

**REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
May 13, 2024 – 7:00 P.M.**

PRESENT: Mayor Rich Murray, Councilors Rachel Christensen, Larry Baker, Jason Howland, Robert Rasmussen, Sherri 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.

ADDITIONAL STAFF PRESENT: Sergeant-at-Arms-Public Safety Director JD Carlson, Building/Zoning Official Wayne Sorensen, Assistant Director of Public Works Ryan Hayek, Community Engagement & Enrichment Director Cathy Malakowsky.

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

A. Proclamation Declaring May 12-18, 2024 as National Police Week.

Mayor Murray read aloud the proclamation declaring National Police Week. He stated Congress has designated the calendar week of each year during which May 15 occurs as “National Police Week” and May 15th of each year to be “Peace Officers Memorial Day.” Several of the Albert Lea Police Officers were in attendance to receive the proclamation as council commended and thanked them for their service.

PUBLIC FORUM

Joel Erickson presented with comments related to E-Bikes speeding around the trails past pedestrians and his concern for the safety of those utilizing the paths.

Bruce Manwarren mentioned the importance of people removing their hats as a funeral procession passes.

CONSENT AND APPROVAL OF AGENDA

- A. Approve Minutes of the April 22, 2024 Regular Council Meeting
- B. Approve Minutes of the April 22, 2024 Work Session
- C. License & Permits
- D. Resolution Not Waiving Monetary Limits on Tort Liability
- E. Resolution Entering Cooperative Construction Agreement for the 2024 MNDOT Front & Broadway Signal and Margaretha & Broadway Signal Project
- F. Resolution Accepting Low Bid for 2024 Bituminous Material
- G. Letter of Support of the Shell Rock River Watershed District Lessard-Sams Outdoor Heritage Council Application

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

passed.

(See Secretary's Original Resolution 24-089 through 24-091
Included with these minutes)

PETITIONS, REQUESTS AND COMMUNICATIONS

A. Albert Lea Football and Rugby Requests at Frank Hall Park Field

Ron Eriksmoen a board member of the Albert Lea Youth Football, Grizzlies Football Club, Youth Rugby and Rugby Club presented this evening with a first request of its kind to place two shipping containers for storing equipment at their playing field at Frank Hall Park. The groups are also requesting to make field changes. This is a first for two reasons: 1) This is the first application to go through the process adopted by the Parks and Rec Board last year. The process worked well for both the applicant and the Board. 2) This is the use of shipping containers for long-term storage on public property.

A drone photo of the field taken by Rugby was displayed for council to view as Eriksmoen provided information about their programs and the reasons for their requests.

Council concurred their appreciation for the club's efforts and ability to bring these sports to the community. Although a motion is not necessary for this item, Councilor Howland made a motion to support this request. All council members voted in favor as well.

B. Assisting Albert Lea Property Owners with Treatment and Disposal of Ash Trees

Ryan Hayek Assistant Director of Public Works delivered a PowerPoint outlining Emerald Ash Borer and the affects on trees in the Albert Lea community. He explained the Minnesota Department of Agriculture has confirmed emerald ash borer in several areas of Albert Lea. With about 12,000 ash trees total in Albert Lea, this small insect will have a big impact. Hayek further explained the City of Albert Lea has prepared the past two years for this infestation, implementing a plan to treat the best-quality ash trees on City property and replace those in poor condition. The goal of the Parks Department is to maintain and improve the City's tree canopy to retain the valuable benefits of trees, prevent ash trees from becoming safety hazards, and mitigate future tree infestations by planting a diversity of species.

Public Works would like to assist private property owners, as damage from the emerald ash borer will dramatically increase over the next few years. In short, staff wants to prevent a "wave of wood" from hitting the city.

On February 26, 2024 the Parks and Recreation Advisory Board voted to recommend the City Council waive the disposal fee at the Transfer Station for ash trees from private property owners on the condition that owners, not contractors, are doing the work themselves. Emerald Ash Borer (EAB) desiccates ash trees to the point that they topple over, posing a threat to people and property. Hayek explained the treatment options, eligibility for free ash tree disposal and the process at the Transfer Station to deliver wood once the tree has been removed by the home owner.

A resolution to approve the request will be brought to council at the May 28th council meeting.

Councilor Howland extended his appreciation to Hayek and all of the Public Works staff for their commitment to bringing this project forward in an effort to save as many trees as possible and prevent Emerald Ash Borer from spreading.

UNFINISHED BUSINESS - None

NEW BUSINESS

A. Resolution 24-092 Approving Guaranteed Energy Savings Agreement with APEX Facility Solutions of Coon Rapids, MN for Rec. Facility Projects – City Arena, Aquatic Center, Marion Ross Theatre

Rigg said with the majority of Albert Lea voters approving the referendum to fund improvements at Rec Facilities, the first step for the Council is to approve two design contracts with Apex Facility Solutions for the design phase. The first design contract was approved at the April 22nd Council Meeting. This second design contract is the remainder of projects managed by Apex. The design contracts are separate to clarify the components eligible for federal funding (investment tax credits). The projects will transition from design to construction via amendments to the design contracts. After the design phase, which will include pricing, the Council will decide whether to approve individual construction projects as amendments to the design contracts. This second design agreement is presented in Exhibit 2 and will cost \$320,000. The design fees were included in the project estimates so are still within the total cost in the proposal.

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, S. Rasmussen, R. Rasmussen, Anderson, and Mayor Murray. Mayor Murray declared the motion passed.

(See Secretary's Original Resolution 24-092
Included with these minutes)

B. Resolution 24-093 Approving Variance – Olsen Drive – PID 34.211.0040

The Board of Appeals met on May 8, 2024 to conduct a public hearing to consider a Variance application from Shell Rock River Watershed District to subdivide three non-conforming parcels which currently hold billboard or advertising contracts in order to purchase the remaining property and later donate the property to the U.S. Fish and Wildlife Service for habitat protection and enhancement as well as public use and benefit.

The minimum required lot area in the B-2 Community Business District is 7,200 sq. ft. The variance, if approved, will create three separate parcels approximately 1,400 sq. ft each which requires a variance.

The Board of Appeals found that the property met the legal standards set forth by MN Statute 462.357 which includes a practical difficulty in regards to circumstances not created by the landowner—which is that the existing property abuts existing USFWS property directly to the West which sits outside Albert Lea city limits and is not under the same type of zoning controls. In addition, the property is largely undeveloped due to flood impact zones and would be better served as habitat protection and enhancement.

Councilor S. Rasmussen said she serves on the Board of Appeals and extended her support of this Variance.

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

(See Secretary's Original Resolution 24-093
Included with these minutes)

C. Resolution 24-094 Accepting the Offer of the Minnesota Public Facilities Authority to Purchase

a \$5,098,045 Taxable General Obligation Sewer Revenue Note 2024A, Providing for its Issuance and Authorizing Execution of a Bond Purchase and Project Loan Agreement for the Wastewater Treatment Plant (WWTP) Grit Improvements – Job 2310.

City Staff and Bolton & Menk Inc. have been working with the Bond Council and the Public Facilities Authority (PFA) to provide funding for the WWTP Grit Improvement project. The project has received \$2,000,000 in State funding, this is to provide for issuance and authorize a \$5,098,045 taxable general obligation sewer revenue note. It also authorizes the project loan agreement. The project was awarded to Wapasha Construction Company.

Rigg added this revenue note of \$5,098,045 is the drawn down therefore, any additional funds that may be received for this project would lessen that amount.

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, R. Rasmussen, Anderson, and Mayor Murray. Mayor Murray declared the motion passed.

(See Secretary's Original Resolution 24-094
Included with these minutes)

D. Ordinance 24-113 Providing Moratorium on the Creation of New Tobacco, Off Sale Liquor, Sexually Oriented Business, and Cannabis License.

Rigg explained the purpose of this ordinance is to provide a pause on 4 types of licenses issued by the City. Existing license holders can renew and continue operating. This is a hold on any expansion, new, or relocated businesses for six (6) months or less. The reason is in recent attempts at drafting zoning changes for cannabis businesses staff noticed comparative business would be treated differently. In our effort to create parity with those businesses a pause on all new businesses was necessary knowing it could negatively impact an investor dependent on their process while this is under study, and may harm the public if these potential regulations are not able to be applied after public discourse on the changes concludes.

City Attorney Holstad noted the State is substantially controlling the licensing process for Cannabis licensing; however, the city maintains significant authority to implement zoning and land use related criteria such as location, hours of operation, aesthetic presentations, etc. Furthermore, one of the considerations within the proposed Moratorium is to protect the applicant pool since the State has indicated they will be limiting the number of licenses that will ultimately be awarded within a city/county, it is likely to be fewer than those that will be available to the number of people who may be in the process of creating a plan on the assumption they would become licensed. Included in the proposed study, staff will be exploring the number of allowable licenses in hopes of preventing people from making investment decisions that may prove to be fruitless and a burden for the city.

Motion made by Councilor Christensen to approve the ordinance and authorize the City Manager to commence a study of the appropriate zoning of these businesses in Albert Lea. Seconded by Councilor Howland. On roll call vote, the following councilors voted in favor of said motion: Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson, and Mayor Murray. Mayor Murray declared the motion passed.

(See Secretary's Original Ordinance 24-113
Included with these minutes)

E. Ordinance 24-114 Amending Chapter 50 Article I, Sec. 50.0011 (1st Reading)

In part of the ongoing attempt to clarify and improve different zoning ordinances staff presented several different amendments to Planning Commission on Tuesday, May 7th. It is important to note that most of the proposed ordinance amendments will not increase or worsen the existing requirement—rather they are meant to correct or clarify existing language. Planning Commission recommends approval of all of the following ordinances.

The newly adopted sign ordinance designates a specific height limitation for flagpoles in residential zones. Height limits in commercial and industrial zones will be handled in separate amendments. This ordinance amendment removes language that states flagpoles are exempt from height limitations. In addition, this amendment removes solar energy systems from exemption which will be covered in the new solar ordinance.

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

(See Secretary's Original Ordinance 24-114
Included with these minutes)

F. Ordinance 24-115 Amending Chapter 50 Article I, Sec. 50.0018 (1st Reading)

Rigg explained amendment will allow a maximum of three cargo containers as permanent storage in I-2 and I-3 industrial zones. Currently, cargo containers are only allowed temporarily (30 days) within any given calendar year. The increasing popularity and availability plus the amount of citizen requests for shipping or cargo containers is driving this amendment.

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

(See Secretary's Original Ordinance 24-115
Included with these minutes)

G. Ordinance 24-116 Amending Chapter 50 Article III, Sec. 50.0395 (1st Reading)

This amendment clarifies that billboards and poster board signs are no longer allowed in our B-2 Community Business District as per our recent sign ordinance.

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

(See Secretary's Original Ordinance 24-116
Included with these minutes)

H. Ordinance 24-117 Amending Chapter 50 Article III, Sec. 50.0504 (1st Reading)

This amendment adds mini-warehousing as a permitted use within the I-1 district which was inadvertently removed when the B-2 was amended.

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

(See Secretary's Original Ordinance 24-117
Included with these minutes)

I. Ordinance 24-118 Amending Chapter 50 Article IV, Sec. 50.0846 (1st Reading)

This amendment corrects the unintended limitation of 25 foot height limitation for a flagpole in a commercial zone. Seventy-five feet should be adequate for business that uses flags as a way of advertising.

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

(See Secretary's Original Ordinance 24-118
Included with these minutes)

J. Ordinance 24-119 Amending Chapter 50 Article IV, Sec. 50.0847 (1st Reading)

Again, this ordinance corrects the unintended limitation of 25-foot height limitation for a flagpole in an industrial zone.

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

(See Secretary's Original Ordinance 24-119
Included with these minutes)

K. Ordinance 24-120 Amending Chapter 50, Article III, Sec. 50.0624 - 50.0649 (1st Reading)

This amendment will add Tiny Homes as a permitted use within PD Planned Development Districts as was a request from the Albert Lea Planning Commission.

Councilor S. Rasmussen spoke of her support of this amendment as it may assist in the housing shortage.

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

(See Secretary's Original Ordinance 24-120
Included with these minutes)

L. Ordinance 24-121 Amending Chapter 50, Article VII, Sec. 50.0967 – 50.0980 (1st Reading)

This amendment will add solar energy systems to an existing wind energy ordinance. Currently, solar energy systems are not regulated by zoning beyond structure limitations (size and height). As energy efficiency and

climate action plans become more widely used an ordinance will be useful in the implementation and enforcement of solar uses.

Councilor Christensen commended staff for the work on these ordinances as well as the Planning Commission for their diligent work in reviewing these changes.

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

(See Secretary's Original Ordinance 24-121
Included with these minutes)

MAYOR AND COUNCIL REPORTS:

First Ward, Councilor Christensen reported:

- Ward Items – None.
- Committee Update – Has attended several meetings. Mentioned Tuesday, May 21st the Blue Zones Committee is hosting the Business After Hours at Wedgewood Cove and encouraged the public to attend. Mentioned the Shellrock River Watershed is meeting tomorrow and will discuss Phase III of the dredging project.

Second Ward, Councilor Baker reported:

- Ward Items – None
- Committee Update – Attended an ALEDA meeting last week and excited about projects in the works.

Third Ward, Councilor Howland reported:

- Ward Items – None
- Committee Update – None. Asked for clarification as to when the next council scheduled council meeting is due to the Memorial Day holiday. Mayor Murray responded the meeting is to be held on Tuesday, May 28th

Fourth Ward, Councilor S. Rasmussen reported:

- Ward Items – Working on a ward item with the City Manager
- Committee Update – Attended the recent HRA meeting an echoed Councilor Anderson's comments regarding Dr. Mitchell's performance review. Attended a Board of Appeals meeting. Mentioned the Senior Center's new summer hours and promoted the Memory Café offered at the Senior Center as well as all the activities offered at the Center.

Fifth Ward, Councilor R. Rasmussen reported:

- Ward Items – Working on two ward items.
- Committee Update – None

Sixth Ward, Councilor Anderson reported:

- Ward Items – Working on a ward item
- Committee Update – Attended an HRA meeting and among other topics discussed, he reports Dr. Mitchell's performance review was completed and the Board concurred she is doing an excellent job.

MAYOR REPORT:

- Attended the following:

- Attended the ALEDA project meeting related to the 300 block as well as the regular ALEDA Board meeting and reports there are several projects in the works.
- Crossroads Church groundbreaking
- Cinco de Mayo celebration downtown
- Met with Family Y Director April Jepson
- Attended the National Day of Prayer at the Government Center and at Hope Church
- He, Councilor Baker and City Manager assisted at the Landfill on the Spring Cleanup day.

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

CITY MANAGER REPORT

- Working with the County Administrator on a variety of items.
- Attended the MN City Manager's Association conference and found it to be quite informative
- June 6th is the scheduled date for the next Council/Staff retreat and invited council to let him know they have items to add to the agenda.
- Staff is working with local landscapers regarding lawn alternatives to reduce alternatives to reduce carbon output and created useful ecological benefits.
- On the next council meeting will include a presentation on stormwater.

APPROVAL OF CLAIMS

A. Resolution 24-095 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 Anderson, to approve the claims, seconded by Councilor Howland. On roll call vote, the following councilors voted in favor of said motion: Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson, and Mayor Murray. Mayor Murray declared the motion passed.

(See Secretary's Original Resolution 24-095
Included with these minutes)

Councilor Howland 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 Tuesday, May 28, 2024. On roll call vote, all councilors voted in favor of said motion.

Mayor Murray declared the motion passed and the meeting adjourned.

ADJOURNMENT: 8:20 P.M.

Mayor Rich Murray

Daphney Maras
Secretary of the Council