

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 2, 2023, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were councilors Keith Heitzman, John R. Harlander, Al Amdahl, and Adam Rushmeyer. Other's present were Heather Cruz, Deputy Clerk, Police Chief Ozzie Carbajal, Joseph Mergen, Supervisor, Public Works Department, Jeremy Mathiasen, the city engineer with the firm Stantec, Inc., St. Cloud, Tim Hennagir, Staff Writer, the Star Post, Don Williamson, President, West City Sanitation, Jeff Bertram, Sales, West City Sanitation, Greg Flaata, Supervisor, West Central Sanitation, Molly Hoppe, Part-time Administrative Assistant, and the following residents: Tom Schneider, Berleen Hollenkamp, Bruce Winter, Deb Solarz, Diane Wolf, and Robert Kleve.

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 John Harlander and seconded by Keith Heitzman to approve/authorize payroll (3764-3781), electronic payments, transfers, and the payment of the following bills: Check Numbers 72827-72851. All voted for the motion and it carried.

Mayor Tom Kasner also called for any corrections or additions to the minutes of the regular meeting of the council held on July 19th and hearing none declared them approved.

Open forum/public comments:

Jeff Bertram, representative of West Central Sanitation appeared before the council extending a thank you to the city and stated he would like to see an open line of communication between city residents and West Central Sanitation. Mr. Bertram stated there has been some issues that are beyond their control such as yard waste containers on backorder and confusion regarding every other week recycling services. Mr. Bertram noted there were some misinterpreted information regarding replacement cost of bins and stated that West Central Sanitation is happy to replace bins as long as intentional damage has not occurred. Mr. Williamson expressed his apologies for issues affecting city residents. Mr. Williamson stated that they are working with staff and drivers to improve efficiency. Mr. Flaata stated they have been working with many new drivers to help with route management throughout the city. Mayor Kasner questioned how yard waste collection is considered after a recent storm event. Mr. Williamson noted his company will be more than willing to pick up extra yard waste from residents as long as excess amounts are being placed into bio compostable bags or brown paper bags. Mr. Williamson noted per state law, yard waste cannot be excepted in regular plastic garbage bags. Mayor Kasner thanked everyone for attending the meeting and sharing their concerns.

Councilor Adam Rushmeyer, Planning Commission, informed the council the Planning Commission held a meeting on August 1st on a request by Dawn Blattner and Christina Lehner, dba The Mill, LLC, 730 Church Avenue to rezone the property from Core Commercial (C1) to Highway Commercial (C2) for the purpose of constructing a new building for a coffee shop be approved based on the following findings:

- The capital investment proposed by the applicant is significant and will make a great improvement to the entrance to the city (8<sup>th</sup> Street).
- New building shall conform to Section 80.21, Exterior Material requirements.
- Site plan shall be submitted and approved by the city engineer to include but not limited to off-street parking, grading and stormwater drainage plan, signage, downcast exterior lighting, sidewalk west side of property or 8<sup>th</sup> Street, etc.
- The owner shall purchase a Knox Box mounted on the outside of building which is a rapid emergency access system for responders.
- The property is contiguous to C2-Highway Commercial zone and is NOT spot zoning.

- The new building will connect to municipal water and sewer.
- Property tax increase and new construction will encourage additional commercial development.
- Comply with Building Code requirements. All voted for the motion and it carried.

Mr. Mathiasen presented to the council Payment Voucher No. 3 for the 2023 Capital Improvement Project. Mr. Mathiasen noted the payment voucher includes remaining sewer and water service quantities and street construction items including fabric, granular borrow, curb and gutter, sidewalk, and driveway work. After due discussion and upon recommendation from the city engineer, a motion was made by John R. Harlander and seconded by Keith Heitzman to approve Payment Voucher No. 3 to Breitbach Construction Company, Elrosa, MN, in the amount of \$666,925.29. All voted for the motion and it carried.

Mr. Mathiasen also noted that paving for the 2023 Capital Improvement Project is 80% complete. Mr. Mathiasen noted the sidewalk along 13<sup>th</sup> Street and Shamrock Lane has been completed and the 2022 Capital Improvement Project is coming to a full completion.

Mr. Mergen updated the council on the North Park improvements – Phase 1. Mr. Mergen stated the screens for the pickleball courts are currently on back order. Mr. Mergen also noted that the public attendance for National Night Out held on August 1<sup>st</sup> in North Park was big success.

Mr. Harlander questioned if temporary delineators should be installed on the east side of 6<sup>th</sup> street between Linden Avenue and Soo Line Avenue to act as a safe way for children to walk to school. Mr. Harlander noted the temporary delineators could be removed in October, but the council should consider a way of installed a sidewalk in this area in the future. Mr. Mergen noted in the past when delineators were used a few residents along 6<sup>th</sup> street complained about the loss of on-street parking. Mayor Tom Kasner, with the consensus of the council, directed Mr. Mergen to install the temporary delineators on the east side of 6<sup>th</sup> street between Linden Avenue and Soo Line Avenue and be removed in October. Mayor Tom Kasner also noted a letter be mailed to the residents prior to installation.

Mayor Tom Kasner presented to the council a proposed Independent Contractor Agreement for contract services with Tom Schneider as an interim city administrator. Mayor Tom Kasner recommended the said Agreement be approved until the city can successfully hire and train a new administrator. After due discussion, a motion was made by Adam Rushmeyer and seconded by John R. Harlander to approve the Independent Contractor Agreement between Mr. Schneider and the city of Albany. All voted for the motion and it carried.

Mayor Tom Kasner also presented to the council a waiver of conflict of interest between the city of Albany, Mr. Schneider, and Jovanovich, Dege & Athmann, P.A. Mayor Tom Kasner noted Ms. Dege represents both the city and Mr. Schneider in relation to drafting the Independent Contractor Agreement and for the benefit of the respective parties all waive any conflict of interest. After due discussion, a motion was made by John Harlander and seconded by Keith Heitzman to authorize Mayor Tom Kasner to execute the said waiver on behalf of the city. All voted for the motion and it carried.

Mayor Tom Kasner presented a memorandum from Susan Dege, City Attorney, regarding applications received for the position of city Administrator. Mayor Tom Kasner noted it was the opinion of the city attorney that no applicants had a four-year degree, a minimum qualification, and recommended the council review the job description and consider whether to readvertise on the League of Mn Cities website to gain applicants that more closely align to the education and experience required for the said position. Mayor Tom Kasner noted, with the consensus of the council, not to act on the two applications received and directed staff to work with the city attorney to amend the job description qualification requirements; whereby further discussion will be considered at the August 16<sup>th</sup> council meeting.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o'clock or as soon as thereafter on Wednesday, August 16th and adjourned the meeting at 7:44 PM.

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Heather Cruz, Deputy Clerk

