

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 7, 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, and Kate Ashfeld, 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 John R. Harlander and seconded by Keith Heitzman to authorize electronic payments (payroll), transfers, and the payment of the following bills: Check Numbers 71094 to 71140. 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 16<sup>th</sup>. Mr. Schneider noted the following correction and addition regarding the joint resolution for orderly annexation of property owned by Bryan Schiffler, Lucky of Albany, LLC, 20 Railroad Avenue, as per the Albany Township meeting held on June 28<sup>th</sup>: The City agrees to pay the Town the following as full payment in lieu of taxes: 2021 (\$181), 2022-2025 (\$362 each year), and the zoning of the property to be annexed shall be Core Commercial (C1). After due discussion, a motion was made by Adam Rushmeyer and seconded by Al Amdahl to approve the minutes of June 16<sup>th</sup> with the aforesaid correction and addition. All voted for the motion and it carried.

Open forum/public comments: None

Mandy Gertken appeared before the Council on behalf of Rookies Sports Bar, 481 Railroad Avenue, and the New Munich Jaycees, to discuss temporary closure of a portion of 5<sup>th</sup> Street north of Railroad Avenue for the bar's annual Bean Bag Tournament to be held on Heritage Day, Saturday, July 31<sup>st</sup>. Ms. Gertken also noted the New Munich Jaycees requested permission to conduct pull-tabs on Heritage Day in the Veterans Park. Mr. Schneider informed the Council the Bean Bag Tournament has been hosted by Rookies Sports Bar on Heritage Day for many years and had no objection to either request. After due discussion, a motion was made by Keith Heitzman and seconded by John R. Harlander to approve the Bean Bag Tournament on 5<sup>th</sup> Street and Resolution 2021-21, approving Minnesota LG230 application to conduct off-site gambling (pull-tabs) at the Veterans Park submitted by the New Munich Jaycees. All voted for the motion and it carried.

Ms. Gertken also appeared before the Council on behalf of the Albany Jaycees to present the Albany Police department with a \$5,000 donation to purchase portable radios. Ms. Gertken also noted a \$4,000 donation was made to the Park Department for walk/bike trail repairs in North Park. Mayor Tom Kasner and the entire Council thanked the Albany Jaycees for their continued support of the city parks and Police Department.

Molly Thompson, CPA with the firm of Schlenner, Wenner and Company, St. Cloud, MN, the City's Auditor, appeared before the Council to present the final 2020 Comprehensive Financial Audit for all City department operations and enterprise funds that include the Albany Golf Club, Inc. Ms. Thompson presented to the Council an abbreviated audit report. Ms. Thompson thanked Mr. Schneider and Dannielle Zierden, Administration Assistant, for providing the appropriate financial information to conduct the said audit. After due discussion, a motion was made by Adam Rushmeyer and seconded by Al Amdahl to approve the said Report and authorize recommended transfers. All voted for the motion and it carried. The complete audit is on file at the office of the City Clerk/Adm. for public inspection during normal office hours.

Mr. Mathiasen presented to the Council Payment Voucher No. 3 for the 2021 Capital Improvement Project. Mr. Mathiasen noted the payment voucher includes storm sewer, roadway subgrade, granular borrow, aggregate base and curb and gutter costs. 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 \$436,831.80. All voted for the motion and it carried.

Mr. Mathiasen informed the Council Railroad Avenue or Co. Rd. #157 west of the 8<sup>th</sup> Street and Railroad Avenue intersection is proposed to be reconstructed in the year 2024 as per the County's 5-year Road Improvements Plan. Mr. Mathiasen questioned if the city were interested in extending the sidewalk on Railroad Avenue westerly from 9<sup>th</sup> Street to 12<sup>th</sup> Street to allow the neighborhoods safe travel to the business district rather than the shoulder of the street, but several mature trees would need to be removed for the project. Mr. Schneider also noted the city would follow the city's Special Assessment Policy as per Chapter 429 similar to other reconstruction improvements. Mayor Tom Kasner, with the consensus of the Council, directed Mr. Mathiasen to present to the Council at the next meeting information related to the estimated costs and letter that may be forwarded to the County related to the request.

Councilor Al Amdahl, Park Board Liaison, informed the Council the board held a meeting on June 30<sup>th</sup> to discuss a variety of items related to park operations and future improvements. Mr. Amdahl noted a pickleball court is being planned in North Park and the splash pad improvement was tabled. Mr. Amdahl also noted several donations were received from the Albany Lions and Jaycees for future park improvements which is greatly appreciated.

Ozzie Carbajal, Police Chief, appeared before the Council to inform the Council the department is required by various statutes and state regulations to adopt written policies on a variety of department issues. Chief Carbajal noted the Minnesota Board of Peace Officer Standards and Training (POST) drafts model polices, which the department has routinely used and it is recommended by the City Attorney the model polices and the department polices be formally adopted by the Council. Chief Carbajal presented the following department policies:

Use of Force, Vehicle Pursuit and Emergency Vehicle Operations, Allegations of Misconduct, Professional Conduct of Officers, Response to Reports of Missing & Endangered Persons, Domestic Abuse, Predatory Offender Registration and Community Notification, Criminal Conduct on School Buses, Supervision of Part-time Licensed Peace Officers, Lighting Exemption of Law Enforcement Vehicles, Avoiding Racial Profiling, Procession of Property for Administrative Forfeiture, Investigation of Sexual Assault, Eyewitness Identification Procedures, and Body Worn Camera Policies. Source of Authority, Work Rules, Discipline, General Duty and Patrol Procedures, Performance Reviews, Records, Usage of Equipment, Ride-Along, Noise Enforcement, Spit Sock Hood, Bloodborne Pathogens, Request for Examination of Driver, Critical Incident, Arrests and Prisoners, DWI Procedures, Juvenile Arrests, Towing of Vehicles, Vehicle Operation and Police Pursuits, Reporting System, Operating Radar and Parking Squad, Enforcement of Parking Laws, Court Procedures, Patrol Car, City Policy Supersedes, Computer Email Voicemail and Internet, and Drug Testing Policies.

Chief Carbajal informed the Council the department will implement body worn cameras assigned to each officer and applied for funding through varies organizations. Mr. Heitzman thanked Mr. Carbajal for all the information and commended he and his officers for performing high standards of public safety for the city. After due discussion, and upon the recommendation by Chief Carbajal, a motion was made by Al Amdahl who introduced the following resolution and moved its adoption:

CITY OF ALBANY, MINNESOTA

RESOLUTION NO. 2021-20

A RESOLUTION ADOPTING POLICE DEPARTMENT POLICIES

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, Al Amdahl, 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. Mergen appeared before the Council to inform the Council the Minnesota Pollution Control Agency (MPCA) recently completed a Wastewater Compliance Evaluation Inspection on May 3<sup>rd</sup> at the Wastewater Treatment Plant and found no significant violations other than minimal errors on a few reports. Mr. Mergen noted inspections are done every five years or sooner to make sure the Waste Water Treatment Plant is operating within the standards outlined in the City's National Pollutant Discharge Elimination System (NPDES) permit. Mr. Mergen noted no action is required by the Council at this time.

The Council took notice of a Fireworks Event Permit application submitted by Premier Pyrotechnics, the company that will display the fireworks on the golf course on Heritage Day, July 31<sup>st</sup>, the annual community celebration sponsored by the Albany Area Chamber of Commerce. Mr. Schneider noted if there is a strong southerly wind, the fireworks may be delayed or cancelled to avoid property damage to nearby homes and commercial/industrial buildings and if cancelled, the display will occur at the same location on August 1<sup>st</sup>. After due discussion, a motion was made by Mayor Tom Kasner and seconded by John R. Harlander to approve the aforesaid permit to Premier Pyrotechnics to display fireworks on the golf course for Heritage Day on July 31<sup>st</sup> or if necessary, August 1<sup>st</sup>. All voted for the motion and it carried.

The Council took notice of a request by Scott and Darlene Finken, 123 Schwinghammer Drive, for an administrative subdivision of Lot 13, Block 5, Whispering Oaks at Two River. Mr. Schneider informed the Council the said lot will be attached to each abutting lot and had no objection to the request. After due discussion, a motion was made by Keith Heitzman and seconded by Adam Rushmeyer to approve a Certificate of Compliance for the administrative subdivision of Lot 13, Block 5. All voted for the motion and it carried.

Mr. Schneider informed the Council Dannielle Zierden, Administration/Police Assistant, successfully completed her 6-month probationary period. Mr. Schneider noted Ms. Zierden replaced Diane Jesh, former Administration Assistant, who retired December 31, 2020, and had no issues with providing administration support for the Police and Administration Departments. After due discussion, a motion was made by Al Amdahl and seconded by John R. Harlander to approve Ms. Zierden as the official Administration/Police Assistant having successfully completed her 6-month probationary period on June 30<sup>th</sup>. All voted for the motion and it carried.

The Council took notice of proposed Ordinance 2021-01, an ordinance granting a gas franchise to CenterPoint Energy. Mr. Schneider informed the Council the said ordinance contains the following: (1) defines certain terms contained within the franchise agreement; (2) grants CenterPoint Energy a 10 year franchise to operate a gas distribution facility within the City of Albany; (3) determines where and how gas facilities can be located within public property and addresses disturbance and restoration obligations of the franchisee; (4) provides for relocation of the gas facilities; (5) sets forth indemnification obligations; (6) establishes vacation notice procedure; (7) addresses continuation in the event of a change in government; (8) establishes procedures for adopting a franchise fee; (9) determines abandonment rights; (10) addresses severability and limitations on applicability; and (11) establishes a procedure for amending the franchise. After due discussion, Mayor Tom Kasner introduced the following resolution and ordinance and moved its adoption:

RESOLUTION 2021-19  
Authoring Summary Publication  
Of Ordinance 2021-01  
CenterPoint Energy Gas Franchise Ordinance

City of Albany  
CenterPoint Energy Gas Franchise  
ORDINANCE 2021-01  
Summary Publication

The motion for the foregoing Resolution and Ordinance 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, Al Amdahl, and Keith Heitzman, and none voted against the same whereupon the said Resolution and Ordinance was declared duly passed and adopted. The full text of the said Resolution and Ordinance is on file at the office of the City Clerk/Administrator for public inspection during regular office hours.

The Council took notice of a Minnesota Lawful gambling LG220 exempt permit application for the Holy Family School to conduct a raffle on October 2, 2021 at the said school at 160 2<sup>nd</sup> St. South. After due discussion, a motion was made by Keith Heitzman and seconded by John R. Harlander to approve the said application. 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, July 21, 2021, and adjourned the meeting at 7:50 PM.

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Tom Schneider  
Clerk/Adm.