

**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, January 5, 2022, 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 regular Council minutes of the meeting held on December 15th
5. Open Forum/Public comment (3 to 5 minutes max.)
6. Jeremy Mathiasen, City Engineer
 - project updates
7. Reports of Boards and Department Heads
 - Joseph Mergen, Public Works Supervisor
 - Ozzie Carbajal, Police Chief – present Taser Use Policy
 - Tom Schneider, Clerk/Adm. – present the following:
 - Resolution 2022-01 approving the delegation of authority for paying claims presented to the City
8. Mayor's announcements and letters
9. Mayor to announce next regular Council meeting date (January 19th) and adjourn

Tom Schneider
Clerk/Adm.

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, December 15, 2021, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Keith Heitzman, Al Amdahl, and Adam Rushmeyer. Councilor John R. Harlander was 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, and Ozzie Carbajal, Police Chief. Dalton Herzog and Colleen DeMars, local residents, were also present for the meeting.

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 71454 to 71488. 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 December 1st and hearing none declared them approved.

Open forum/public comments: none

Pursuant to due notice, at 6:32 PM, Mayor Tom Kasner called the public hearing into session to consider the 8th Street and Shamrock Lane sidewalk improvements. Mr. Mathiasen noted the city and the Minnesota Department of Transportation (MNDOT) in partnership, will be constructing curb and gutter and new sidewalk along the west side of 8th Street/TH 238, from Railroad Avenue to Shamrock Lane, and then along Shamrock Lane from 8th Street/TH 238 to the east end of the Shamrock Mobile Home Park (approximately 400' west of 8th Street). Mr. Mathiasen noted the scope of the improvements were modified after the initial public hearing held on February 17, 2021 and therefore a subsequent public hearing is being held. Mr. Mathiasen updated the council and public on the proposed sidewalk improvements, project locations, and noted the estimated cost of the improvements is nearly \$154,000 and of this amount, approximately \$50,000 will be the city's share. Mr. Mathiasen noted the improvements will be constructed within MNDOT right-of-way. Mr. Mathiasen also noted special assessments to the benefitted properties will be calculated after bids are received for the improvement. The following property owners appeared before the Council:

- Colleen DeMars, 921 Shamrock Lane, Unit #15, Shamrock Mobile Home Park, appeared before the council to thank the council for moving forward with the new sidewalk connecting the Shamrock Mobile Home Park to the main street (Railroad Avenue) business district. Ms. DeMars noted the sidewalk will provide a safe area for pedestrians to travel to main street and other nearby businesses. Mayor Tom Kasner thanked Ms. DeMars for attending the meeting. Mr. Mathiasen noted the improvements are proposed to begin in May or June 2022.

Mayor Tom Kasner closed the public hearing at 6:50PM. Mr. Mathiasen informed the council this is a cooperative project with MNDOT and will be combined with the intersection improvements at 1st Street and Railroad Avenue. Mr. Schneider noted the proposed segment of sidewalk was identified in the city's bicycle and pedestrian master plan as a needed improvement to connect residents along Shamrock Lane with nearby businesses, main street, and safe pedestrian routes to the school.

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 Adam Rushmeyer to approve electronic payments, transfers, and the payment of the following: checks 40021-40063. Voting for the motion were Councilors Keith Heitzman, Al Amdahl, and Adam Rushmeyer, and none voted against. Mayor Tom Kasner abstained and the motion carried.

Mr. Mergen presented to the council a Wastewater Discharge Permit renewal between the City of Albany and Kraft-Heinz, 600 Railroad Avenue. Mr. Mergen noted there were minimal changes to the three-year permit and recommended approval. After due discussion, a motion was made by Al Amdahl and seconded by Keith Heitzman to approve the 3-year Kraft-Heinz Wastewater Discharge Permit. All voted for the motion and it carried.

Mr. Mergen presented to the council a proposed one-year Agreement between SafeAssure Consultants, Inc., Willmar, MN, and the City of Albany. Mr. Mergen informed the council safety consultants provide quarterly safety training and loss control practices including OSHA compliance review. Mr. Mergen noted the annual cost for the consulting services is \$3,886 and recommended approval. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Adam Rushmeyer to approve the said Agreement. All voted for the motion and it carried.

Mr. Schneider presented to the council the proposed 2021 levy, 2022 Budget, and the amount of property taxes the city proposes to collect to pay for the costs of services the city will provide in the year 2022. After due discussion and careful consideration, a motion was made by Al Amdahl who introduced the following resolution and moved its adoption:

RESOLUTION 2021-30
APPROVING THE 2021 TAX LEVY, COLLECTIBLE IN 2022
Total Levy: \$1,093,413
(General Government: \$642,413)
(PIR Bonds debt service: \$385,000)
(Tax Abatement: \$66,000)

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 Al Amdahl, Adam Rushmeyer, and Keith Heitzman, and none voted against the same whereupon the said resolution declared duly passed and adopted. The full text of the said resolution and 2022 Budget is on file at the office of the City Clerk/Administrator for public inspection during regular office hours.

Mr. Schneider presented to the council a proposed resolution to decertify Tax Increment Finance District No. 6 as recommended by Jason Murray, the City's Financial Consultant, with the firm of David Drown Associates. Mr. Schneider informed the council the fund balance in TIF District No. 6 at the end of the year is \$8,579; whereby the excess increment should be returned to Stearns County for redistribution to the taxing jurisdictions. Mr. Schneider noted the purpose of the 25-year redevelopment district was to assist in the demolition and redevelopment of the former Junior High and Elementary school building located along Midland Avenue between 2nd and 3rd Street. Mr. Schneider also noted the council is required to complete a Confirmation of Decertified TIF District form and to submit to the Stearns County Auditor by the end of the year. After due discussion and upon the recommendation of Mr. Murray, a motion was made by Mayor Tom Kasner who introduced the following resolution and moved its adoption:

RESOLUTION 2021-31
APPROVING THE DECERTIFICATION OF
TAX INCREMENT FINANCING DISTRICT NO. 6
OF THE CITY OF ALBANY

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 Al Amdahl, Adam Rushmeyer, and Keith Heitzman, and none voted against the same whereupon the said resolution 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 informed the council of the following individuals whose advisory board terms expire at the end of the year: 1) Mayor Tom Kasner, Albany Economic Development Authority (EDA) (5-

year term), 2) Jon Stueve, Planning Commission (5-year term), and 3) Ross Voit, three-year Park Board (3-year term). After due discussion, a motion was made by Al Amdahl and seconded by Adam Rushmeyer to reappoint the aforementioned individuals to the various advisory boards of the city. All voted for the motion and it carried.

Mayor Tom Kasner presented the following proposed 2022 appointments:

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|---|---------------------------------------|
| Acting Mayor | John R. Harlander |
| Weed Inspector | Mayor Tom Kasner |
| Assistant Weed Inspector | Joseph Mergen |
| Auditor | Schlenner Wenner Co. |
| City Attorney | Jovanovich, Dege & Athmann, PA |
| Emergency Management Director | Ozzie Carbajal, Police Chief |
| Assistant Emergency Management Directors | Gary Winkels |
| Community Education Liaison | Al Amdahl |
| EDA Board members | John R. Harlander, Mayor Tom Kasner |
| Equipment Commissioner | Mayor Tom Kasner |
| Fire Department Liaison | Mayor Tom Kasner |
| Albany Golf Board Liaison | Keith Heitzman |
| Health Officer | Stearns County Public Health |
| Labor Commissioners | Keith Heitzman, Mayor Tom Kasner |
| Official Depositors | Stearns Bank, Central Mn Credit Union |
| Official Publication | Star Post |
| Park Board Liaison | Al Amdahl |
| Planning Commission Liaison | Adam Rushmeyer |
| Police Commissioner | John R. Harlander |
| Street Commissioner | John R. Harlander |
| Utility Commissioner | Keith Heitzman |
| Township Liaison | John R. Harlander |
| Fire Department Relief Association Ex-Officio | Mayor Tom Kasner, Tom Schneider |

After due discussion, a motion was made by Al Amdahl and seconded by Adam Rushmeyer to approve the aforementioned 2022 Mayor Appointments. All voted for the motion and it carried.

Mr. Schneider informed the council the city received an insurance dividend check from the League of Mn Cities Insurance Trust's property/casualty program (November 2020 through November 2021) in the amount of \$16,029. Mr. Schneider noted the city's insurance premium was nearly \$65,000 for the said coverage period. Mr. Schneider noted if the Trust's fund balance reaches a level where it's more than sufficient to pay claims and plan for contingencies, the Trust is able to return funds to its member cities. Mr. Schneider noted last year the Trust only returned \$6,014 to the city.

Mr. Schneider also informed the council the Minnesota Management and Budget revealed an historic state budget surplus for the November forecast in the amount of \$7.7 billion. Mr. Schneider noted the state contributes the large surplus to strong growth in income, consumer spending, higher tax receipts to date and profits. Mr. Schneider noted the legislature will determine how to spend the surplus when the legislature convenes in January.

Mayor Tom Kasner announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, January 5, 2022, and adjourned the meeting at 7:15 PM.

Tom Schneider
Clerk/Adm.

To:	Mr. Tom Schneider and Albany City Council City of Albany	From:	Jeremy Mathiasen St. Cloud Office
File:	193801690	Date:	December 29, 2021

Reference: Engineering Update for the 1/5/22 Council Meeting

2021 Capital Improvement Project

Project is on hold until the spring of 2022.

Golfview Lift Station Improvements

Working on shop drawing review and ordering materials. Spring work is planned.

2022 Capital Improvement Project

Final design and preparation of plans and specs is continuing. Targeting plan approval at your January 19th council meeting and bidding in mid-February.

1st Street/TH 238 Improvements

Working on final plan revisions and utility coordination. Targeting plan approval at your first meeting in February.

County Road 157 Improvements

Stearns County has been reviewing project schedules and it sounds like they will be planning an open house in Albany for the CR 157 project in either late February or early March. Stay tuned for additional information regarding that roadway reconstruction project heading west out of Albany.

Feel free to contact me at any time with project related questions. Have a Great New Year Holiday!

Jeremy.mathiasen@stantec.com 320.529.4366

ALBANY POLICE DEPARTMENT

TASER POLICY

PURPOSE

To provide guidelines for the use of the Advanced Taser X26P by officers of this department.

DEFINITIONS

Taser: The Taser X26P model is a less than lethal conductive energy weapon. The Tasers use electro-muscular disruption (EMD) technology, which affects the neuromuscular system, causing involuntary muscle contractions.

AFID (small plastic identification tag): Every time an air cartridge is fired, it disperses 20-30 identification tags called AFID's. These tags are printed with the serial number of the cartridge which was fired.

CONDITIONS OF USE

A. The Taser is an intermediary tool, in congruence with the Albany Police Department Use of Force Policy. Its use is authorized only when used consistent with department authorized training and provision of this policy.

1. Patrol officers currently trained in the use of the X26P Taser models are encouraged to carry the equipment while on duty.
2. Tasers will be carried in a department-approved carrier. See Appendix A.

Less than Lethal Weapons– Taser X26P

2. The Taser may be used:

1. Only as necessary to overcome physical or noncompliant resistance encountered in the discharge of an official duty where it is believed that the use of a less obtrusive method would either allow the individual to escape, or would reasonably expose the officer or others to physical injury.
2. Deployed by direct touch when physical confrontations are in progress.
3. As a warning device or intimidation tool to gain compliance with a legal verbal command, but only in circumstances justifying the authorized use of force.
4. To subdue animals deemed to be dangerous to public safety
5. During department regulated training.

3. The Taser may not be used:

1. On subjects exhibiting compliant or passive resistive behavior.
2. To threaten, harass, coerce, taunt, or abuse subjects.
3. In an unlawful manner.

4. In areas where there are concentrations of combustible or flammable materials, including known or suspected methamphetamine labs.
5. On subjects that have been sprayed with chemical agent.
6. On restrained individuals, unless the actions of the subject present a threat of death or bodily harm to themselves or any other person.
7. On women known to be pregnant, unless all other means short of lethal force have been used.
8. As an interrogative device, through either application or threat thereof.

TASER DEPLOYMENT

1. The Taser may be used to control a dangerous or violent subject when deadly force does not appear justified and/or necessary; or attempts to subdue a subject by conventional tactics have been, or will likely be, ineffective; or there is reasonable expectation that it will be unsafe for officers to approach within contact range of a subject.
2. Proper consideration and care should be taken when deploying the Taser on subjects who are in an elevated position or in other circumstances where a fall may cause substantial injury or death. Officers must be prepared to justify such a deployment.
3. Prior to using the Taser, if practical, announce the use of the Taser, indicating "Taser."
4. Officers should move in, control and restrain the subject as soon as possible.
5. Request medical assistance to the scene to administer treatment if needed.
6. Do not remove probes that have penetrated sensitive areas, including the head, eye, neck, or groin. In such cases the subject shall be transported to a hospital for medical care and probe removal.
7. The Taser cartridge and probes used shall be gathered and entered into evidence. The probes shall be handled in accordance with biohazard materials. Invert the probes and place them into the portals of the spent Taser cartridge. Secure the probes in place if possible. When possible, collect several AFID's and include them with the cartridge in evidence.
8. Once a subject has been Tased and the subject continues to indicate they are not going to cooperate, other tactics shall be considered.
9. When practical, take photos of where the probes contacted the subject.
10. If the taser appears to be ineffective, other tactics shall be considered.

DOCUMENTATION

1. Officers are required to fully document the Taser use and results in a narrative report in accordance with the department's use of force policy.

TRAINING

1. All officers must be trained with the Taser prior to carrying it on duty.
2. Officers must qualify once a year to continue carrying the Taser.

STORAGE AND MAINTENANCE

1. The Tasers shall be stored in the designated "Taser cabinet" when not being used by part-time officers, full-time officers are allowed to take their assigned Taser home.
2. Officers should spark test the taser at the start of every shift.

CHIEF EXECUTIVE OFFICER

DATE

Less than Lethal Weapons-- Taser X26P

APPENDIX A

AUTHORIZED CARRIERS FOR THE TASER

Patrol officers:

Tasers shall be carried on a location of the body that is not in the same plane of draw as the officer's firearm.

Plain-clothes officers:

Tasers shall be carried on a location of the body that is not in the same plane of draw as the officer's firearm

**City of Albany, Minnesota
Resolution 2022-01**

**RESOLUTION APPROVING THE DELEGATION OF
AUTHORITY FOR PAYING CLAIMS PRESENTED TO THE CITY OF ALBANY**

WHEREAS, Minnesota State Statute 412.271 Subd. 7 and Subd. 8 authorizes the City to delegate authority to pay certain claims against the City by the City Administrative Official;

WHEREAS, the City Administrator is a City Administrative Official;

WHEREAS, the City of Albany desires to authorize the City Administrator to pay claims not exceeding \$10,000.00 that the City Administrator deems just and correct and valid for the 2022 Calendar Year.

WHEREAS, all checks drawn for payment of claims must be signed by the City Administrator and the Mayor;

WHEREAS, the City Administrator will present to the City Council at the first council meeting after payment of claims a list of the claims paid and an explanation of the payment.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF ALBANY, MINNESOTA:

That the City Administrator of the City of Albany is authorized to pay claims not exceeding \$10,000.00 for the 2022 Calendar Year presented to the City if in the City Administrator's discretion, the claims are just, correct and valid.

I CERTIFY THAT the above resolution was adopted by the City Council of Albany, Stearns County, Minnesota this 5th day of January, 2022.

Tom Kasner, Mayor

ATTEST:

Tom Schneider, City Administrator