

**REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
May 28, 2024 – 7:00 P.M.**

PRESENT: Mayor Rich Murray, Councilors Rachel Christensen, Larry Baker, 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.

ABSENT: Councilor Jason Howland

ADDITIONAL STAFF PRESENT: Sergeant-at-Arms Lieutenant Jeff Strom, Community Engagement & Enrichment Director Cathy Malakowsky, Building/Zoning Official Wayne Sorensen.

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 – Mayor Murray reference the upcoming Memorial Day and thanked the Veterans for their service and their families for their support. He extended appreciation to the local VFW and Legion members for the services they provide in the community.

PUBLIC FORUM – No one spoke

CONSENT AND APPROVAL OF AGENDA

- A. Approve Minutes of the May 13, 2024 Regular Council Meeting
- B. Approve Minutes of the May 13, 2024 Work Session
- C. License & Permits
- D. Resolution Accepting Bid & Awarding Contract for the 2024 Alley Reconstruction Project – Job 2405
- E. 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 S. Rasmussen. On roll call vote, the following councilors voted in favor of said motion: Christensen, Baker, S. Rasmussen, R. Rasmussen, Anderson, and Mayor Murray. Mayor Murray declared the motion passed.

(See Secretary's Original Resolution 24-096 through 24-097
Included with these minutes)

PETITIONS, REQUESTS AND COMMUNICATIONS

- A. Stormwater Presentation – Tim Olson of Bolton & Menk, Inc. – Water Resource Engineer

Olson displayed a PowerPoint depicting a proposed Stormwater Utility plan. This proposal is regarding stormwater utilities and mapping including costs. The presentation outlined the results of

stormwater runoff, equity in flood control and water quality. He said as depicted in the historic aerial photos, it does not appear there has been much development in stormwater since 1938. However, there have been significant commercial and industrial use development as well as mixed use, and with that comes impervious surface. In relation to equity in flood control and water quality, sites vary widely in the amount of impervious coverage, green space, trees, storm sewer connectivity and land use potential. Olson summarized the regulations, enforcement challenges, as well as incentivizing sustainability and resilience factors with stormwater management. He displayed a slide reflecting the impaired water quality in all of the lakes in the Albert Lea area according to the MPCA. He said the MPCA will eventually impose waste load allocations for sediment and nutrients and when they do, it will require the MS4 permit (storm sewer permit) to reduce those concentrations. To Rigg's question, Olson concurred having a mechanism in place such as a stormwater utility, can help reduce the impact of costly repairs and obtaining the MS4 permit. Olson concluded with the scope of services and next steps as well as the cost estimation. Rigg reiterated the focus of stormwater utility is not to create new revenue but rather to create an enforcement mechanism and incentivization in order to create change and reduce pollution from lake runoff and what is flowing through the sewer system and pumping storm water during certain events. Rigg asked Olson if other communities see this utility as a revenue stream or an enforcement. To which Olson replied it is a bit of both and also about balancing the education side. Councilor Christensen asked for clarification of an MS4. Olson said MS4 is a Municipal Separate Storm Sewer System and is a Federal permit which each state enforces. Council presented questions and comments to which Mr. Olson responded.

UNFINISHED BUSINESS

A. Ordinance 24-113 Providing Moratorium on the Creation of New Tobacco, Off Sale Liquor, Sexually Oriented Business, and Cannabis License (2nd Reading)

This is the final reading approving 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.

Motion made by Councilor Baker, seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said motion: Christensen, Baker, 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)

B. Ordinance 24-114 Amending Chapter 50 Article I, Sec. 50.0011 (2nd Reading)

This is the final reading of the newly adopted sign ordinance which 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 Christensen, seconded by Councilor Baker. On roll call vote, the following councilors voted in favor of said motion: Christensen, Baker, 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)

C. Ordinance 24-115 Amending Chapter 50 Article I, Sec. 50.0018 (2nd Reading)

This is the final reading of the amendment to 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 S. Rasmussen. On roll call vote, the following councilors voted in favor of said motion: Christensen, Baker, 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)

D. Ordinance 24-116 Amending Chapter 50 Article III, Sec. 50.0395 (2nd Reading)

This is the final reading of the amendment to clarify 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 R. Rasmussen. On roll call vote, the following councilors voted in favor of said motion: Christensen, Baker, 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)

E. Ordinance 24-117 Amending Chapter 50 Article III, Sec. 50.0504 (2nd Reading)

This is the final reading of the amendment adding 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 S. Rasmussen, seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said motion: Christensen, Baker, 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)

F. Ordinance 24-118 Amending Chapter 50 Article IV, Sec. 50.0846 (2nd Reading)

This is the final reading of the amendment correcting the unintended limitation of 25 ft 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 Baker, seconded by Councilor Christensen. On roll call vote, the following councilors voted in favor of said motion: Christensen, Baker, 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)

G. Ordinance 24-119 Amending Chapter 50 Article IV, Sec. 50.0847 (2nd Reading)

This is the final reading of the amendment to correct the unintended limitation of 25 ft. height limitation for a flagpole in an industrial zone.

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

H. Ordinance 24-120 Amending Chapter 50, Article III, Sec. 50.0624 - 50.0649 (2nd Reading)

This is the final reading of the amendment adding Tiny Homes as a permitted use within PD Planned Development Districts as was a request from the Albert Lea Planning Commission.

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, 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)

I. Ordinance 24-121 Amending Chapter 50, Article VII, Sec. 50.0967 – 50.0980 (2nd Reading)

This is the final reading of the amendment adding 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.

Motion made by Councilor Baker, seconded by Councilor Anderson. On roll call vote, the following

councilors voted in favor of said motion: Christensen, Baker, 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)

J. Resolution 24-098 Permitting Publication Summary – Moratorium Ordinance 24-113

Ordinance Summaries may be published if they reasonably inform the public of the effect and intent of the Ordinance. Summaries fulfill all legal requirements as if the entire summarized matter had been published and also directs the public how to obtain the complete Ordinance.

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

(See Secretary's Original Resolution 24-098
Included with these minutes)

K. Resolution 24-099 Approving Publication Summary – Zoning Ordinances 24-114, 24-115, 24-116, 24-117, 24-118, 24-119, 24-120, 24-121

Ordinance Summaries may be published if they reasonably inform the public of the effect and intent of the Ordinance. Summaries fulfill all legal requirements as if the entire summarized matter had been published and also directs the public how to obtain the complete Ordinance. Staff recommends approval to publish an Ordinance Summary for Ordinances 24-214 through 24-221.

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

(See Secretary's Original Resolution 24-099
Included with these minutes)

NEW BUSINESS

A. Resolution 24-100 and Public Hearing Declaring City Property (Real Estate Along 4th Avenue South from Private Rail Spur) No Public Use, Waive the Planning Commission for Review for Analysis of Consistency with the Comprehensive Plan, and Sell the Property Listed at Fair Market Value.

Rigg explained in 2022, the City of Albert Lea purchased a private rail spur from Southern Minnesota Terminal & Railroad Corporation. The property is a 100-foot wide former private rail spur (Parcel 34.021.0501) located north of west 9th Street and running between City owned property at the Public Works Facility. The majority of this will be incorporated into the Public Works Facility and will likely also be incorporated into the City trail system.

The City was approached regarding selling a 29-foot-wide portion of this property to six property owners along 4th Avenue. This property will primarily be used to allow building of structures and to bring non-conforming structure into compliance. A drawing is attached.

The 6 properties are as follows: Parcel 343590060, Parcel 343590040, Parcel 343590030, Parcel 343590020, Parcel 343590010, and Parcel 343591290. This 29' section was deemed not necessary for the public works facility or trail system therefore it has no other public purpose and can better serve the community adjoined to the neighboring private properties.

Mayor Murray opened the public hearing. He called three times. No one spoke. Mayor Murray closed the public hearing.

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

(See Secretary's Original Resolution 24-100
Included with these minutes)

B. Resolution 24-101 Approving the Sale of Real Estate from the City of Albert Lea to Property Owners Along 4th Avenue

The purchase price of \$1,100 would cover the sale, survey, and closing cost. The City manager and Mayor will be authorized to complete the sales.

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

(See Secretary's Original Resolution 24-101
Included with these minutes)

C. Resolution 24-102 Amending Professional Services Agreement with Bolton & Menk Inc. for Work Order No. 2 - Job 2406

The City entered a Professional Service Agreement with Bolton & Menk, Inc. for the Airport. This resolution would amend the agreement to include Work Order No. 2.

Work Order No. 1 involved work with the Minnesota Department of Transportation Aeronautics Unit to replace the existing Automated Weather Observation Station (AWOS). Work Order No. 1 reviewed the site and determined the best location for the new AWOS. The State is replacing all of their outdated AWOS systems throughout the state.

Work Order No. 2 involves airport layout plan sheet update, geotechnical investigation, preparation of plans specifications, and cost estimate, final design, bidding and construction administrative service for replacement of the existing AWOS.

This is a lump sum project in the amount of \$44,000.

The AWOS project will be paid for with 100% state funds. The overall project is estimated to be less than \$300,000.

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

(See Secretary's Original Resolution 24-102
Included with these minutes)

D. Resolution 24-103 Approving Ash Tree Disposal Plan – Job 2410

On May 13th Public Works presented the proposed private program to Council.

The Minnesota Department of Natural Resources 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. 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.

Now the Parks Department 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 2/26/24 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. EAB desiccates ash trees to the point that they topple over, posing a threat to people and property.

As part of a robust informational campaign on EAB, city staff presents the following plan to treat and dispose of infested ash trees on private property.

Treatments

- Maier Tree and Lawn Care of Rochester, a Davey Company, will offer treatments to private property owners at the same price as for City trees, which is \$8.00 per inch diameter at breast height (DBH) for Albert Lea residents who contact Maier by the end of July
- Private owners can either use Maier and its rate for treatments or seek quotes for other city-licensed arborists for EAB treatments

- The City of Albert Lea approves licensed arborists to perform work within the city limits. A list of approved arborists that perform treatments will be made available to the public but without prices

FREE ASH TREE DISPOSAL

Eligibility:

- Owners of privately property in Albert Lea only; no contractors or property owners outside city limits
- Ash wood only

Process (see map)

Owners must do the following:

- Provide the Transfer Station with their name, address, phone number, and driver's license
- Brush:
 - Dropped off at the Transfer Station and piled in designated brush pile
- Logs:
 - Piled in a designated spot for City handling
 - Staff may chip smaller wood that current chipper can handle and offer free chips to the public on first come first served basis

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

(See Secretary's Original Resolution 24-103
Included with these minutes)

E. Resolution 24-104 Entering Guaranteed Energy-Saving Agreement with Apex Solutions, LLC for Wastewater Treatment Plant (WWTP) Facility Solar Field – Job 2415

In October 2023, the City hired Apex Solutions, LLC to evaluate and perform preliminary engineering for the proposed WWTP Solar Field. The preliminary engineer showed the project was feasible.

This Guaranteed Energy-Savings Agreement with APEX Facility Solutions, LLC is an Agreement to design and procure agreements to construct the two-acre solar field at the WWTP. The project cost is for \$1,314,048.00. Federal Incentives of \$394,214 is expected for the project. The project guarantees a simple payback of 15.3 years with the Federal Incentives.

In optimal conditions it would produce 475 kW. Staff is recommending entering a Guaranteed Energy-Savings Agreement for this project.

The required public notice for this project was published.

Motion made by Councilor Baker, seconded by Councilor Anderson. On roll call vote, the following

councilors voted in favor of said motion: Christensen, Baker, S. Rasmussen, R. Rasmussen, Anderson, and Mayor Murray. Mayor Murray declared the motion passed.

(See Secretary's Original Resolution 24-104
Included with these minutes)

F. Resolution 24-105 Entering Guaranteed Energy-Saving Agreement with Apex Solutions, LLC for an Arena Solar Energy Project

In October 2023, the City hired Apex Solutions of Coon Rapids, Minnesota, to evaluate and perform preliminary engineering for the City Arena's proposed solar energy project. The preliminary engineering showed the project is feasible.

This guaranteed energy-saving agreement with APEX Facility Solutions is to design and procure agreements to construct a solar energy system for the arena roof. The project cost is \$651,560. Federal incentives of \$195,468 are expected for the project, making the net cost \$456,092. The project is in the 2024 CIP for \$572,000. The project guarantees an annual utility savings of \$22,818 for a simple payback of 20 years with the federal incentives.

In optimal conditions it would produce 208 kW, which would be 21% of the arena's current electricity use. The City's Climate Action Plan calls for reducing energy use to make the community more resilient. Staff is recommending entering into the guaranteed energy-savings agreement as presented for this project.

The required public notice for this project was published.

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

(See Secretary's Original Resolution 24-105
Included with these minutes)

MAYOR AND COUNCIL REPORTS:

First Ward, Councilor Christensen reported:

- Ward Items – Announced her filing for re-election to serve as Ward 1 councilor in the upcoming election.
- Committee Update – Blue Zones hosted Business After-Hours last week and the turn out was great revealing new excitement with community activities. She attended the open house related to the proposed zoning regarding cannabis. Watershed group met and the Phase III dredging plan was approved.

Second Ward, Councilor Baker reported:

- Ward Items – None
- Committee Update – No updates. He extended his appreciation to staff for the work related to the Arena project.

Third Ward, Councilor Howland reported: ABSENT

- Ward Items –
- Committee Update

Fourth Ward, Councilor S. Rasmussen reported:

- Ward Items – Working on one ward item
- Committee Update – Attended a Library Board meeting and provided updates.

Fifth Ward, Councilor R. Rasmussen reported:

- Ward Items – Working on a couple of ward items with the City Manager. Reminds the community to watch for kids now that school is out for the summer.
- Committee Update – Provided a list of activities the Senior Center is offering and encouraged people to get involved. Mentioned the next All-Inclusive Fundraiser on August 24th will be the Kite festival.

Sixth Ward, Councilor Anderson reported:

- Ward Items – None
- Committee Update – Attended the open house related the moratorium and zoning and commented on the great presentation. Participated the Memorial Day ceremony at Graceland Cemetery.

MAYOR REPORT:

➤ Attended the following:

- Meetings with Andy Henschel at the Watershed
- High School sporting events
- ALEDA meeting with Phillip Johnson
- Visited the new Sky Flats Apartment building that has 50 units and is now leasing
- St. Paul foundation meeting
- Chamber Business After-Hours
- Albert Lea Learning Center graduation.
- Farewell dinner for Pastor Mitchum who is moving on to a different City
- Pelican Breeze ribbon cutting for the new dock
- Meeting at Shipps Pro Powerwash
- Several Memorial Day events
- He extended appreciation to the local VFW and American Legion for organizing the Memorial Day events.

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

CITY MANAGER REPORT

- Will be attending the upcoming LMC conference
- Upcoming Council retreat on June 6h
- Currently working on budgets
- Working on Blazing Star housing projects
- Staff and the Chamber of commerce are working on festivities for the 4th of July

- Mentioned several buildings in the downtown that are currently under construction.

APPROVAL OF CLAIMS

A. Resolution 24-106 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 Baker, to approve the claims, seconded by Councilor Anderson. On roll call vote, the following councilors voted in favor of said motion: Christensen, Baker, S. Rasmussen, R. Rasmussen, Anderson, and Mayor Murray. Mayor Murray declared the motion passed.

(See Secretary's Original Resolution 24-106
Included with these minutes)

Councilor Christensen motioned for adjournment, Councilor S. Rasmussen 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, June 10, 2024. On roll call vote, all councilors voted in favor of said motion.

Mayor Murray declared the motion passed and the meeting adjourned.

ADJOURNMENT: 8:06 P.M.

Mayor Rich Murray

Daphney Maras
Secretary of the Council