

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 6, 2022, 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. 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, and Evan Michealson, Staff Writer, 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 John R. Harlander and seconded by Adam Rushmeyer to approve/authorize payroll, electronic payments (900005-900009), transfers, and the payment of the following bills: Check Numbers 71912 to 71971. 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 June 15th and hearing none declared them approved.

Open forum/public comments: none

Kris Schiffler, owner of Shady's Hometown Tavern and Events Center, 451 Railroad Avenue, appeared before the council to present the following applications: 1) Large Gathering Permit, and 2) Temporary Extension of out-door liquor. Mr. Schiffler presented a site plan of an event (outdoor band-August 26th) to be held north of his building and rear alley similar to past events. Mr. Schiffler noted the event area will be fenced, two ticket gates, port-a-pots, band to end at 12:00 AM, and questioned if the rear alley will be hard surfaced prior to August 26th. Mr. Mathiasen informed the council the alley should not be an issue. After due discussion, a motion was made by Al Amdahl and seconded by Keith Heitzman to approve both applications for an outdoor band to be held north of his building and rear alley on August 26th. All voted for the motion and it carried.

Pursuant to due notice, Mayor Tom Kasner called the public hearing into session at 6:35 PM to consider objections to the proposed assessments for the 1st Street (TH 238) Intersection-Utility Improvements and 8th Street (TH #238) and Shamrock Lane Sidewalk Improvements. No property owners were present for the meeting. Mr. Mathiasen informed the council of the following: project improvements, construction schedule, proposed special assessments, methodology of calculating assessments, and turf restoration. Mr. Mathiasen noted the proposed total amount to be assessed is \$5,934.23. Mr. Mathiasen also noted the special assessments for property owners can be paid in full without interest until August 6th and if not paid by this date, interest will begin to accrue at the time of the adoption of the resolution for the final assessments calculated over a period of 5-years at 3.75% interest. Mr. Mergen questioned if the city should consider a mill and overlay for the first 150' +/- on Shamrock Lane west of 8th Street due to the poor condition of the bituminous. Mr. Mathiasen noted the estimated cost is \$25,000 +/-, but can confirm the cost from the contractor at the next meeting. Mayor Tom Kasner, with the consensus of the council, directed Mr. Mathiasen to contact the contractor for a firm price for a mill and overlay which can be discussed and acted upon at the next meeting. Mayor Tom Kasner hearing no additional questions, closed the public hearing at 6:48 PM. After due discussion, a motion was made by Keith Heitzman who introduced the following resolution and moved its adoption:

RESOLUTION 2022-29
ADOPTING FINAL ASSESSMENT ROLE
1st Street and Railroad Avenue Intersection Improvements
8th Street (TH#238) and Shamrock Lane Sidewalk 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 John R. Harlander, Al Amdahl, Adam Rushmeyer, 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.

Mr. Mathiasen presented to the council Payment Voucher No. 2 for the 2022 Capital Improvement Project. Mr. Mathiasen noted the payment voucher includes site removals, sanitary sewer, water main, storm sewer installation and roadway construction items. After due discussion and upon recommendation from the city engineer, a motion was made by John R. Harlander and seconded by Al Amdahl to approve Payment Voucher No. 2 to Breitbach Construction Company, Elrosa, MN, in the amount of \$338,566.98. All voted for the motion and it carried.

Mr. Mathiasen also presented to the council Payment Voucher No. 1 for the 1st Street (TH238) and 8th Street (TH238) Sidewalk Improvements. Mr. Mathiasen noted the payment voucher includes site removals, storm sewer installation, and roadway construction items. After due discussion and upon recommendation from the city engineer, a motion was made by Adam Rushmeyer and seconded by Keith Heitzman to approve Payment Voucher No. 1 to Craig Bardson Excavating, Albany, MN, in the amount of \$258,371.41. All voted for the motion and it carried.

Mr. Mergen received a quote from Roto Rooter in the amount of \$6,200 to televise approximately 4,000 lineal feet of drain tile installed on the 2020 Capital Improvement Project. Mr. Mergen noted the purpose is to inspect the condition of the drain tile to confirm that the drain tile was not damaged after installation and in good working condition. After due discussion, a motion was made by John R. Harlander and seconded by Al Amdahl to authorize Roto Rooter to televise approximately 4,000 lineal feet of drain tile that was installed with the 2020 Capital Improvements at a cost of \$6,200+/- . All voted for the motion and it carried.

Mr. Mathiasen informed the council he is soliciting a quote from a local contractor to assist in establishing two emergency storm water overflows in the Trails Edge neighborhood. Mr. Mathiasen noted the work would include some minor grading and excavation and restoring an abandoned catch basin east of the overflow structure in the Trails Edge subdivision that will assist in taking extra storm water during large rain events. Mayor Tom Kasner, with the consensus of the council, directed Mr. Mathiasen to proceed to hire a local contractor if the quote received is reasonable and if not, to obtain bids for the improvements.

Mark Luostari, Inspectron, Inc., presented to the council the final draft of the Building Inspection Services Contract between Inspectron, Inc., and the City of Albany. Mr. Schneider informed the council the city attorney reviewed the contract and only recommended minimal changes. Mr. Luostari presented to the council the proposed building permit fee schedule, 1994 Uniform Building Code Table 1-A, and amendment to Appendix A Albany Schedule of Fees and Charges. After due discussion, a motion was made by Adam Rushmeyer and seconded by Keith Heitzman to authorize Mayor Tom Kasner to execute the Building Inspection Services Contract and to approve the amendment to Appendix A, Albany Schedule of Fees and Charges (Building Permit fees). All voted for the motion and it carried. Mr. Schneider noted a summary of the amendment to Appendix A will be published in the Star Post on July 13th and upon publication the new fee schedule is finalized.

Mr. Mergen informed the council he and Mr. Mathiasen met with representatives from XCEL Energy to discuss relocating an electric pole on 5th Street near the rear alley adjacent to Rookies Sports Bar to allow the public works department to adequately remove snow on the public sidewalk during large snow events. Mr. Mergen noted the current pole location prevents city snow removal equipment from going between the pole and the concrete curb for Rookies Sports Bar patio. Mr. Mergen noted XCEL quoted the cost to relocate the pole to be \$4,000. Mr. Mathiasen questioned if the relocation cost to install a new electric pole would be less due to depreciation of the old pole. After due discussion, a motion was made by Adam Rushmeyer and seconded by Al Amdahl to direct Mr. Mathiasen to negotiate the cost with EXCEL,

but regardless relocate a new pole farther to the north to improve snow removal on the sidewalk. All voted for the motion and it carried.

Al Amdahl, Park Board Liaison, informed the council the Albany Lions Club donated \$5,000 to the Park Board to be used for future park improvements.

The Council took notice of a MN Lawful Gambling LG230 application submitted by the Albany American Legion to conduct off-site gambling at 34650 225th Avenue. Mr. Schneider noted pull-tabs will be provided to the public during the annual Car Show at the Albany Chrysler Center to be held on Friday, August 5th. After due discussion, a motion was made by Mayor Tom Kasner who introduced the following resolution and moved its adoption:

RESOLUTION 2022-30
APPROVING MINNESOTA
LG230 APPLICATION TO CONDUCT OFF-SITE GAMBLING

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, 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 took notice of a Fireworks Event Permit application submitted by Premier Pyrotechnics, the company that will display the fireworks on Heritage Day, Saturday, August 6th, the annual community celebration sponsored by the Albany Area Chamber of Commerce. Mr. Schneider informed the council the fireworks may not be displayed on the Toptracer driving range due to use by the course, but an alternate site adjacent to the driving range seems to be an appropriate site. Mayor Tom Kasner informed the council he is familiar with the new site and planned to meet with the individual who will prepare the setup for the fireworks display to make sure there will be no damage to the golf course. After due discussion, a motion was made by Adam Rushmeyer and seconded by Al Amdahl to approve the aforesaid permit to Premier Pyrotechnics to display fireworks on the golf course for Heritage Day on August 6th. All voted for the motion and it carried.

Mr. Schneider informed the council he met with a business owner adjacent to the fire hall, as directed by the council, to discuss the proposal by the Albany Fire Department to construct seven or eight new off-street parking spaces on the south side of the fire hall. Mr. Schneider noted the business owner had no objection. Mr. Harlander informed the council on-street parking has been an issue in the commercial business district for several years and losing four on-street parking spaces is a concern. Mr. Rushmeyer questioned if the request for an off-street parking lot at this time is being considered because Midland Avenue is being reconstructed. Mr. Mathiasen noted one option to consider may be to construct a surmountable curb similar to driveways rather than a standard B6-18 curb if the off-street parking area is constructed in the future. After due discussion, a motion was made by Adam Rushmeyer and seconded by John R. Harlander to authorize Mr. Mathiasen to construct a surmountable curb similar to driveways to accommodate off-street parking south of the Fire Hall if needed in the future. All voted for the motion and it carried.

The council took notice of a request by the Albany Chrysler Center, 34650 225th Avenue, to consider approval of a Large Gathering Permit application for their annual Car Show to be held on Friday, August 5th. Mr. Schneider noted the activities will be the same as in prior years. After due discussion, a motion was made by Mayor Tom Kasner and seconded by John R. Harlander to approve the aforesaid Large Gathering Event Permit. All voted for the motion and it carried.

Mr. Schneider presented to the council the following proposed ordinance amendments: Ordinance 30, Municipal Water System, Ordinance 13, Municipal Sewer System, and Ordinance 33, Stormwater Drainage Utility. Mr. Schneider noted the purpose of the ordinance amendments is to clarify the due date

for utility billings to the 15th day of the month following receipt of the utility invoice, established late payment surcharge, and revised Appendix A Schedule of Fees and Charges to reflect the changes. After due discussion, a motion was made by Keith Heitzman who introduced the following ordinance amendments and moved their adoption:

AMENDMENT TO ORDINANCE 30 MUNICIPAL WATER SYSTEM
AMENDMENT TO ORDINANCE 31 MUNICIPAL SEWER SYSTEM
AMENDMENT TO ORDINANCE 33 STORMWATER DRAINAGE UTILITY
AMENDMENT TO APENDIX A
SUMMARY PUBLICATION

The motion for the foregoing ordinance amendments were 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 ordinance amendments were declared duly passed and adopted. The full text of the said ordinance amendments is on file at the office of the City Clerk/Administrator for public inspection during regular office hours.

Mayor Tom Kasner informed the council a member from the public questioned how long motor vehicles or recreational campers/trailers may be parked on a city street. Police Chief Ozzie Carbajal noted 48 hours per ordinance and when the department receives a complaint they will investigate. Mayor Tom Kasner also noted a member from the public contacted him regarding someone living in a fish house within the Minnesota Department of Transportation (MnDOT) right-of-way (Lake Wobegon Trail). Mr. Schneider informed the council the owner of the fish house has been contacted by MnDOT and steps are being taken to remove the structure from the said right-of-way.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o'clock in the evening on Wednesday, July 20, 2022, and adjourned the meeting at 7:40 PM.

Tom Schneider
Clerk/Adm.