

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, August 18, 2021, 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, the City Engineer with the firm of Stantec, Inc., St. Cloud, MN, Ozzie Carbajal, Police Chief, Kate Asfeld, Staff Reporter, The Star Post.

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 Al Amdahl to authorize electronic payments (payroll), transfers, and the payment of the following bills: Check Numbers 71207 to 71234. 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 August 4th and hearing none declared them approved.

Open forum/public comments: None

Mr. Mathiasen presented to the Council final Payment Voucher No. 9 for the 2020 Capital Improvement Project. Mr. Mathiasen noted the payment voucher includes project retainage and other miscellaneous final quantity adjustments. Mr. Rushmeyer noted the project was nearly 5% below the original contract price. After due discussion and upon recommendation from the City engineer, a motion was made by John R. Harlander and seconded by Adam Rushmeyer to approve final Payment Voucher No. 9 to Breitbach Construction Company, Elrosa, MN, in the amount of \$39,257.63. All voted for the motion and it carried.

Mr. Mathiasen also presented to the Council Payment Voucher No. 4 for the 2021 Capital Improvement Project. Mr. Mathiasen noted the payment voucher includes aggregate base, bituminous non-wearing course, topsoil, grading, and a percentage of the seeding and restoration. After due discussion and upon recommendation from the City engineer, a motion was made by Al Amdahl and seconded by Keith Heitzman to approve final Payment Voucher No. 4 to Breitbach Construction Company, Elrosa, MN, in the amount of \$250,235.01. All voted for the motion and it carried.

Pursuant to due notice, Mayor Tom Kasner called the public hearing into session at 7:37 o'clock in the evening on a request by request by Thomas and Judy Schneider, 114 Oak Leaf Drive, Albany, MN, to vacate a drainage and utility easement as dedicated in Whispering Oaks at Two River, according to the recorded plat thereof, Stearns County, Minnesota, bounded as follows:

A 5.00 foot drainage and utility easement over, under and across the southwesterly 5.00 feet of Lot 7, Block 5, WHISPERING OAKS AT TWO RIVER, according to the recorded plat thereof Stearns County, Minnesota, as measured perpendicular to, contiguous and parallel with the southwesterly line of said Lot 7 and the northeasterly 5.00 feet of Lot 8, said Block 5, as measured perpendicular to, contiguous and parallel with the northeasterly line of said Lot 8 and lying northwesterly of the following described line: Commencing at the northwesterly corner of said Lot 7, Block 5; thence South 53°57'51" East, assumed bearing, along the northeasterly line of said Lot 7, a distance of 89.21 feet to the point of beginning of the line to be described; thence South 42°15'16" West, 85.50 feet to said southwesterly line of said Lot 7; thence South 26°02'17" West, 81.41 feet and said line there terminating LESS AND EXCEPT: The northwesterly 10.00 feet of said Lots 7 and 8, as measured perpendicular to, contiguous and parallel with the northwesterly lines of said Lots 7 and 8.

Mr. Schneider noted a public notice was published in the Star Post on July 28th and August 4th and no written comments were received. Mr. Schneider informed the Council the utility companies were given notice and no utilities are located within the proposed described easement to be vacated. Mr. Schneider also noted the purpose of the request is to construct a new home on the lot in the future. Mayor Tom Kasner closed the public hearing at 7:41 PM. After due discussion, a motion was made by Adam Rushmeyer and seconded by Keith Heitzman to approve the following: 1) vacate the public drainage and utility easement as per the aforesaid legal description, and 2) authorize Mayor Tom Kasner to execute a Notice of Completion of the said vacation. 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. After due discussion, a motion was made by Keith Heitzman and seconded by John R. Harlander to approve electronic payments, transfers, and the payment of the following: checks 39930-39959. Voting for the motion were Councilors John R. Harlander, Keith Heitzman, Adam Rushmeyer, and Al Amdahl, and none voted against. Mayor Tom Kasner abstained and the motion carried. Mr. Heitzman also updated the council on proposed future improvements and course activities.

Mr. Mergen informed the Council he and others conducted sludge depth investigations this summer within Primary Wastewater Treatment Cell #1, to determine if dredging or chemical treatment of the existing sludge is necessary. Mr. Mergen noted one method of testing included physical measurements of the depths using sampling probes (12" average) and the other was based on sonar technology (24" average). Mr. Mergen noted a consultant suggested the sludge can be treated chemically rather than dredging which is significantly cheaper, but no references were contacted to confirm if the treatment is something that is common in the industry. Mr. Mergen also noted he contacted Ron LaFond, the City's engineer with Stantec, who stated the pond is designed for up to two feet of settled material and the overall pond capacity does not include the volume set aside for sludge build-up. Mr. Mergen informed the council at this time the city does not have to remove any sludge from cell #1, but will measure sludge depths in the aerated pretreatment pond this winter. Mayor Tom Kasner thanked Mr. Mergen for his investigation.

Police Chief Ozzie Carbajal presented the following policies: 1) Public Assembly and First Amendment Activity best practices model policy, and 2) Allegations of Misconduct policy. Mr. Carbajal noted the Minnesota POST Board adopted the Public Assembly and First Amendment policy; whereby it is recommended by the Minnesota Law Enforcement Agencies as a best practice, and is not a mandatory policy. Mr. Carbajal noted the purpose of the Allegations of Misconduct policy is for the police department to accept and to fairly and impartially investigate all complaints of misconduct to determine the validity of allegations; and to impose any corrective actions that may be justified in a timely and consistent manner. After due discussion and the recommendation by Chief Carbajal, a motion was made by John R. Harlander and seconded by Al Amdahl to approve both aforesaid policies for the Albany Police Department. All voted for the motion and it carried.

The Council took notice of Resolution 2021-22, a resolution amending the Employee Personnel Policy, Section 22, to add a subparagraph regarding cellular phones issued by the city/stipend guidelines. Mr. Schneider informed the Council the city provides city issued cellular phones to the Police Chief, City Administrator, and Public Works Supervisor. Mr. Schneider noted that certain other positions within the city require the use of cellular phones and recommended a stipend (\$40/mo.) be provided to an employee in lieu of issuing a city owned cell phone. Mr. Schneider also proposed a new cellular plan directly through Verizon with government pricing and priority phone service which was unavailable with the current plan. After due discussion, a motion was made by Al Amdahl who introduced the following resolution and moved its adoption:

RESOLUTION 2021-22
A RESOLUTION AMENDING PERSONNEL POLICY, SECTION 22

The motion for the foregoing Resolution 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, 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. There was no objection to the Verizon government pricing cellular plan.

The Council also took notice of a 2 AM license/permit renewal application submitted by Rookies Sports Bar, 481 Railroad Avenue. Mr. Schneider noted the current license expires October 29th which licenses are typically for a one-year period. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Adam Rushmeyer to approve the aforesaid renewal. All voted for the motion and it carried.

Mayor Tom Kasner announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, September 1, 2021, and adjourned the meeting at 7:20 PM.

Tom Schneider
Clerk/Adm.