

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, June 1, 2022, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Keith Heitzman, John R. Harlander, and Adam Rushmeyer. Councilor Al Amdahl was 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 Ellarry Prentice, Staff Writer, the Star Post. Members from the public present were: Joyce Thull, Hillcrest Restaurant and Stubby's Tavern, Steve Bates, Albany Bowl, Ray Fuchs, Albany Legion Club, Sheri Thill/Chad Schmidt, Rookies Sports Bar, Drew Stanley, Teals Liquor, Kris Schiffler, Shady's Hometown Tavern and Event Center, Don's I94 (Mellissa Lachinski, Ashley Larson, Sara Gondringer) Stu Austing, Annette Austing, and David Belford, Barbacoa American and Mexican Food, were present for the liquor license renewals.

The council recited the Pledge of Allegiance.

The council took notice of approval of payment of bills. Mr. Schneider informed the council no checks were prepared for the meeting due to computer software changes, but should be available for consideration at the next council meeting. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to approve/authorize payroll expenditures. 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 May 18th and hearing none declared them approved.

Open forum/public comments: none

Mayor Tom Kasner welcomed the members from the public present for the meeting and the owners of the liquor and cigarette establishments. Police Chief Ozzie Carbajal noted the department conducts annual compliance checks for alcohol and cigarette licensees and found none in the last year. No questions were asked from the public or license holders. Mr. Schneider informed the council the liquor license renewal applications are for the license period between July 1, 2022 and June 30, 2023 and recommended approval. After due discussion, a motion was made by Keith Heitzman and seconded by Adam Rushmeyer to approve the following:

- On-Sale Liquor license: Rookies Sports Bar, Shady's Hometown Tavern and Event Center, Albany Bowl, Hillcrest Family Restaurant and Stubby's Tavern, JM Stationers, Inc., dba Barbacoa American and Mexican Food (outside patio area included).
- Off-Sale Liquor License: Teal's Liquor, Rookies Sports Bar, Hillcrest Family Restaurant and Stubby's Tavern, Albany Bowl, and Shady's Hometown Tavern and Event Center.

All voted for the motion and it carried.

After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to approve the Club On-sale Liquor Licenses for the following: Albany American Legion Club and Albany Golf Club. Voting for the motion were councilors John R. Harlander, Keith Heitzman, and Adam Rushmeyer and none voted against. Mayor Tom Kasner abstained and the motion carried.

After due discussion, a motion was made by Keith Heitzman and seconded by John R. Harlander to approve the following cigarette licenses: Teal's Liquor, Teal's Market, Albany Golf Club, Don's I-94, Albany Tesoro, Holiday Store, Rookies Sports Bar, and Shady's Hometown Tavern and Events Center.

Voting for the motion were councilors John R. Harlander, Keith Heitzman, and Adam Rushmeyer and none voted against. Mayor Tom Kasner abstained and the motion carried.

After due discussion, a motion was made by Mayor Tom Kasner and seconded by Adam Rushmeyer to approve the 3.2% Malt (beer) Liquor License for Linn Companies dba Albany Holiday, 800 Shamrock Lane. All voted for the motion and it carried.

The Council also took notice of a request by the Albany Lions Club for a Temporary On-Sale Liquor license for Heritage Day to be held on Saturday, August 6th, at 400 Railroad Avenue. After due discussion, a motion was made by Keith Heitzman and seconded by Adam Rushmeyer to approve the said License. All voted for the motion and it carried.

The Council also took notice of a request by the Albany American Legion Club for a one-day 3.2% Malt (Beer) Liquor License to sell on-sale beer for the annual Car Show to be held on Friday, August 5th at the Albany Chrysler Center, 34650 225th Avenue. After due discussion, a motion was made by John R. Harlander and seconded by Adam Rushmeyer to approve the aforesaid license. All voted for the motion and it carried.

David Belford, Barbacoa American and Mexican Food, appeared before the council to present an amendment to Ordinance 60, Section 60.08, Subd. 4 (d) and (e). Mr. Belford requested the height for a fence be lowered from six (6) feet to four (4) feet and a gate not be required for an outside patio. Mr. Belford noted the alternative entrance to his building and patio will meet the American with Disabilities Act (ADA) requirements, but a gate would be difficult to open and close. Mr. Rushmeyer questioned if Mr. Belford could secure the gate in the open position during regular business hours, but lock the gate after to secure the patio furniture and other private property on the patio. Mr. Belford noted if that were an option he would comply and had no objection to leaving the fence at six (6) feet. Mayor Tom Kasner, with the consensus of the council, informed Mr. Belford he may open the gate during business hours, maintain a six (6) foot high fence, and there would be no changes to the aforesaid ordinance.

Mr. Mathiasen presented to the council Resolution 2022-23, a resolution declaring cost to be assessed, ordering preparation of proposed assessment, and calling for a public hearing on assessments for the 1st Street (TH238) and 8th Street/Shamrock Lane sidewalk Improvements in the amount of \$833,505. Mr. Mathiasen noted MnDOT will fund \$540,000+/-, the city \$287,615, and special assessments \$5,890. Mr. Mathiasen also noted the public hearing will be held at the council meeting on July 6th. After due discussion, a motion was made by Adam Rushmeyer who introduced the following resolution and moved its adoption:

RESOLUTION 2022-23
DECLARING COST TO BE ASSESSED; ORDERING PREPARATION OF
PROPOSED ASSESSMENT; AND CALLING FOR PUBLIC HEARING
ON ASSESSMENTS

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, 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 also presented to the council Resolution 2022-24, a resolution to convey city owned property to the Minnesota Department of Transportation (MnDOT) for TH238 right-of-way related to the 1st Street (TH238) and Railroad Avenue Intersection Improvements. Mr. Mathiasen noted the conveyance will be at no charge to MnDOT and the additional right-of-way is required for the proper construction of the aforesaid intersection improvements. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

**RESOLUTION 2022-24
CONVEYANCE OF CITY OWNED PROPERTY FOR
TH 238 RIGHT-OF-WAY**

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, 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 also presented to the council Payment Voucher No. 1 for the 2022 Capital Improvement Project. Mr. Mathiasen noted the payment voucher includes site removals, sanitary sewer, watermain, and storm sewer installation. After due discussion and upon recommendation from the city engineer, a motion was made by Adam Rushmeyer and seconded by John R. Harlander to approve Payment Voucher No. 1 to Breitbach Construction Company, Elrosa, MN, in the amount of \$141,825.27. All voted for the motion and it carried.

Mr. Mathiasen informed the council Stantec's survey crew completed elevation heights near the storm sewer inlet in the Trails Edge subdivision and surrounding residential properties that were affected by surface flooding during the May 12th rain event. Mr. Mathiasen noted additional information will be presented at the next meeting to determine how to minimize surface flooding in the future.

Councilor John R. Harlander presented to the council a proposed boundary that would prohibit the construction of any solar farm/gardens as per the request by Albany Township. Mr. Harlander noted the sections abutting the boundary of the city limits can easily be served with municipal water and sewer, but a solar farm would create a barrier and prevent future expansion of residential, commercial, and industrial development. After due discussion, a motion was made by John R. Harlander and seconded by Adam Rushmeyer to recommend to Albany Township to prohibit the construction of solar farm/gardens in Sections 9, 10, west 1/2 -14, 15, 16, 21, 22, west 3/4 -23, 26, and 27. All voted for the motion and it carried.

Mayor Tom Kasner informed the council the 2001 fire truck (ladder/snorkel-1977) was purchased from the city of Sauk Rapids and delivered a few days ago to the Albany Fire Department. Mayor Tom Kasner noted the cost of the used fire truck was \$15,000 and training will begin shortly for the firemen.

Police Chief Ozzie Carbajal presented to the council a Confidential Informants Model Policy that was prepared and approved by the Police Officer Standards Training (POST) Board; whereby POST recommended departments include the policy in their operations manual. After due discussion, a motion was made by Keith Heitzman and seconded by John R. Harlander to approve the Confidential Informants Model Policy for the Albany Police Department. All voted for the motion and it carried.

Mr. Mergen appeared before the council to recommend Troy Janski, Albany, MN, be hired as a seasonal part-time employee to work 20+/- hours per week mowing grass. After due discussion, a motion was made by Adam Rushmeyer and seconded by John R. Harlander to hire Mr. Jansky as a seasonal part-time employee in the Public Works Department. All voted for the motion and it carried.

The council took notice of a Minnesota Department of Transportation (MnDOT) special event permit application submitted by Albany Area Community Education to conduct the annual Purple Pride 5K run/walk on TH 238 (Railroad Avenue) on Heritage Day, August 6th. Mr. Schneider noted the request is done annually and recommended approval. After due discussion, a motion was made by Mayor Tom Kasner and seconded by John R. Harlander to approve the said application. All voted for the motion and it carried.

Mr. Schneider presented to the council a proposed contract for service between Gila, LLC, a Texas Limited Liability Company and the city to allow Gila to serve as their vendor to provide online payment using credit/debit cards. Mr. Schneider noted the city will be changing vendors and will continue to charge three (3%) percent to customers who pay using this option. After due discussion, a motion was made by John R. Harlander and seconded by Adam Rushmeyer to authorize Mayor Tom Kasner to execute the said contract on behalf of the city. 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, June 15, 2022, and adjourned the meeting at 7:10 PM.

Tom Schneider
Clerk/Adm.