

**REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
March 25, 2024 - 5:30 P.M.**

PRESENT: Mayor Rich Murray, Councilors Rachel Christensen, Larry Baker, Jason Howland, Robert Rasmussen, Brian Anderson, City Manager Ian Rigg, Public Works Director Steven Jahnke, City Attorney Joel Holstad of Lake National Law LLP, and City Clerk Daphney Maras.

ABSENT: Councilor Sherri Rasmussen

ADDITIONAL STAFF PRESENT: Sergeant-at-Arms-Public Safety Director JD Carlson.

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

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

CEREMONIAL ITEMS – None

PUBLIC FORUM – None

CONSENT AND APPROVAL OF AGENDA

- A. Approve Minutes of the March 11, 2024 Regular Council Meeting
- B. Approve Minutes of the March 11, 2024 Work Session
- C. License & Permits
- D. Appointment of Wende Taylor to the Parks and Recreation Advisory Board
- E. Resolution Authorizing Broadway Ridge Grant for 101 South Broadway – Albert Lea Art Center
- F. Resolution Appointing Election Judges for the April 9, 2024 Special Election
- G. Resolution Accepting Donations as Presented to the City of Albert Lea

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

(See Secretary's Original Resolution 24-059 through 24-061
Included with these minutes)

PETITIONS, REQUESTS AND COMMUNICATIONS - None

UNFINISHED BUSINESS - None

NEW BUSINESS

A. Public Hearing and Resolution Ordering Improvement and Preparation of Plans for the 2024 Alley Reconstruction Project - Job 2405

Rigg said a public hearing was called on March 11, 2024 and was held open to March 25, 2024. It is being held for public input for City Job No. 2405.

The proposed project calls for the reconstruction of several downtown area alleys (approximately 840 total feet). Proposed work will include complete removal and replacement of the pavement and repairs to sanitary sewer manholes within the project area. The alleys proposed for reconstruction with this project are between Elizabeth Avenue and Newton Avenue from Clark Street to College Street.

The new pavement is proposed to be a concrete surface and will be dish-shaped to channel water to the center and then carried out to the street.

The existing pavements are in very poor condition and are deteriorated past the point where routine maintenance practices are effective.

Assessments will be levied to the benefiting properties based upon removing and replacing the existing alley pavements to the same 20-foot width with a 6" thick concrete pavement. The proposed preliminary assessment rate is \$120.80 per alley foot.

There are 16 properties proposed to be assessed as part of this project. A preliminary assessment roll is attached to this report. Following the assessment policy, the assessments will be over 10 years. The interest rate will be based on bonding in 2024.

The estimated project cost is \$274,623.76 and would be paid for with assessments, sanitary sewer funds, and City bonding funds.

The neighborhood meeting was held on March 7, 2024 to discuss with the impacted residents and businesses.

Mayor Murray opened the public hearing.

Robert Hoffman spoke of current assessments on some of the properties he owns. He is one of the 16 property owners to be assessed as part of this proposed project. He asked if this project could include sidewalk repair in front of his property at 120 Elizabeth Avenue noting the basement of this building floods during heavy rains due to the deteriorated alley and sidewalk. At his request, a map of the alley was displayed for viewing.

Mayor Murray called a second time.

Matt Benda is co-owner of the property at 113 Newton Avenue and is included in the proposed project. He stated although he agrees the alley needs repair, his concern is related to the scope

and timing of this project. He said he only found out about this proposed project two weeks ago and it feels rushed therefore, he is requesting additional time to allow he and the owners time to seek an alternative option to concrete. Additionally, he commented on the several assessments he has been subjected to that have resulted from street projects done in the past years and now more in the future. He said he is frustrated as his taxes have increased over 50% and his operating expenses have increased immensely as well. He is requesting a 60-day delay in this project and questions if vacating the alley might be a solution.

Mayor Murray called a third time. No one spoke. He closed the public hearing.

Councilor Baker remarked after listening to the comments by Mr. Hoffman and Mr. Benda, it may be worth a discussion. Councilor Rasmussen concurred. Councilor Howland questioned the perception that the property owners were blindsided by the proposal of this project and asked if notice was provided in the required timeline. City Manager Rigg responded that the neighborhood meeting was held on March 7, 2024 and property owners were notified. Additionally, due to the public hearing notice not going out in the required timeframe, the public hearing was postponed from March 11, and notice requirements were met to hold this public hearing tonight. He deferred to Public Works Director Jahnke to comment as to the 60-day postponement request by Mr. Benda. Jahnke said the project could wait the 60 days adding the impact would affect the timing of the bonding. Councilor Anderson asked what the costs are for each the City and the property owners. Rigg said he only has the total cost of the project available at this time. He added that delaying the project may not be the best option as Mr. Hoffman stated water is flooding the basements thereby causing significant deterioration. He deferred to Jahnke to respond to the individual costs. Jahnke said the total for the residents' is \$137,648, which is approximately half the total cost. Howland then asked how many business owners attended the neighborhood meeting on March 7th. To which Jahnke replied, zero attended. To Howland's question, Jahnke responded that all businesses were notified by letter of the neighborhood meeting well within the required timeframe. Baker asked for explanation to Rigg's earlier statement related to the public hearing notice not making the timeline for the March 11th council meeting. Jahnke detailed the process of notices, and explained the public notice was not mailed in time or advertised in the newspaper in time to make the March 11th council meeting and therefore was mailed and advertised as required to make the March 25th public hearing requirement. Anderson had questions related to postponing the project, bids and bonding to which Rigg responded detailing the pros, cons, and possibilities. Jahnke added bituminous would not be recommend in place of concrete for this project as it could not provide the necessary improvement. Christensen asked if there is more than one business affected by the flooding. Jahnke described the drainage issues included throughout the proposed improvements.

Motion made by Councilor Howland, seconded by Councilor Baker to order improvement and preparation of plans for the 2024 Alley Reconstruction Project - Job 2405. On roll call vote, the following councilors voted in favor of said motion: Christensen, Howland, Anderson, and Mayor Murray. And the following voted nay: Baker and Rasmussen. This resolution was initially approved however, after further investigation to the statute related to the required number of votes on this resolution, it was determined it did not receive the required 4/5's vote. Mayor Murray declared the motion failed.

B. Resolution 24-062 Approving Agreement with Freeborn County on the Sale of Forfeited Properties.

Rigg explained that given the uncertainty counties in Minnesota face as a result of a recent Supreme Court ruling regarding tax forfeited properties the County has asked we sign an agreement that indemnifies them from any financial liability. City Attorney has reviewed this and, in the past, has stated there is little concern for the City given our current process of how we handle both purchase, improvement and resale of property. Rigg described the dollar amount already spent in court order repairs on one of the properties. Baker asked how much more money will be spent on clean up. Rigg does not believe there will be much more spent as the property will be advertised for sale and the new owner will be required to finish the improvements.

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

(See Secretary's Original Resolution 24-062
Included with these minutes)

MAYOR AND COUNCIL REPORTS:

First Ward, Councilor Christensen reported:

- Ward Items – None
- Committee Update – Participated in several informational meetings regarding the referendum. Attended the recent School Board meeting as well as the Chamber After Hours. She commended the Mayor on his representation of the City. She invited the public to attend future Chamber After-Hours meetings. Attended the Worksite Wellness meeting organized through the Chamber under the guidance of the Blue Zones project. Encourages area businesses to obtain more information to become a certified Worksite Wellness. Attended the 61st annual figure skating show and commended all the participants.

Second Ward, Councilor Baker reported:

- Ward Items – On behalf of a resident, he asked if the City would consider a turkey hunt with bow and arrow at the Airport. Also inquired if the City would consider public gardens at Shoff Park.
- Committee Update – Attended the tour and informational meeting at the Marion Ross Theatre last week regarding the Rec Facilities improvements. Attended Legislative Day at the State Capital last week with special interest in the proposed new zoning laws.

Third Ward, Councilor Howland reported:

- Ward Items – None
- Committee Update – Attended the Park & Recreation Board meeting last week and reported there are two new members. They discussed the railroad trail from Hartland to Albert Lea and ideas for naming the trail. A proposal for field improvements at Frank Hall

Park football field will be coming forth to council from the Board in the next couple of months.

Fourth Ward, Councilor S. Rasmussen reported: ABSENT

Fifth Ward, Councilor R. Rasmussen reported:

- Ward Items – Working on a couple of ward items.
- Committee Update – Attended the Airport Board meeting and reports the Master Plan is waiting FFA approval. They reviewed the Automated Weather Observation System (AWOS) as it is in the planning stages with anticipated construction this fall and will require an environmental study. Reviewed the CIP. Applications have been submitted for funding for equipment. He commented that he has heard positive feedback regarding the referendum.

Sixth Ward, Councilor Anderson reported:

- Ward Items – Working on a couple of ward items.
- Committee Update – Attended several meetings already mentioned by other council members. Attended Legislative Day last week and encourages residents to contact their representatives in support of funding for the WWTP.

MAYOR REPORT:

Attended the following:

- ALEDA update meetings
- Referendum informational meetings
- 19th Annual Ag luncheon. He congratulated Jim & Jackie Sorensen on winning Freeborn County Farm Family of the year.
- Chamber After-Hours
- Figure Skating program.

Mentioned the upcoming events and noted the events are also listed on the City's website.

CITY MANAGER REPORT

- Attended Legislative Day at the Capital where he was able to relay the City's opinion on the bonding of the WWTP as well as the proposed zoning law changes. He described the importance of support of the rural EMS service at the legislature as well as support of LGA.
- An RFP is ready to go out in anticipation of development on specific property
- Grant applications are coming in as well as going out to the State to assist in additional projects.
- Thanked staff for their efforts in ensuring the community is receiving accurate information regarding the upcoming referendum
- Reminded council of the League of MN Cities annual conference and encouraged them to attend.
- Reminded council a quorum is required to attend the upcoming April 12th Canvassing meeting.

APPROVAL OF CLAIMS

A. Resolution 24-063 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, Maras displayed a list of claims over \$25,000 for the public's viewing, transparency and education.

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

(See Secretary's Original Resolution 24-063
Included with these minutes)

Councilor Howland motioned for adjournment, Councilor Anderson 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, April 8, 2024. On roll call vote, all councilors voted in favor of said motion.

Mayor Murray declared the motion passed and the meeting adjourned.

ADJOURNMENT: 8:01 P.M.

Mayor Rich Murray

Daphney Maras, City Clerk
Secretary of the Council