

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, April 20, 2022, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors John R. Harlander, Keith Heitzman, Al Amdahl, and Adam Rushmeyer. None were absent.

Other's present were: Tom Schneider, Clerk/Adm., Joe Mergen, Public Works Supervisor, Jeremy Mathiasen, City Engineer with Stantec, Inc., St. Cloud, MN, Police Chief Ozzie Carbajal, Ellarry Prentice, Staff Writer, the Star Post, Ashley Larson, and Sara Gondringer, owners of Don's I94 Convenience Store, Albany.

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 Keith Heitzman and seconded by Adam Rushmeyer to approve/authorize payroll, electronic payments (5794-5803), transfers, and the payment of the following bills: Check Numbers 71766 to 71793. 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 Board of Review and Equalization held at 5:30 PM on April 6th and hearing none declared them approved.

Mayor Tom Kasner called for any corrections or additions to the minutes of the regular meeting of the council held on April 6th and hearing none declared them approved.

Open forum/public comments: none

Mr. Schneider presented to the council an amendment to Ordinance 64, Tobacco, for the purpose to increase the age to purchase, obtain, possess, and tobacco related devices from the age of 18 to 21, consistent with Minnesota Statute 144.391. Mr. Schneider noted there is a provision in the amendment that would prohibit the sale of liquid flavored products in liquid form that has or produces a taste or smell other than a taste or smell of tobacco. Ms. Gondringer appeared before the council to inform the council prohibiting the sale of liquid flavored products would adversely affect the sale of other products in their business and she would object to the ban of liquid flavored products. Police Chief Ozzie Carbajal noted liquid flavored products and other tobacco related devices in possession of minors is a problem in many cities and prohibiting sales would not necessarily eliminate the problem. Police Chief Ozzie Carbajal also noted the tobacco licenses issued to eligible businesses have successfully passed annual compliance checks. Mayor Tom Kasner, with the consensus of the council, noted to the staff and members from the public in attendance, the council is not in favor of prohibiting the sale of liquid flavored products, but the age to purchase tobacco products should be amended to 21 years of age, the same as Mn State Statute. After due discussion, a motion was made by John R. Harlander who introduced the following amendment to Ordinance 64, Tobacco, and moved its adoption:

**CITY OF ALBANY  
AMENDMENT TO ORDINANCE NO. 64, TOBACCO SALES**

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

Mr. Mathiasen presented to the council the following bids for the 1<sup>st</sup> Street (TH238)/Railroad Avenue (TH238) Improvement and Sidewalk Improvements along the west side of 8<sup>th</sup> Street/TH238 (from Railroad Avenue to Shamrock Lane) and the north side of Shamrock Lane (from 8<sup>th</sup> Street to 360' west of 8<sup>th</sup> Street) that were publicly opened at 11:00 AM, on Wednesday, March 16th:

<u>Contactor</u>	<u>Base Bid</u>
Craig Bardson Excavating, Inc.	\$616,632.06
Breitbach Construction Co.	\$618,262.31

Mr. Mathiasen noted the Minnesota Department of Transportation (MnDOT) has allocated a maximum amount of \$540,000 to fund the aforesaid improvements from the State Local Partnership Program. Mr. Mathiasen noted a preconstruction meeting will be held next week if the low bid is awarded at the meeting. Mr. Mathiasen informed the council the low base bid is Craig Bardson Excavating, Albany, MN in the amount of \$616,632.06 and recommended the low base bid be approved. After due discussion and upon the recommendation by the city engineer, a motion was made by Al Amdahl who introduced the following resolution and moved its adoption:

RESOLUTION 2022-16  
 RECEIVING BIDS AND AWARDING CONTRACT  
 ALBANY (TH238) 1<sup>ST</sup> STREET & SHAMROCK LANE IMPROVEMENT PROJECT  
 (Street and Utility Improvements)

The motion for the foregoing resolution was seconded by John R. Harlander and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Adam Rushmeyer, John R. Harlander, 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 a resolution to declare the cost to be assessed, ordering preparation of proposed assessments, and calling for a public hearing for the 2022 Capital Improvements Project. Mr. Mathiasen noted each property owner will be mailed a notice listing the total amount proposed to be assessed to their property. Mr. Mathiasen noted the assessments would begin for each benefited property in the year 2023, payable over a 15-year period. After due discussion, a motion was made by Adam Rushmeyer who introduced the following resolution and moved its adoption:

RESOLUTION 2022-19  
 DECLARING COST TO BE ASSESSED; ORDERING PREPARATION OF  
 PROPOSED ASSESSMENT; AND CALLING FOR PUBLIC HEARING ON ASSESSMENTS  
 2022 Capital Improvement Project  
 (Public Hearing: 6:30 PM or as soon as thereafter, Wednesday, May 18th, at City Hall)

The motion for the foregoing resolution was seconded by Al Amdahl and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Adam Rushmeyer, John R. Harlander, Keith Heitzman, and Al Amdahl, 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.

Mr. Mathiasen presented to the Council Payment Voucher No. 1 for the Golf View Drive Lift Station Improvement Project. Mr. Mathiasen noted the payment voucher includes materials on hand for the project (lift station pumps). After due discussion and upon recommendation from the city engineer, a motion was made by Mayor Tom Kasner and seconded by John R. Harlander to approve Payment Voucher No. 1 to Liberty Electric, Albany, MN, in the amount of \$49,685. All voted for the motion and it carried.

Councilor Keith Heitzman, Albany Golf Club Liaison, presented to the council the Albany Golf Club’s checkbook register. Mr. Heitzman also updated the council on the landscaping improvements near the clubhouse and proposed sidewalk on the south side of Church Avenue in front, east, and west of the clubhouse. After due discussion, a motion was made by Keith Heitzman and seconded by Al Amdahl to approve electronic payments, transfers, and the payment of the following: checks 40096-40136. Voting for the motion were Councilors Keith Heitzman, John R. Harlander, Al Amdahl, and Adam Rushmeyer, and none voted against. Mayor Tom Kasner abstained and the motion carried.

Mr. Mergen informed the council phone conversations and meetings were held with M.J. Electric, the sub-contractor hired by XCEL Energy, the League of MN Cities insurance adjuster for the city, and a local electrical contractor to determine who will pay for repairs to the components in the electrical control panel damaged on April 4th at the Wastewater Treatment Plant. Mr. Mergen noted it may be cheaper to upgrade the control panel rather than replacing the components with similar or alike that are 20-years old. Mr. Mergen informed the council the system is currently working and expects a final decision to be made by the insurance companies within the next few weeks.

The council took notice of a Minnesota Lawful gambling LG220 exempt permit application for the Church of Seven Dolors to conduct a raffle, paddlewheel, pull-tabs, bingo on August 14th at 151 2nd Street. After due discussion, a motion was made by Mayor Tom Kasner who introduced the following resolution and moved their adoption:

RESOLUTION 2022-17  
APPROVING MINNESOTA LAWFUL GAMBLING EXEMPT PERMIT  
APPLICATION (August 14<sup>th</sup> Church of Seven Dolors-Bazaar)

The motion for the foregoing resolution was seconded by Adam Rushmeyer and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Adam Rushmeyer, John R. Harlander, Keith Heitzman, and Al Amdahl, 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 also took notice of an application for a 1 day to 4 day temporary on-sale liquor license submitted by the Church of Seven Dolors for their annual bazaar to be held on August 14<sup>th</sup> at 151 2<sup>nd</sup> Street. Mr. Schneider informed the council the application and liquor liability insurance certificate is in order and recommended approval. After due discussion, a motion was made by Keith Heitzman and seconded by John R. Harlander to approve the said license. All voted for the motion and it carried.

Mr. Schneider presented to the council a resolution to elect the standard allowance related to reporting requirements for the American Rescue Plan Act; whereby the city was a recipient in the amount of \$302,247.67. Mr. Schneider noted the funds will be used for construction infrastructure expenses related water and sewer improvements for the 2022 Capital Improvement Project. Mr. Schneider noted recipients with allocations under \$10 million dollars have limited reporting requirements and recommended approval. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

CITY OF ALBANY  
RESOLUTION NO. 2022-18  
A RESOLUTION TO ELECT THE STANDARD ALLOWANCE AVAILABLE  
UNDER THE REVENUE LOSS PROVISION OF THE CORONAVIRUS LOCAL FISCAL  
RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT

The motion for the foregoing resolution was seconded by Adam Rushmeyer and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Adam Rushmeyer, John R. Harlander, Keith Heitzman, and Al Amdahl, 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.

Mr. Schneider also informed the council the Albany Area School board took action at their April 13<sup>th</sup> board meeting to approve a date for a public bond referendum election for district residents to be held on Tuesday, August 9<sup>th</sup>; whereby if approved, the board would move forward to purchase and renovate the former hospital/clinic site at 300 3<sup>rd</sup> Avenue for a new preschool and early childhood learning center. Mr. Schneider noted the total amount of the general obligation bond to purchase, renovate, add furniture, and equipment is \$16,960,000. Mr. Schneider noted the board will be holding several public meetings and mailings to property owners within the school district with information related to the referendum vote and project.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o'clock in the evening on Wednesday, May 4, 2022, and adjourned the meeting at 7:00 PM.

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Tom Schneider  
Clerk/Adm.