

**REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS, CITY OF ALBERT LEA
July 28, 2025 – 7:00 P.M.**

PRESENT: Mayor Rich Murray, Councilors Rachel Christensen, Larry Baker, Jason Howland, Reid Olson, Keith Van Beek, Brian Anderson, City Manager Ian Rigg, Public Works Director Steven Jahnke, City Attorney Joel Holstad of Lakes National Law LLP, and Deputy City Clerk Karla Tukua.

ABSENT: City Clerk Daphney Maras

ADDITIONAL STAFF PRESENT: Sergeant-at-Arms-Police Chief Darren Hanson, Fire Chief Jeff Laskowske and Building/Zoning Official Wayne Sorenson.

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

Oath of Office – Darin Palmer, Deputy Police Chief

Oath of Office – Tim Harves, Lieutenant

Police Chief Darren Hanson introduced Deputy Police Chief Darin Palmer and Lieutenant Tim Harves and gave Mayor and Council a brief history of their background with the Police Department.

Deputy City Clerk Tukua administered the Oath of Office for Deputy Police Chief Darin Palmer and Lieutenant Tim Harves.

PUBLIC FORUM

Dave Moline spoke against the proposed Cannabis business. He spoke about his experience living in the Phoenix suburbs for 10 years and dealing with the ramifications of cannabis being legal there. He questioned what a lawsuit would look like if the City denied this and what the cost would be. He doesn't want this in our community, stating there's nothing good that will come out of the City approving this.

Charlotte Nelson-Schroeder spoke against having a cannabis business in Albert Lea and gave her reasons behind this. She stated the city currently has a limit of 2 licenses, but some council members want to expand on this. She made it known she is against adding any additional licenses. She wants the citizens to have a right to vote for this.

Bruce Manwarren let council know about the farmers progress on prices for corn and soybeans.

Jacob Schlichter spoke as the owner of The Smoking Tree and thanked everyone from the City, the State and local businesses that have helped him get to this point. He explained that he got into the cannabis business because of his concern for addiction and seeing his best friend die from a fentanyl overdose. He said he's worked with legislatures and doctors that are scientist and psychologists in regards to substance abuse disorder. He stated that marijuana is no more addictive than sugar or caffeine. He does understand the concern from the audience and said it's in the forefront of his mind. He is bringing his expertise, experience and his first-hand life experience with him in the running of his store.

CONSENT AND APPROVAL OF AGENDA

- A. Approve Minutes of the July 14, 2025 Regular Council Meeting
- B. Approve Minutes of the July 14, 2025 Work Session
- C. License & Permits
- D. Resolution Accepting Minnesota Pollution Control Agency Chloride Reduction Grant – Job 2519
- E. Resolution Approving Professional Services Agreement with Bolton and Menk Inc. for Wastewater Treatment Plant (WWTP) Chloride Reduction Grant – Job 2519
- F. Resolution Accepting Minnesota Pollution Control Agency Planning and Design Grant for Perfluoroalkyl Substances (PFAS) – Job 2520
- G. Resolution Approving Professional Services Agreement with Bolton and Menk Inc. for Wastewater Treatment Plant (WWTP) Perfluoroalkyl Substances (PFAS) Grant – Job 2520
- H. Resolution Declaring Intent to Reimburse From Proceeds From Tax Exempt Bonds for the Freeborn Bank Parking Lot Paving Project (Job 2504) and Eberhart Street & Utilities Improvement Project (Job 2413)
- I. Resolution Approving Application to Conduct Off-Site Gambling – Albert Lea Amateur Hockey Association

Motion made by Councilor Christensen, to remove the specific item, Cannabis Microbusiness – The Smoking Tree, from the Consent Agenda, Item C, Licenses and Permit, and to move this item to New Business. Christensen then moved that council approve the consent agenda as amended, seconded by Councilor Van Beek. On a roll call vote the following councilors voted in favor of said motion: Christensen, Baker, Howland, Olson, Van Beek, Anderson, and Mayor Murray. Mayor Murray declared the motion passed.

(See Secretary's Original Resolution 25-115 through 25-120
Included with these minutes)

PETITIONS, REQUESTS AND COMMUNICATIONS - None

UNFINISHED BUSINESS

- A. **Ordinance 25-142 Amending Chapter 2, Administration, Article IV. Departments – Division 2. Purchases & Contracts – (2nd Reading)**

This is the final reading of an amendment that revises the authorization language to allow the City Manager or a designated representative, rather than the City Manager and the Mayor, to execute deeds and conveyances. This revision does not change requirements of preapproval by Council

and is recommended by the City Attorney.

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

(See Secretary's Original Ordinance 25-142
Included with these minutes)

NEW BUSINESS

A. Ordinance 25-143 Amending Chapter 46 – Vegetation, Article II. – Weeds and Tall Grass (1st Reading)

The present ordinance limits the ability to establish alternative landscaping beyond 9 inches in height. This amendment would allow for options to traditional turf-type landscape requirements, as is in the present ordinance. And would allow for planned, intentional, and maintained landscape vegetation alternatives as specified in the proposed amendment.

Rigg stated that the reason for the change to this Ordinance is due to a State Supreme Court ruling allowing people to have pollinator gardens. The City wishes to regulate this by requiring a permit to know what is an intentional garden vs. just overgrown weeds and grass.

Building/Zoning Official Wayne Sorensen displayed the ordinance with the changes in red for Council to review. One point he noted, was that there is now a definition as to what a flower garden is and stated nothing will change in regards to flower gardens. A typical flower garden and vegetable garden is an exemption to needing to mow down to the 9-inch rule. He explained the ordinance addresses the set-back to roads and property lines for pollinator gardens. He continued to go through the additional exemptions and requirements. The city is requiring a permit for anyone wanting to establish a pollinator garden, so that it can be regulated. He noted any violations of any of the requirements would result in revocation of the natural landscape permit by the city.

Rigg added if there was still a need to clarify number ten (10) of the ordinance changes requiring City Engineer authorization as mentioned at the work session, he ask someone to make a motion for this clarification by the second reading.

Motion made by Councilor Howland to amend the original motion to provide a definition for conservation or scenic easement areas, seconded by Councilor Anderson. On voice call vote, the following councilors voted in favor of said motion: Christensen, Baker, Howland, Olson, Van Beek, Anderson, and Mayor Murray. Mayor Murray declared the motion passed.

(See Secretary's Original Ordinance 25-143
Included with these minutes)

B. Ordinance 25-144 Amending Chapter 8 – Animals - Article 1. – In General (1st Reading)

Recent public and council requests have prompted a staff review of this ordinance concerning chickens. A thorough review by staff concerning cost, health concerns, land use, and related items has resulted in the attached revision possibility. This is not a City Code that has Planning Commission reviews. This ordinance revision is an alternative to the present wording and is presented as an alternative by staff.

Building/Zoning Official Wayne Sorensen displayed the ordinance with the changes noted in red. He covered the changes with council and reasons for these changes. He explained there was an added definition of a residence, to give clarification of where the structure setback would need to be from. Sorensen noted the changes made to (c) Locational requirements with the coop being sixty (60) feet from any residence, also adding it can be no closer than ten (10) feet from a property line. He noted the last recommended change was to the maximum number of chickens allowed. This was reduced from ten (10) down to five (5). Sorensen displayed the pros and cons of having chickens for council and the public's review and he covered the highlights of this listing.

Motion made by Councilor Baker, seconded by Councilor Anderson with a 60-foot setback. On voice call vote, the following councilors voted in favor of said motion: Christensen, Baker, Howland, Olson, Van Beek, Anderson, and Mayor Murray. Mayor Murray declared the motion passed.

(See Secretary's Original Ordinance 25-144
Included with these minutes)

C. Resolution 25-121 Authorizing Broadway Ridge Grant at 146 W. Clark Street

SRFD Enterprises, LLC submitted a Broadway Ridge Grant for reimbursement up to 50% of costs associated with a complete roof replacement as well as new windows at 146 W Clark Street. The total improvement cost is \$80,249.93 which will provide a matching grant of \$40,124.97. The current balance of the Broadway Ridge Grant Fund is \$295,232.22 (this amount does not include the grant for 146 W Clark). All improvements have been completed and reviewed by the City's Zoning and Building Official for compliance with application requirements.

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

(See Secretary's Original Resolution 25-121
Included with these minutes)

D. Resolution 25-122 Approving Purchase of Fire Rescue Command Vehicle

Albert Lea Fire Rescue is seeking authorization to purchase a replacement Command Vehicle CIP - FIR-V-25-02 \$112,500. This new command vehicle (901) will replace the existing (902), a 2015 Ford F-150 Command Vehicle that has reached end of life for emergency response and will be sold on MNBid, a competitive bidding platform. The new Command Vehicle will be a full EV

2026 Rivian R1S with an emergency lighting package, graphics, and command module. The SUV style was chosen moving forward to protect the equipment carried from the weather and dust. This vehicle will have a lower operating cost than an equivalent internal combustion engine. This purchase also meets our Cities Climate Action Plan TL 3-2 and TL 3-3. The purchase for the vehicle will be direct with Rivian, LLC in the amount of \$88,690.00 through state bid, and the upfitting will be done by Alta Emergency Response Vehicles as a sole source vendor with Rivian in the amount of \$23,810.00.

Christensen questioned if the City was getting the maximum battery for this unit. Rigg called on Fire Chief Laskowske to answer. Laskowske said that they were getting the medium battery and in response to Christensen's follow up question on the cost, he said it comes with the additional chargers needed for the vehicle and comes with the level two charger to wire into the station. Howland thanked the Fire Department for going with EV.

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

(See Secretary's Original Resolution 25-122
Included with these minutes)

E. Resolution 25-123 Accepting Donations as Presented to the City of Albert Lea

The City of Albert Lea is generally authorized to accept donations pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens. Staff recommends acceptance of the following donations as submitted for Council review and approval.

- Alden Area Activities Association donated \$300 to Albert Lea Police Department Reserves for Morin Lake Day Parade.

(See Secretary's Original Resolution 25-123
Included with these minutes)

F. Action to Approve The Smoking Tree Cannabis License.

Rigg mentioned the concerns brought up at the public forum from residents and what the city has heard from the public through e-mails and phone calls. He said that when the State first mentioned they would make cannabis legal, he looked at how the City could maintain local control. He explained that this process did not involve local control, where almost all authority was given to the Office of Cannabis Management. Rigg let the public know that the City's authority was restricted to where the business could be located, the setback of these businesses and the number of cannabis businesses the City could allow. Within these guidelines, the City set the setbacks to the maximum setback allowed by the state and the number of licenses was set to the minimum allowed. Also noting the setbacks were to schools, churches, parks and daycare businesses.

Rigg said the City has heard the concerns from the public and has weighed those concerns by the power that the State has given to the City.

He gave examples of how the state could penalize the City if we defy the State. Noting the State could withhold government aid, which is one-third of our general fund. There could be lawsuits both from the business owner and from the state. He said if the public is concerned, they should contact the OCM, their State Legislators and the Governor.

Motion made by Councilor Anderson to approve, seconded by Councilor Olson. On roll call vote, the following councilors voted in favor of said motion: Howland, Olson, and Anderson. Councilors against said motion: Christensen, Baker, Van Beek and Mayor Murray. Motion fails.

Councilor Baker noted his concern with the States control over local issues. He feels the City should have a say on how we enforce this.

Councilor Christensen thanked the City Manager for being so clear on what the City has done on the zoning and where cannabis can be consumed. She mentioned that the threat of the City losing money is a danger, but she also doesn't want to approve this because of comments from her constituents.

Councilor Anderson said he'd like to say no too, but he wants to do the responsible thing. He asked the City Manager how much our LGA funding is, to which Rigg stated its six million, clarifying it won't be the full amount, it could be just five percent. This would amount to a possible \$300,000 penalty. Anderson asked the City Attorney to speak on the possibility of litigation against us.

Attorney Holstad stated it's an important consideration because the state is requiring equal access to cannabis. Adding in that even if the City said no, they wouldn't register any retail operation, we could still get Tribal operations as dictated from the State, without City approval. Holstad spoke on what the State's requirements are and what control the City has. Holstad said if we would block cannabis businesses the City would likely be sued without a probability of winning.

Anderson asked the City Manager to speak on who gets approved for these licenses through the state and our ordinance. City Manager Rigg stated the only way to objectively approve these licenses is to do it as a first come, first serve. Once the Office of Cannabis Management approves an individual, then the City would need to approve through our own ordinance.

MAYOR AND COUNCIL REPORTS

First Ward, Councilor Christensen reported:

- Ward Items – None
- Committee Update – Budget committee is working on the 2026 budget. The Blue Zones walking moais have started and last Thursday they met at Eastgate Park and walked up to Thursdays on Fountain. It was a fun group and good to get exercise at the same time.

Second Ward, Councilor Baker reported:

- Ward Items – None

- Committee Update – Attended an HRA meeting last week, they reviewed expenditures and discussed having the HRA getting bids on building a house. The board is in approval of this and will be moving forward on this. He will be meeting with Executive Director Phillip Johnson with ALEDA to discuss two different proposals from one company to put up a modular home.

Third Ward, Councilor Howland reported:

- Ward Items – None
- Committee Update – Attended the Park and Rec Board meeting where they toured the arena. He stated the public will be pleased and it was great to see the progress made.

Fourth Ward, Councilor Olson reported:

- Ward Items – Has a parking issue in his ward, that he's working on.
- Committee Update – Attended an Airport Advisory meeting where they discussed the new airport weather automated observation system. They also discussed getting a new tractor for snow removal, and the Federal Aviation Department will pay for ninety-five percent of the cost of the new tractor.

Fifth Ward, Councilor Van Beek reported:

- Ward Items – He's working on a couple of ward items.
- Committee Update – He attended the HRA meeting last week and will be attending the Human Rights Committee meeting in a couple weeks.
- He thanked the Mayor for coming out and supporting the Nation of Patriots ride that came through last week.

Sixth Ward, Councilor Anderson reported:

- Ward Items – None
- Committee Update – He attended the HRA meeting and he's excited about putting a house up. There are still details to work out. He attended a budget meeting, mentioning that Kristi and Ian do a great job of keeping track of it. They work hard on doing what they can to keep the levy and property taxes down.
- Public Announcement – He's the chair for Relay for Life Committee and Relay for Life will be August 8th at the fairgrounds. Anderson listed some of the different activities, noting one is being able to throw a wet sponge at a City Official. There are activities for all ages and he invited the public to check it out.

MAYOR REPORT

Attended the following meetings:

- Chamber after hours on July 15th
- Met with SMIF (Southern Minnesota Initiative Foundation) on July 16th, Tim Penny who retired as president and CEO was there along with Benya Kraus who is the new president and CEO of SMIF.
- Attended the Hatch open house last Wednesday
- Attended Thursday's on Fountain
- Hung out with Councilor Van Beek at Harley Davidson for the American Legion Patriot Riders.

They brought in the Nation of Patriots Flag and their next stop was Mason City, IA.

- Attended the Chamber Golf Outing
- Thursday the 24th he attended the BESS, (Battery Energy Storage System) meeting through the Minnesota Department of Commerce. They held hearings with individuals from the County and City to discuss this program. There will be another meeting in August and September.
- Met with the Charter Commission
- Attended an ALEDA project review meeting.

Mentioned the upcoming events and said they are also listed on the city's website. He also let residents know of the upcoming City cleanup day which is Saturday, April 26th, again stating they can find information on this on the city's website.

Last he read a letter he had just received from the Board of Peace Officer Standards and Training. It stated on July 16th 2025, there was a review of the Albert Lea Police Department. The letter stated after a comprehensive review of mandated employee training and department policies, they are pleased to announce the Albert Lea Police Department passed the review. Mayor Murray congratulated the Police Department.

CITY MANAGER REPORT

- He's currently working with staff on IT solutions.
- Working on the 2026 Budget, finishing up on the Capital Improvement Plan
- Working on the Strategic Plan
- Charter Commission met and there will be a public hearing and ordinance review on amending the Charter.
- He has a meeting tomorrow with SEMLM (Southeastern Minnesota League of Municipalities)

The mayor clarified that SEMLM is a group of people from different communities in Southeastern Minnesota. They will be looking at various ways as cities that they can work together and help each other.

APPROVAL OF CLAIMS

A. Resolution 25-124 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 Howland, seconded by Councilor Christensen. On roll call vote, the following councilors voted in favor of said motion: Christensen, Baker, Howland, Olson, Van Beek, Anderson, and Mayor Murray. Mayor Murray declared the motion passed.

(See Secretary's Original Resolution 25-124
Included with these minutes)

Councilor Howland motioned for adjournment; Councilor Van Beek 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 28, 2025. On voice call vote, all councilors voted in favor of said motion.

Mayor Murray declared the motion passed and the meeting adjourned.

ADJOURNMENT: 8:29 P. M.

Mayor Rich Murray

Karla Tukua
Secretary Pro Tem