

NOTICE OF ALBANY CITY COUNCIL MEETING

There will be a regular meeting of the city council in and for the city of Albany, Stearns County, Minnesota at 6:30 o'clock in the evening on Wednesday, August 07, 2024, in the council room at 400 Railroad Avenue for the said City.

AGENDA

1. Convene meeting.
2. Pledge of Allegiance
3. Audit Bills
4. Act on the regular council meeting minutes held on July 17th.
5. Open Forum/Public comment (3 to 5 minutes max.)
6. Mayor Tom Kasner, Recognition of Service to former City Administrator Tom Schneider.
7. Reports of Boards and Department Heads
 - Police Chief Matt Gannon present amendment to Police Pursuit Policy Minn. Stat. §626.8458.
 - Joseph Mergen, Public Works Supervisor
 - Mayor, Tom Kasner update the following:
 - Albany Fire Department Liaison, update from 7/31 Fire Board Meeting.
 - Appoint New Emergency Management Director in lieu of former Police Chief Ozzie Carbajal retiring.
 - Gary Winkels, Clerk/Adm. -present the following:
 - Project updates from Jerney Mathiasen, City Engineer
 - Resolution 2024-15 Calling for preliminary engineering report for 6th Street sidewalk improvements (Wobegon Trail to Linden Avenue- 6th Street to Early Childhood Learning Center).
 - Request for Proposal (RFP) for new North Park Shelter Construction Manager Services.
 - Amendment to Ordinance No.60 Liquor to add On-sale Wine License.
 - 2023 TIF district report
 - Discuss council workshop sessions
8. Mayor Tom Kasner - announce the next regular council meeting date (Wednesday August 21st) and adjourn.

Gary Winkels
Administrator/Clerk

Pursuant to due call and notice thereof a regular meeting of the Council in and for the City of Albany, Stearns County, Minnesota, was called to order by Mayor Tom Kasner at 6:30 o'clock in the evening on Wednesday, July 17, 2024, in the Council Room at 400 Railroad Avenue for the said City.

Other members present were councilors John R Harlander, Al Amdahl, Keith Heitzman and Bruce Winter. Others present were Police Chief, Matt Gannon, Jeremy Mathiasen, city engineer with the firm Stantec Inc. MN, Joe Mergen, Public Works Supervisor, Tim Hennagir, Staff Writer, the Star Post, Gary Winkels, City Administrator, Bryce Slone, Patrol Officer, Albany Police Department, Bryan Schiffler, Friends of North Park, John Stueve, Albany township resident, Leo Sand, Avon township resident, and the following City of Albany residents: Berleen Hollenkamp, Taryn Hollenkamp, Andy Schultz.

The council recited the Pledge of Allegiance.

The council took notice of approval of payment of bills. After due discussion, a motion was made by Bruce Winter, and seconded by John R. Harlander to approve/authorize payroll (4291-4309), electronic payments transfers, and the payment of the following bills: Check Numbers 73600-73635. All voted for the motion, and it carried.

Mayor Tom Kasner called for any corrections or additions to the minutes of the regular meeting of the council held on July 3rd, and hearing none declared them approved.

Open forum/public comments: None.

Pursuant to due notice, Mayor Tom Kasner, called the public hearing into session at 6:33 o'clock in the evening on a request by Jeremy and Kayla Feldewerd, 620 Augustana Lane, Albany MN, to vacate a 5.00 foot drainage and utility easement over, under and across the southeasterly 5.00 feet of Lot 6, Block 2, TRAILS EDGE, according to the recorded plat thereof Stearns County, Minnesota, as measured perpendicular to, contiguous and parallel with the southeasterly line of said Lot 6 and the northwesterly 5.00 feet of Lot 7, said Block 2, as measured perpendicular to, contiguous and parallel with the northwesterly line of said Lot 7, less and except the northeasterly 10.00 feet of said Lots 6 and 7, as measured perpendicular to, contiguous and parallel with the northeasterly lines of said Lots 6 and 7 and the southwesterly 5.00 feet of said Lots 6 and 7 being as measured perpendicular to, contiguous and parallel with the southwesterly lines of said Lots 6 and 7. A public notice was published in the Star Post on June 26th and July 3rd. No written comments were received. Mr. Winkels informed the council all utility companies were given notice, and no utilities are located within the proposed described easement to be vacated. Mr. Winkels noted the purpose of the request is to construct a new home. Mayor Tom Kasner closed the public hearing at 6:35 PM. After due discussion, a motion was made by Al Amdahl and seconded by John R. Harlander to vacate the public drainage and utility easement as per the aforesaid legal description. All voted for the motion, and it carried.

The Council took notice of the following permit applications submitted by Kris Schiffler, owner of Shady's Hometown Tavern and Event Center, 451 Railroad Avenue: 1) Large Gathering Permit, and 2) Temporary Extension of out-door liquor (special event). Mr. Winkels noted Mr. Schiffler could not attend the meeting due to a prior commitment. Mr. Winkels presented a site plan of the event (outdoor band- August 24th) to be held north of Shady's Hometown Tavern and rear alley similar to past events. Mr. Winkels noted the event area will be fenced, with gated entrances, port-a-pots, and band to end at 12:00 AM. Police Chief Matt Gannon noted he

reviewed the applications and has no concerns at this time. After due discussion, a motion was made by Keith Heitzman and seconded by Bruce Winter to approve both applications. All voted for the motion, and it carried.

Bryan Schiffler, Friends of North Park, appeared before the council to update the council on the progress of the following North Park improvements and noted some of the improvements hinge on the location of the proposed shelter and future splashpad:

- Pickleball court- concrete crack repairs will be done by the end of the week.
- Remodeling bathrooms in Jaycees Shelter- paused due to shelter being rented out.
- Existing walk paths on the north end of park- paused due to uncertainty of proposed shelter and future splashpad.
- Installation of curbing and granite base to Jaycee Shelter and softball field parking lots- paused due to uncertainty of proposed shelter and future splashpad.
- Tree Trimming- is nearing completion.
- Softball field well upgrade- paused at this time.
- Park Gazebos- repairs and painting have been completed.
- New play area with off-road tires- nearing completion.
- BMX bike path- nearing completion.

Mr. Schiffler noted he is disappointed the Park Board did not recommend to approve a splashpad and that a shelter location has not been determined. Mayor Tom Kasner informed Mr. Schiffler the city council decided at the June 20th council meeting to prepare a Request for Proposal (RFP) for the proposed shelter and prepare a city-wide survey including questions if residents are in favor of funding a future splashpad; whereby at the July 3rd council meeting the council decided to create a committee to discuss the design criteria for the proposed shelter. Mr. Mathiasen presented the council a draft survey to review, and noted once the review is completed the survey will be ready to be mailed within a few days. Mr. Mathiasen also noted his company is working on the RFP for the proposed shelter. Councilor John R. Harlander noted it is his opinion a splashpad will cost the city \$15,000 - \$16,000 per year to operate which includes labor, water/sewer, chemical, and electrical, and another \$26,000 per year to plan for replacement after the 20 years life expectancy. Mr. Harlander also noted if the proposed shelter is constructed near a future splashpad there may be conflicts renting the shelter. Mayor Tom Kasner, with the consensus of the council, directed Mr. Winkels to mail out the survey as soon as the review is completed and informed Mr. Schiffler no decision on a future splashpad would be made until the survey is complete.

Mr. Mathiasen updated the council on the following:

- 2023 Forest Avenue Capital Improvement project. Mr. Mathiasen noted the contractor is preparing their closeout documentation.
- 2024 Roadway Surface Improvement project. Mr. Mathiasen noted the final walk through, and punch list items will be completed in the next few weeks.
- 2025 County Road 157/ Railroad Avenue project. Mr. Mathiasen noted the project includes roughly seven blocks of frontage along County Road 157/ Railroad Avenue. Mr. Mathiasen also noted the scope of the work includes the evaluation of City-owned utilities, and new sidewalk construction along the north side of the roadway and noted final city drawing and specifications will be reviewed with staff and Stearns County over the next two weeks.

- The City's PFAS (per-and poly-fluoroalkyl substances) Pollutant Management Plan mandated by the Minnesota Pollution Control Agency (MPCA) has been submitted to the MPCA.

Mr. Mathiasen noted in December 2021, the Environmental Protection Agency (EPA), announced Lead and Copper Rule Revisions to reduce lead in drinking water. Mr. Mathiasen noted the EPA directed states and cities to complete a service line inventory by October 16, 2024, and noted the intermediate service line inventory has been submitted to the Minnesota Department of Health (MDH) which cost was estimated to be \$55,554+/- . Mr. Mathiasen also noted the City of Albany will be receiving funding in the amount of \$55,000 +/- from MDH to help with the inventory.

Mr. Mathiasen presented a preliminary cost estimate of \$200,053+/- for the potential future sidewalk improvements along the east side of 6th Street (CSAH #53) from Linden Avenue north to the Lake Wobegon Trail, north of Soo Line Avenue. Mr. Mathiasen also noted his estimate includes adding a potential sidewalk on the south side of 3rd Avenue from 6th Street easterly to the new Albany Area School Early Childhood Learning Center. Mr. Mathiasen noted the 6th Street sidewalk project could possibly be divided into the following three (3) phases:

- North Phase – 3rd Avenue North to the Lake Wobegon Trail, approximately 735 feet, \$61,866.
- South Phase – Linden Avenue North to 3rd Avenue, approximately 1115 feet, \$77,601.
- East Phase - 3rd Avenue from 6th Street easterly to Early Childhood Learning Center, approximately 740 feet, \$60,588.

Mr. Mathiasen noted there would be no cost to the city for Xcel Energy to move their power poles due to them not being installed in the utility easement. Mayor Tom Kasner, with the consensus of the council, directed Mr. Mathiasen to prepare a resolution for a feasibility study for the August 7th council meeting.

Police Chief Matt Gannon informed the council new Patrol Officer Seth Adams could be starting early to mid-August. Mr. Gannon noted he and Mr. Winkels continue to discuss with the insurance adjuster for the League of MN Cities Insurance Trust, the city's insurance company, on items damaged in the police garage fire on April 22nd. Mr. Gannon also noted The Woodshop of Avon, Albany, MN, donated time and material to remodel the Police Chiefs office. Mayor Tom Kasner, with the consensus of the council, thanked John R. Harlander, owner of The Woodshop of Avon for their generous donation.

Mr. Mergen appeared before the council to update the council on the lightning strike that occurred at the Water Treatment Plant (WTP) on June 12th. Mr. Mergen noted the League of MN Cities Insurance Trust, the city's insurance company, will cover the \$31,271 to purchase a Programmable Logic Controller (PLC), and noted the repairs will be performed by Preferred Controls, a local company who oversees the electronic controls at the WTP. Mr. Mergen also noted the failing 12" Butterfly Valve at the Water Treatment Plant has been replaced.

Councilor Bruce Winter, Albany Golf Club Liaison, presented to the council the Albany Golf Club's checkbook register. After due discussion, a motion was made by Bruce Winter and seconded by John R. Harlander to approve electronic payments, transfers, and the payment of the following bills: Check numbers 40751-40780. All voted for the motion, and it carried.

Mr. Winkels informed the council at the June 20th council meeting the council approved Subordination Agreements A1634474 and 1659856 requested by American Heritage National Bank on behalf of Albany Hotel Business Center Inc. dba Barbacoa Smokehouse and Deli, 441 Railroad Avenue. Mr. Winkels noted American Heritage National Bank, requested the council repeal the said Subordination Agreements due to Stearns County rejecting the agreements because the document numbers were entered concurrently, and replace them with updated Subordination Agreements A1634474 and A1659856. Mr. Winkels noted the Economic Development Authority (EDA) approved partial funding for storefront improvements in the form of a grant/loan; whereby said agreements are not uncommon. After due discussion a motion was made by Al Amdahl and seconded by Keith Heitzman to repeal Subordination Agreement A1634474 approved on June 20th and replace it with the updated Subordination Agreement A1634474 submitted July 17th. All voted for the motion, and it carried. After due discussion a motion was made by Mayor Tom Kasner and seconded by Bruce Winter to repeal Subordination Agreement 1659856 approved on June 20th and replace it with Subordination Agreement A1659856 submitted on July 17th. All voted for the motion, and it carried.

Mr. Winkels presented the following Information Technology (IT) service proposals from Xtona, the city's IT management company:

- Water Treatment Plant firewall upgrade \$2,600. Mr. Winkels noted the price includes labor, firewall, two access points, and one year of Forticare services. Mr. Winkels also noted Forticare service after the first year will be \$125/year.
- Installing Security Operations Center (SOC) on all city devices \$500 one-time fee, plus \$35 per device per month. Mr. Winkels noted SOC is a cybersecurity monitor that would be installed on endpoints, firewalls and servers

After due discussion a motion was made by John R. Harlander and seconded by Al Amdahl to approve the proposed IT service from Xtona. All voted for the motion, and it carried.

Mr. Winkels informed the council he was informed at election training hosted by Stearns County officials of an amendment made to Statue 204B.09 Subd. 3 regarding write-in vote counting for municipal elections. Mr. Winkels noted cities can pass a resolution stating anyone who wishes to have their write-in vote counted on election day must file a written request with the City Clerk no later than the seventh day before any municipal election. Mr. Winkels noted currently election judges must count all write-ins including "Mickey Mouse and Donald Duck". Mr. Winkels noted he spoke with Rita Stenlund, the city head election judge and concurred this resolution would save a considerable amount of time and resources on election night if approved by the council. After due discussion, and upon recommendation of Mr. Winkels a motion was made by John R. Harlander who introduced the following resolution and moved its adaption:

RESOLUTION 2024-13
RESOLUTION GOVERNING WRITE-IN VOTE COUNTING

The motion for the foregoing resolution was seconded by Bruce Winter and after full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Al Amdahl, John R. Harlander, Bruce Winter and Keith Heitzman, and none voted against the same; whereupon the said Resolution was declared duly

passed and adopted. The full text of the said Resolution is on file at the office of the City Clerk/Administrator for public inspection during regular office hours.

The council took notice of Lease for Lawful Gambling Activity (LG215) submitted by the Albany Lions to operate pull-tabs and electronic pull-tabs at Barbacoa Smokehouse and Deli, 441 Railroad Avenue. After due discussion, a motion was made by Mayor Tom Kasner who introduced the following resolution and moved its adaption:

RESOLUTION 2024-14
RESOLUTION approving Albany Lions lease for Lawful Gambling
Activity at Barbacoa Smokehouse and Deli

The motion for the foregoing resolution was seconded by Keith Heitzman and after full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Al Amdahl, John R. Harlander, Bruce Winter and Keith Heitzman, and none voted against the same; whereupon the said Resolution was declared duly passed and adopted. The full text of the said Resolution is on file at the office of the City Clerk/Administrator for public inspection during regular office hours.

Mayor Tom Kasner announced the next regular council meeting for 6:30 PM or as soon as thereafter on Wednesday, August 07, and adjourned the meeting at 8:35 PM.

Gary Winkels
City Administrator

POLICE PURSUIT MODEL POLICY

Minn. Stat. § 626.8458

I. POLICY

The primary purpose of this policy is to ensure officers and any member of the **Albany Police** Department respects the sanctity of life when making decisions regarding vehicle pursuits. Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The intent of this policy is to provide officers with guidance in balancing the safety of the public, safety of other officers and themselves, and law enforcement's duty to apprehend violators of the law, while minimizing the potential for pursuit related crashes.

II. GUIDING PRINCIPLES

- A decision to pursue should be based upon the totality of information and circumstances reasonably known to the officer at the time the decision is made, recognizing that law enforcement must often make immediate decisions with partial information.
- The safety of all persons involved in or by a police pursuit is of primary importance. It also must balance the risks of the pursuit to the public and peace officers with the consequences of failing to pursue (Minn. Stat. § 626.8458 Sub. 2 (1)).
- No officer will be disciplined for terminating a pursuit.
- Officers, when responding to an emergency call or pursuing a fleeing vehicle shall, when approaching a stop sign or red light, slow down as necessary for safety, but may proceed cautiously if they sound a siren or display at least one red light to the front (Minn. Stat. §169.03(2)).
- The speed limitations do not apply to an authorized emergency vehicle responding to an emergency call or vehicle pursuit, although this does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others (Minn. Stat. §169.177). Officer(s) should consider reducing their speeds and ensuring that the way is clear before proceeding thru an intersection or other locations where there is an increased likelihood of a collision with another vehicle or pedestrian. Evaluation of vehicle speeds should take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.
- Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

III. DEFINITIONS

- A. Pursuit:** An active attempt by a sworn member operating a patrol unit or specialty unmarked unit to apprehend a driver of a motor vehicle who, having been given a visual and audible signal by a peace officer directing said driver to bring their vehicle to a stop, increases speed, extinguishes motor vehicle headlights or taillights, refuses to stop the vehicle, or uses other means with intent to attempt to elude a peace officer (Minn. Stat. §609.487).
- B. Termination of a Pursuit:** A pursuit is terminated when the pursuing officer(s) notify dispatch, turn off their emergency lights and sirens, and reduce speed to the posted speed limit.
- C. Divided Highway:** Any highway that is separated into two or more roadways by:
1. A physical barrier, or
 2. A clearly indicated dividing section constructed so as to impede vehicular traffic.
- D. Channeling:** To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.
- E. Compelling Path:** The use of channeling technique with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver or any vehicle traveling the path has an exit option at the narrowed end.
- F. Pursuit Intervention Technique (PIT):** A driving maneuver designed to stop a fleeing motorist by applying precision vehicle-to-vehicle-contact resulting in a predictable spin of the suspect's vehicle, bringing it to a stop.
- G. Flee:** The term "flee" means to increase speed, extinguish motor vehicle headlights or taillights, refuse to stop the vehicle, or use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle (Minn. Stat. § 609.487 Subd. 1).
- H. Primary Unit:** The law enforcement unit that initiates a pursuit or any other unit that assumes control of the pursuit.
- I. Support Units:** The primary responsibility is to remain in close proximity to the pursuing vehicle(s) so that officers are immediately available to render aid or assistance to anyone who may require it as a result of the pursuit. Support officers may also assume responsibility for radio traffic, and do not take over/assume control of the pursuit.

- J. Other Assisting Units:** Units not actively involved in the pursuit itself but assisting by deploying stop sticks, blocking intersections, compelling paths, or otherwise working to minimize risk.
- K. Ramming:** The deliberate act of impacting a fleeing offender's vehicle with another vehicle to functionally damage or otherwise force the violator to stop.
- L. ~~Spike Strips~~ Portable Tire Deflation Device:** A device that extends across the roadway and is designed to puncture the tires of the fleeing offender's pursued vehicle. ~~Tire deflation devices must be capable of safely releasing the air pressure of the tire in a predictable, controlled manner so the vehicle operator can maintain control.~~
- M. Blocking or vehicle intercept:** A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.
- N. Boxing-in:** A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.
- O. Paralleling:** The practice of non-pursuing squad vehicles driving on streets nearby to the active pursuit, in a manner parallel to the pursuit route. Parallel driving does not exempt officers from obeying traffic laws. Minn. Stat. § 169.14, subd. 1.

IV. PROCEDURE

A. Pursuit Considerations – Minn. Stat §626.8458 Subd. 2 (2).

1. Pursuit is justified when the need for immediate apprehension or the risk to public safety outweighs the risk created as a result of the pursuit.
2. Factors to be considered when weighing risks:
 - Severity of the offense (in cases of non-violent offenses, officers should consider terminating the pursuit).
 - Speed of the pursuit
 - Area of the pursuit (including the geographical area, time of day, amount of vehicular and pedestrian traffic)
 - Divided highways and one-way roads (Minn. Stat. § 169.03 Subd. 3)
 - Approach to intersections that are controlled by traffic signals, signs, or other location where there is an increased likelihood of a collision (Minn. Stat. §169.03)
 - Environmental conditions (weather, visibility, road surface conditions)
 - Special hazards (school zones, road construction, parades, special events)

- The ability to identify the offender at a later time
 - Age of the suspect and occupants
 - Other persons in or on the suspect vehicle
3. Standards applied to the ongoing evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following considerations:
- The immediate need to apprehend the offender outweighs the risk created by the pursuit.
 - The dangers created by the pursuit exceed the dangers posed by allowing the offender to escape.
 - Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

B. Procedures & Tactics for an Officer Engaging in a Pursuit– Minn. Stat. § 626.8458 Subd. 2 (3)

1. Emergency vehicles shall be driven in a safe manner and with due regard for public safety.
2. Emergency vehicles operating in emergency mode are permitted to violate certain traffic regulations, when necessary, as long as the operator continues to exercise due care in vehicle operation.

C. Responsibilities of the Primary Unit – Minn. Stat. § 626.8458 Subd. 2 (4)

The driver of the primary unit shall notify dispatch of the pursuit and shall provide at least the following critical information to dispatch when possible:

- Travel direction/location/traffic and road conditions
 - Reason for initial contact (specific violations)
 - Identity of fleeing driver, if known
 - Plate number, if available, and/or vehicle description
 - Speed of fleeing vehicle
1. Provide relevant evolving information to dispatch
 2. No officer will intentionally make vehicle-to-vehicle contact unless this action is in conformance with agency policy on use of force (see agency policy on use of force)
 3. Roadblocks must conform to the agency's policy on use of force

4. Only law enforcement vehicles with emergency lights and siren will be used as pursuit vehicles
5. Unmarked and low-profile agency vehicles may engage in pursuits until a marked vehicle can take over as the primary vehicle. Officers shall not become engaged in pursuits while operating a non-departmental (private) motor vehicle or departmental vehicles not equipped with required emergency equipment.

D. Procedures & Tactics for support units

1. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.
2. When possible, non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, obeying all non-emergency traffic laws.
3. All participating units should operate under emergency conditions.

E. Supervision of Pursuit Activities

1. The use of a detached supervisor that is not directly involved in the pursuit, when available, should be considered.

Based on the known information the supervisor, when available, shall monitor the pursuit in order to take appropriate action to continue or terminate the pursuit (Minn. Stat. §626.8458 Subd. 2 (4)).

2. Procedures regarding control over pursuit activities should include:
 - Verbally acknowledge they are monitoring the pursuit.
 - Assess critical information necessary to evaluate the continuation of the pursuit. Evaluate and ensure pursuit is within policy.
 - Direct that the pursuit should be discontinued if it is not justified to continue under the guidelines of this policy or for any other reason.
 - Communicate to all involved units if the pursuit should be terminated
3. Options to keep in mind during a pursuit include, but are not limited to:
 - Parallel pursuits
 - Channeling techniques
 - Creating a compelling path
 - Air support
 - Spike strips or other tire deflation device
 - Pursuit Intervention Techniques (PIT)
 - Blocking or Vehicle Intercept
 - Boxing-in
 - Other apprehension or GPS tracking methods - Minn. Stat. §626.8458 Subd 2 (3)

4. *Post-pursuit chain of command notifications are required and shall be identified in each agency's policy.*

F. Dispatch Responsibilities

Upon notification that a pursuit has been initiated, Dispatch will be responsible for the following (Minn. Stat. § 626.8458 Subd. 2 (4)):

- Coordinate pursuit communications of the involved units and personnel.
- Notify and coordinate with other involved or affected agencies as practicable.
- Ensure that a supervisor, if available, is notified of the pursuit.
- Assign an incident number and log all pursuit activities.
- Broadcast pursuit updates as well as other pertinent information as necessary.

G. Factors Influencing the Termination of a Pursuit:

The driver of the primary unit and the supervisor shall continually evaluate the risks and likelihood of a successful apprehension of the suspect and shall consider terminating the pursuit under the following conditions.

1. The officer deems the conditions of the pursuit too risky for the safe continuation of the pursuit.
2. A supervisor orders it terminated.
3. Information is communicated that indicates the pursuit is out of compliance with policy.
4. Communication is broken.
5. Visual contact is lost for a reasonable period of time or the direction of travel cannot be determined.
6. The suspect is known and could be apprehended later, and delaying apprehension does not create a substantial known risk of injury or death to another.

H. Interjurisdictional Pursuit – Minn. Stat. § 626.8458 Subd. 2 (5).

1. The primary unit shall update critical information to the dispatcher before leaving its jurisdiction.
2. The primary law enforcement vehicle shall remain the primary vehicle in other jurisdictions unless the controlling pursuit authority transfers its authority to another jurisdiction.
3. Upon receiving notification the pursuit is entering another agency's jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to that agency.
4. When a pursuit enters this law enforcement agency's jurisdiction:
 - The dispatcher shall update the critical information to the shift supervisor or other authorized individual identified by the law enforcement agency.
 - The controlling pursuit authority shall determine if the pursuit is in conformance with policy and shall provide appropriate direction to their units.
5. When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to the dispatcher and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458 Subd. 2 (5)).

If a pursuit from another agency enters the Department's jurisdiction, Dispatch should update the on-duty supervisor. No pursuit will continue into another state unless permission is received from a supervisor, if available **and as soon as is practical**, ~~prior to entering that state and the pursuit is of a known or suspected violent felon~~. Prior to, **or as soon as possible after** crossing the state line, the dispatcher will notify the appropriate out of state authority to coordinate the pursuit and the channels to be used for communications.

I. Fresh pursuit outside state boundaries

~~If the pursuing officer has received supervisory approval~~ **Subject to the conditions identified under H.5. above** the officer may continue the pursuit across state lines with those states, which grant reciprocity. This would include North Dakota, South Dakota, Iowa, and Wisconsin (Minn. Stat. §626.65, Uniform Law on Fresh Pursuit; Reciprocal.)

J. Air Support

1. When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the

pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (4)). The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

K. Pursuit Summary Report

1. The primary officer and the supervisor shall file a pursuit summary report.
2. To ensure compliance with Minn. Stat. § 626.5532, the chief law enforcement officer shall ensure the completion of the State pursuit report form and forward it to the Commissioner of Public Safety within 30 days following the pursuit.
3. As required in Minn. Stat. §626.5532, the report must contain the following elements:
 - a) the reason(s) for, and the circumstances surrounding the pursuit;
 - b) the alleged offense;
 - c) the length of the pursuit in distance and time;
 - d) the outcome of the pursuit;
 - e) any injuries or property damage resulting from the pursuit; and
 - f) any pending criminal charges against the driver.
 - g) other information deemed relevant by the Commissioner of Public Safety.

L. Care and Consideration of Victims

If during a pursuit an officer observes or is made aware of an injury to an individual, the officer shall immediately notify the dispatcher to have the appropriate emergency units respond. Rendering assistance includes, but is not limited to:
Minn. Stat. §626.8458 Subd. 2 (6)

- Calling an ambulance
- Rendering first aid until the officers are no longer needed at the injury scene
- Summoning additional units to the scene for assistance with the injured persons and/or traffic control

M. Use of Firearms

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not discharge firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

N. Capture of Suspects

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects shall be consistent with the agency use of force policy and Minn. Stat. §609.06.

O. Evaluation and Critique

After each pursuit, the supervisor and law enforcement agency units involved with the pursuit will evaluate the pursuit and make recommendations to the chief law enforcement officer on ways to improve the agency's pursuit policy and tactics.

P. Training

In accordance with POST requirements, all sworn members shall be given initial and periodic updated training in the department's pursuit policy and safe emergency vehicle operation tactics. ~~Emergency Vehicle Operations Course (EVOC) training is minimally required for each officer every five years.~~

In accordance with Minn. Stat. §626.8458, the chief law enforcement officer shall provide in-service training in emergency vehicle operations and in the conduct of police pursuits to every peace officer and part-time peace officer employed by the agency who the chief law enforcement officer determines may be involved in a police pursuit given the officer's responsibilities.

This training shall comply with learning objectives developed and approved by the board and shall minimally consist of at least eight hours of classroom and skills-based training every five years. ~~per Minn. Stat. § 626.8458 Subd. 5.~~ Continual training should also be considered for those officers authorized to use the PIT maneuver, **tire deflation device** deployment, GPS tracking, and related pursuit intervention procedures, tactics, and technologies.

If the chief law enforcement officer determines an officer will not be involved in police pursuits, the CLEO must notify POST of the officer's exemption status.

To:	Gary Winkels, City Staff & Albany City Council	From:	Jeremy Mathiasen
	City of Albany		St. Cloud Office
File:	193801690	Date:	August 2, 2024

Reference: Engineering Update for the 8/7/24 Council Meeting

2023 Capital Improvement Project (Forest Avenue)

Anticipating final project closeout at the August 21st Meeting. Final quantity correspondence with the Contractor nearing completion.

2024 Roadway Surface Improvement project

Final walk thru has not been completed yet. We are coordinating a time with the Contractor.

2025 Railroad Avenue / CR 157 Improvement project.

Reviewing final project drawings with staff and County over next two weeks.

Albany Lead Service Line Inventory

An intermediate service line inventory has been submitted to the MDH. The final inventory is due to the MDH by August 30th.

Miscellaneous

- The City Survey is on the streets, and we are monitoring responses that are coming in. A summary of all responses will be provided when the Survey closes.
- A resolution is included in your packets for ordering a Feasibility Report for the 6th Street Sidewalk Improvements.
- We collected field topo and are working on the sidewalk extension west of the new coffee shop.
- We are reviewing civil drawings that were submitted for the Centra Sota Co-op expansion.

If you have any questions on any of the ongoing projects or anything else, please feel free to call or email me at any time. I will be out of town the week this coming week but will be available by phone if needed.

Jeremy Mathiasen

320.266.5232

Draft

**RESOLUTION 2024-15
CALLING FOR A PRELIMINARY
ENGINEERING REPORT
6th Street Sidewalk Improvements
(From the Wobegon Trail to Linden Avenue)**

WHEREAS, it is proposed to undertake the following improvement: Sidewalk improvements along 6th Street (from the Wobegon Trail to Linden Avenue), and along 3rd Avenue (from 6th Street to the Early Education Site), the “Improvement” and to assess the benefitted property for all or a portion of the cost of the Improvement pursuant to Minnesota Statutes, Chapter 429.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Albany, Minnesota:

That the proposed Improvement, is referred to Stantec, Inc., St. Cloud, MN, the consulting engineer for the City for study with instructions to report to the City Council with all convenient speed advising the City Council in a preliminary way as to whether the proposed Improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other Improvement; the estimated cost of the Improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

Adopted by the City Council this 7th day of August 2024.

Tom Kasner, Mayor

Gary Winkels, City Administrator

(S E A L)

Draft

Request for Proposals for the new North Park Shelter Construction Manager Services

August 7, 2024

Proposal

The City of Albany, Minnesota will receive proposals from qualified and licensed Contractors with experience in Construction Management of Park Buildings and similar improvements. The Construction Manager will be expected to assist the City with the planning, design, preparation of construction documents, bidding, and managing the construction of the project.

The park shelter is proposed to be constructed southwest of the softball field in Albany's North Park. The City is assembling a Sub-Committee to provide direction and feedback during the conceptual and final design stages of the project. The City would like to have a Construction Manager selected by September 18th, with design and bidding work this fall and early winter, and shelter construction beginning in the spring of 2025.

Background Information

The City of Albany, with the generous contributions of time and funding from the Friends of North Park, have undertaken a number of improvements to the park over the past two years. The addition of a second park shelter at North Park will provide a potential second rentable space at the park, adjacent to park trails, the softball field, a new parking area, and playground facilities. The Friends of North Park have secured outside funding for the Park Shelter project.

The size of the structure hasn't been finalized but may be in the range XXXX – XXXX SF. The facility will likely be a combination of open-air space and an enclosed area. A small kitchen may be incorporated along with bathrooms, utility room, and a storage area. The shelter and access sidewalks will need to meet all ADA requirements.

Scope of Work

The City's expectations of the chosen Construction Manager will include the following scope of work:

- Attend and lead park shelter subcommittee meetings during the conceptual and final design phases. Estimating no more than seven in-person subcommittee meetings.
- Preparation of project drawings and specifications or facilitating preparation of these items through a subconsultant, hired by the Construction Manager.
- Comply with City requirements for advertisement, bidding and selection of suppliers and contractors.
- Apply for and obtain project building permit and other permits needed for the site, if any.
- Review and approval of material submittals and shop drawings.

- Provide the City with partial and final payment vouchers as needed for work completed and approved. Payment vouchers should show percent completion and a summary of the specific work items included in the payment request.
- Construction observation and management through the duration of the project, including final walk-thru with the City, punch list work, and project closeout.
- Installation of city utilities (water and sanitary sewer with lift station).

Submission Requirements

Proposals will be accepted until September 4, 2024, at 12:00 PM. Submit to the City Administrator at the following address (Electronic submittals will be accepted to Gwinkels@ci.albany.mn.us):

Mr. Gary Winkels
Albany City Hall
400 Railroad Avenue, PO Box 370
Albany, MN 56307

The submittal may be structured in a way that most effectively presents the proposal. The proposal should be concise and be limited to a maximum of ten single-sided, 8½" x 11" pages with a font size no smaller than 11-point. Fold-out exhibits may be used but will be included in the 10-page count. The submittal elements should be bound into a single document and should contain all the information needed for consideration by the Sub-Committee in evaluating the proposal. Please include a list of at least three similar projects, with locations, and reference contact information.

The proposal shall also include a proposed schedule for the project, including milestone dates, and other critical path information that the City should consider.

Please state any assumptions used in preparing the proposal and list any specific expectations of the City and Park Shelter Sub-Committee that you may have.

Cost Proposal

The fee for completing this work is an important consideration, however, qualifications, experience, approach to completing the work, and ability to address the City's needs are the most important criteria. The cost proposal will be used with all other elements of the submittal for making a recommendation and should be provided based on a percentage of Construction Costs. The cost proposal will not be considered a final bid, but it will be used in negotiating a contract for the work.

Construction Manager Selection Process

The Park Shelter Sub-Committee will review the proposals received by the deadline and will evaluate and make a recommendation to the Albany City Council for final selection. In formulating the recommendation, the Sub-Committee shall consider the qualifications and experience of the Construction Manager, the proposed project schedule, and the anticipated cost of services.

Tentative Schedule

Request for Proposals Advertised	August 14, 2024
Proposals Due	September 4, 2024
Construction Manager Selection	September 18, 2024

Finalize Work Plan, Fees and Contract	October 1, 2024
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Completion of Construction Drawings and Bidding Documents	December 18, 2024
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Additional Information

Questions should be directed to Gary Winkels, City Administrator, at (320) 845-4244.

END

DRAFT

**CITY OF ALBANY
AMENDMENT TO ORDINANCE NO. 60
LIQUOR**

The City Council for the City of Albany, HEREBY ORDAINS that Ordinance 60 Liquor shall be amended as follows:

1. That Section 60.02 shall be amended by the addition of Subd. 12 which shall read as follows:

“Subd. 12: Restaurant. Shall mean an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, having a minimum seating capacity for twenty-five (25) guests.”

2. That Section 60.04 shall be amended by the addition of Subd. 12 which shall read as follows:

“Subd. 12: On-Sale Wine License. The City may issue on-sale wine licenses, with the approval of the Commissioner of Public Safety to theaters, restaurants that have facilities for seating at least 25 guests at one time, and licensed bed and breakfast facilities which meet the criteria in Minn. Stat. § 340A.4011, subd. 1, as it may be amended from time to time and to. The fee for an on-sale wine license as established by the Council under Section 60.09. Applicants for an on-sale wine license shall be subject to an investigation pursuant to Section 60.08, Subd. 1. The premises subject to an on-sale wine license may extend to outdoor patios and decks if the conditions set forth in Section 60.08, Subd. 4 are met. A separate license for Sunday sales shall not be required.”

3. That Appendix A is hereby amended by the addition of the following:

60.09.1	Liquor License Fees	
	On-Sale Wine	\$600

This Ordinance Amendment shall be effective upon publication.

This Ordinance was approved by the majority of the City Council of Albany on the 7th day of August, 2024.

Tom Kasner, Mayor

Gary Winkels, City Administrator

(S E A L)

This amendment was published in the *Star Post* August 14, 2024



DDA

David Drown Associates, Inc.
Public Finance Advisors

Parkers Prairie Office:
13979 County Highway 42
Parkers Prairie, MN 56361
(612)920-3320 ext. 110 | fax (612) 605-2375
www.daviddrown.com

July 23, 2024

TIF Management and Recommendation Letter

Mr. Gary Winkels, City Administrator
City of Albany
400 Railroad Avenue
P.O. Box 370
Albany, MN 56307-0370

Dear Mr. Winkels:

Thank you for hiring David Drown Associates, Inc. to complete the City's TIF Reports. Attached please find copies of these reports for the City. Our firm will upload the reports to the State Auditor's Office by the August 1st deadline. We will also coordinate the publication of the required Annual Disclosure Report and the distribution of the reports to the County Auditor.

TIF District No. 5

Type of District: Redevelopment
Required Decertification Date: December 31, 2023
Inter Fund Loan Balance: \$0

Obligation(s): The City issued a \$350,000 TIF revenue bond in 1997 payable only from tax increments from this District associated with the hotel development. A 100% of the increment generated from this district is paid to United Bankers Bank.

Recommendations: This district was decertified at the end of 2023.

TIF District No. 14

Type of District: Redevelopment
Required Decertification Date: December 31, 2039
TIF Fund Balance: \$483,747

Obligation(s): The City has two remaining obligations with this TIF district, summarized as follows:

8th Street Rentals LLC: *8th Street Rentals LLC* redeveloped the former Koglin site located structure north of the I-94 overpass as a mixed-use development. The pay-as-you-go agreement provides for reimbursement of up to \$145,000 of eligible improvements utilizing 90% of the increment for a term not to exceed nine years (February 2026). Payments on this note are scheduled to begin on August 1, 2016. Reimbursements will begin upon final invoices and receipts for TIF eligible expenditures are submitted to the City.

Mother of Mercy Development LLC: Mother of Mercy plans to redevelopment of the former convent portion of their campus. The existing brick structure will be demolished and replaced by a three-story assisted living, memory care and day care facility. The City will utilize 90% of the increment generated by the project to reimburse the Developer

for documented expenses, plus interest of 4%, for a term of 12 years not to exceed \$308,000.

Recommendations: No action is recommended at this time.

TIF District No. 15

Type of District: Redevelopment
Required Decertification Date: December 31, 2045
Inter fund loan balance: \$462,644.

Obligation(s): The City has an agreement with Centracare to reimburse \$700,000 of TIF eligible expenses. The Developer has submitted receipts verifying the costs and we anticipate increment to be collected in 2021. The TIF note bears an interest rate of 4%. The balance on the note is \$700,000 at the end of 2022.

The City has several infrastructure improvements in this district. In 2020, new lighting and other public improvements were installed in the district totaling \$191,177. In 2023, the City had the Railroad Avenue/1st Street intersection improvements totaling \$303,821. This is considered to be an inter fund loan for this district to the general fund.

Recommendation: No action is recommended at this time.

TIF District No. 16

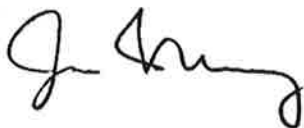
Type of District: Economic Development
Required Decertification Date: December 31, 2028
TIF Fund Balance: \$367

Obligation(s): The City has an agreement with BB Wheels to reimburse \$70,000 of TIF eligible expenses. The Developer has submitted receipts verifying the costs and we anticipate increment to be collected in 2020. The TIF note bears no interest.

Recommendations: Due to BB Wheels relocation and subsequent sale of the building, the City appropriately canceled the note and decertified the TIF district in 2023. A total of \$8,901 was returned to the County. However, upon 2023 closeout, the auditor allocated interest of \$330 to the district and allocated final administrative costs to the district, showing a fund balance of \$367. Please return pay these funds back to the county to formally closeout this district.

As always, we will be available to answer any questions that you may have in the administration of your TIF Districts. Thank you so much for the opportunity to be of assistance.

Respectfully,



Jason Murray
Senior Associate