can/may be used, again by the Mayor.

Motion made by Councilor Anderson, seconded by Councilor S. Rasmussen. On roll call vote, the following councilors voted in favor of said motion: Councilor Christensen, Baker, S. Rasmussen, Anderson, and Mayor Murray. Councilor Howland voted Nay.

Councilor Anderson had made the motion with the condition that any council member can ask for a roll call vote. There was dialog back and forth as to whether it would cause confusion if a council member calls for a voice vote, vs. just having the Mayor call it. Rigg stating that we can try it and if it doesn't work out we can go back to a roll call vote. Councilor S. Rasmussen read through how the resolution was phrased, if one council member votes no, then the presiding officer will proceed with a roll call vote. Councilor Anderson withdrew his condition he made for any council member to be able to ask for a roll call vote. There was more discussion between council with Howland commenting that he will vote no. Rigg read through how the resolution would be amended.

(See Secretary's Original Resolution 24-006
Included with these minutes)

C. Shell Rock River Watershed District Joint Powers Agreement for In-Lake Habitat Restoration Project Including Bridge Avenue Dock Landing and Lakeview Boulevard Shoreline Restoration

Rigg asked that City Engineer Steve Jahnke present the information on this. Jahnke explained that the Shell Rock River Watershed District (SRRWD) has worked with the City of Albert Lea and received a grant for a Fountain Lake In-Lake Habitat Restoration Project. The project is located in and around Fountain Lake. The project is designed to create natural habitats for native species, shoreline restoration, and public access to recently dredged Fountain Lake. The City is also creating a dock landing.

The Joint Powers Agreement states that the Shell Rock River Watershed will use the grant for any eligible project costs. Responsibilities of the City include:

- The City will provide long term ownership and maintenance of the Bridge Avenue Dock Landing
- The City will purchase the dock for the landing
- The City will pay for engineering services for the Bridge Avenue Dock Landing (previously approved)
- The City will provide long term ownership and maintenance of the shoreline restoration along Lakeview Boulevard
- The City will allow staging areas at the former dredge staging area in Edgewater Park and in a designated spot in the City beach parking lot during construction
- SRRWD will be responsible for all in-lake habitat

Jahnke mentioned the Shell Rock River Watershed had bids come in yesterday, they had 1.2 Million in funding and the bids were significantly higher. Jahnke stated the SRRWD will regroup and figure out how to move forward. Jahnke said that whatever they decide to do, the Joint Powers Agreement would stay the same and staff recommends entering into the agreement with the SRRWD.

Motion made by Councilor Baker, seconded by Councilor Christensen. On roll call vote, the following councilors voted in favor of said motion: Councilor Christensen, Baker, Howland, S. Rasmussen, Anderson, and Mayor Murray.

Howland spoke about the meetings he sat in with SRRWD and City Staff and stated it's exciting to see this coming to fruition, with the additional restoration and changes that will happen. Rigg responded to Christensen's question on the city dock. Rigg explained how the dock would be designed, putting in a dual dock slip, to be used by people who kayak. Rigg then gave more details of the process and thanked Mr. Howe for the grant funding he provided. Howland also added that the entry area to the dock will be similar to Brookside Landing, no steps. Jahnke gave more details on this and said it will be ADA compliant.

(See Secretary's Original Resolution 24-007
Included with these minutes)

D. Resolution Calling For Preparation of Projects to Maintain and Enhance Recreational Facilities

Rigg mentioned City staff would like official direction from the City Council on preparing the Rec Facilities projects for council consideration, similar to how the Council calls for studies on street projects. This resolution informs staff and the public that the Council intends to pursue the maintenance and amenity projects as recommended by staff and the Parks and Recreation Board. The Council can still change the project list when it decides on how to finance the projects. In addition, the Council will have ample opportunity to approve or deny projects as their agreements and contracts come to the Council for approval before implementation. Final direction on the financing would be preferable but requires no formal action. Rigg did clarify that through the work session discussion it was apparent that the Council wishes to seek election bonding as the City's primary funding source. There will be more discussion on the totality and cost of project as it goes along. Staff recommends approval.

Motion made by Councilor Anderson, seconded by Councilor Baker. On roll call vote, the following councilors voted in favor of said motion: Councilor Christensen, Baker, Howland, S. Rasmussen, Anderson, and Mayor Murray.

(See Secretary's Original Resolution 24-008
Included with these minutes)

E. Resolution Authorizing the Sale of Property at 132 Broadway Avenue South

Rigg stated that six months ago the City partnered with CVB, Chamber and ALEDA on selling the property at 132 S Broadway and putting a new business in the downtown. We received a viable proposal from Ignite Nutrition. They wish to expand and own their own property moving forward. Approximately 6 years ago the city had to replace the roof and assessed \$100,000 +/- in repairs to the property. The City received the property via tax foreclosure and spent approximately \$70,000 + in continued repairs, environmental remediations, and structural repairs. The buyer proposes to put an approximate \$300,000 more into the property immediately and laying the groundwork for potential expansion upstairs with apartments. The purchase price is \$69,000 and should not create conflict with recent Supreme Court rulings.

Motion made by Councilor Baker seconded by Councilor Christensen. On roll call vote, the following councilors voted in favor of said motion: Councilor Christensen, Baker, Howland, S. Rasmussen, Anderson, and Mayor Murray.

Howland stated that he is happy about this going forward, going through the history of this property. He's glad this building has been saved and a business is moving in there. There were more comments on excitement that Ignite Nutrition is moving in and investing in this property and the downtown.

(See Secretary's Original Resolution 24-009
Included with these minutes)

F. Resolution Permitting an Agreement for Loan with Ignite Nutrition of Albert Lea

Rigg said the City has a State Economic Development Revolving Loan Fund. The fund is used, among other things, to create and retain good jobs, leverage private investment and increase the local tax base. The City seeks to enter into an Agreement with Ignite Nutrition of Albert Lea LLC, contingent upon the project meeting criteria for funding, for:

1. The Economic Development Revolving Loan Fund traditional loan for \$49,000 for a term of ten (10) years at five point two three (5.23%) percent interest per annum; and
2. The Economic Development Revolving Loan Fund forgivable loan for \$20,000 to create and retain two (2) jobs by February 1, 2030. If the two (2) jobs are created and retained through February 1, 2030, this loan is forgiven. Failure to create and retain the two (2) jobs through February 1, 2030 will require the loan to be paid in full. Staff recommends approval.

Motion made by Councilor Baker, seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said motion: Councilor Christensen, Baker, Howland, S. Rasmussen, Anderson, and Mayor Murray.

(See Secretary's Original Resolution 24-010
Included with these minutes)

MAYOR AND COUNCIL REPORTS:

First Ward, Councilor Christensen reported:

- Ward Items – None, but did meet with Andy Henschel from SRRWD and discussed what opportunities there will be for concerned or interested citizens to provide input. Christensen stated that the SRRWD will be holding public meetings and will be notified in February of meeting times. Letting residents know they can contact her if interested in getting involved and stated her contact information is on the City's website.
- Committee Update – Due to the Holiday there was no Blue Zones meeting, but Christensen informed council of attending the Business After Hours, hosted by Cargill and attended a gathering at the Broadway with Representative Finstad. Also attended the meeting at the Arena Jan. 4th to get more information on the Recreation facilities

Second Ward, Councilor Baker reported:

- Ward Items – A constituent called him in regards to the restroom project by the Splash Pad and this resident asked about the possibility of getting a portable bathroom in New Denmark Park. This resident stated that a lot of kids, mothers and parents that go down there and there is no place to go to the bathroom. He asked for Mayor/City Manager to look into this.

- Committee Update – Attended the meeting on the UV trail and property. Explaining that the County will spearhead this project and giving updates on the trail. Next meeting will be in February and he'll bring further updates.

Third Ward, Councilor Howland reported:

- Ward Items – None
- Committee Update – None

Fourth Ward, Councilor S. Rasmussen reported:

- Ward Items – None, but stated she has also received calls on the Rec. Center, pleased to hear how many are in favor of so much of it. Rasmussen is also working on a few Ward items with the City Engineer in terms of parking situations, traffic and signage items.
- Committee Update – Senior Center meeting is on Weds. this week and she will report back at our next Council Meeting.

Fifth Ward, Councilor R. Rasmussen - absent

Sixth Ward, Councilor Anderson reported:

- Ward Items – None, but has received e-mails from residents and had a few discussions in regards to the Rec. Center and the improvements. He'll continue to get input on that.
- Committee Update -

MAYOR REPORT:

Since our last meeting in early December -

- Met with Philip Johnson and ALEDA on projects they are working on throughout the city.
- Met with Andy Henschel from the Watershed Board, discussing the dredging and the old golf course property and plans for that.
- Did some work with Brad Arends with the Healthcare Coalition.
- Attended Chamber after hours, thought this was a fun event, inviting others to join.
- Met with Congressman Finstad, very informative discussion.
- Attended the facilities meeting at the City Arena, encouraging the citizens to give the City it's feedback on the projects.
- The Mayor then listed the events coming up, reminding residents that the City Offices will be closed on Monday, January 15th in observance of Martin Luther King day.

CITY MANAGER REPORT

- Will be meeting with Staff, City Engineer and County in regards to the Trail Plan.
- Looking at a number of approvals, action items for the Small Communities Development Program. It's becoming more popular as landlords are rehabilitating rental properties as this helps reduce the cost and keeps rents more affordable.
- Met with a local business that deals with cannabinoid products to go over the Cannabis Ordinance, will branch out with other stake holders. Will be drafting a whole new ordinance.
- Meeting with the County Administrator to go over some properties and shared services. Also meeting with Board Commissioners to go over continued collaboration with the County.
- Thanked the members of the Rec. Staff, Cathy Malakowsky, our Finance Director Kristi Brutlag for all their hard work they put into everything that's been presented to the public so far.

APPROVAL OF CLAIMS

A. Resolution 24-011 Approving Claims

(1). Presentation of Claims Over \$25,000

The attached resolution directs the Mayor and City Treasurer to issue the payment of claims as presented in the Detail of Claims report. In addition, Tukua displayed a list of claims over \$25,000 for the public’s viewing, transparency and education.

Motion made by Councilor Baker to approve the claims, seconded by Councilor S. Rasmussen. On roll call vote, the following councilors voted in favor of said motion: Christensen, Baker, Howland, S. Rasmussen, Anderson, and Mayor Murray. Mayor Murray declared the motion passed.

(See Secretary's Original Resolution 24-011
Included with these minutes)

Councilor Anderson motioned for adjournment, Councilor Christensen seconded. 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, January 22, 2024. On voice vote, all councilors voted in favor of said motion

Mayor Murray declared the motion passed and the meeting adjourned.

ADJOURNMENT: 8:00 P.M.

Mayor Rich Murray

Karla Tukua
Council Secretary Pro Tem