

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 2, 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 (6:50PM), and Adam Rushmeyer. None were absent.

Other's present were: Tom Schneider, Clerk/Adm., Joe Mergen, Public Works Supervisor, Ozzie Carbajal, Police Chief, Jeremy Mathiasen, the City Engineer with the firm of Stantec, Inc., St. Cloud, MN, Heather Plumski, Chief Financial & Strategy Officer, Stearns Bank, Isaac Flenner, Director of Equipment Finance & Small Business Lending, Stearns Bank, Monte Niemi, President, TDA Manufacturing, a division of First State Tire Recycling., Bex Aby, TDA Manufacturing, Craig Bardson, Bardson Excavating, Andrew Goulet, Miller Architects & Builders, and Jill Brown, Jill Brown Public Relations.

The Council recited the Pledge of Allegiance.

Mayor Tom Kasner noted the following additions to the agenda: 1) Resolution 2021-17 Albany American Legion MN Lawful Gambling application to conduct a raffle to be held at the Albany Chrysler Center on Friday, July 30th.

The Council took notice of approval of payment of bills. After due discussion, a motion was made by Keith Heitzman and seconded by Adam Rushmeyer to authorize electronic payments (payroll), transfers, and the payment of the following bills: Check Numbers 71027 to 71055. 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 19th and hearing none declared them approved.

Open forum/public comments: none

Monte Niemi appeared before the Council to inform the Council Stearns Bank Equipment Finance Division, 500 13th Street, expanded their building in 2019 that included an underground detention basin placed under an added parking area designed with approximately 95,000 recycled tires manufactured into shreds, called tire-derived aggregate (TDA). Mr. Niemi noted the technology will improve water quality downstream by the removal of contaminants including but not limited to phosphorus, organic compounds, heavy metals, pesticides, and nitrates. Mr. Niemi noted Stearns Bank, Miller Architects & Builders, and Bardson Excavating received a certificate of recognition from Governor Tim Walz identifying each for excellence in recycling and commitment to sustainability. Mayor Tom Kasner noted TDA is proving to be a cost-effective and environmentally friendly way to manage water run-off that keeps our water clean. Mayor Tom Kasner thanked everyone for attending the meeting.

Joyce Thull, Hillcrest Restaurant and Stubby's Tavern, Bates, Albany Bowl, Dennis Mareck, Albany Legion Club, Sheri Thill/Chad Schmidt, Rookies Sports Bar, Drew Stanley, Teals Liquor, and David Belford, Barbacoa American and Mexican Food, were present for the liquor license renewals.

Mr. Schneider presented to the Council the following liquor license renewal applications for the license period between July 1, 2021 and June 30, 2022.

On-Sale Liquor license: Rookies Sports Bar, Shady's Hometown Tavern and Event Center, Albany Bowl, Hillcrest Family Restaurant and Stubby's Tavern, Barbacoa American and Mexican Food. A motion was made by John R. Harlander and seconded by Keith Heitzman to approve the aforesaid licenses. All voted for the motion and it carried.

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. A motion was made by

Adam Rushmeyer and seconded by John R. Harlander to approve the aforesaid licenses. All voted for the motion and it carried.

Club On-sale Liquor License: Albany American Legion Club and Albany Golf Club. A motion was made by Mayor Tom Kasner and seconded by Keith Heitzman to approve the aforesaid licenses. All voted for the motion and it carried.

Cigarette License: Teal’s Liquor, Teal’s Market, Albany Golf Club, Don’s I-94, Albany Tesoro, Holiday Store, and Shady’s Hometown Tavern and Events Center. A motion was made by John R. Harlander and seconded by Keith Heitzman to approve the aforesaid licenses. 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, July 30th at the Albany Chrysler Center, 34650 225th Avenue. After due discussion, a motion was made by Adam Rushmeyer and seconded by John R. Harlander to approve the aforesaid license. All voted for the motion and it carried.

Bryan Schiffler, owner of the Albany Chrysler Center, 34650 225th Avenue, appeared before the Council to request approval of a Large Gathering Permit application for their annual Car Show to be held on Friday, July 30th. Mr. Schiffler noted the activities will be the same as in prior years. Mr. Schneider informed the Council the Fire Chief requires additional conditions to the permit to improve public safety. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to approve a Large Gathering Event Permit including additional conditions by Fire Chief. All voted for the motion and it carried.

Councilor Al Amdahl appeared at the meeting at 6:50 PM.

Kelly Kasner, President, Albany Area Chamber of Commerce, appeared before the Council to request approval of a Large Gathering Permit application for the Chamber’s annual Heritage Day event to be held on Saturday, July 31st in the City parking lot. Ms. Kasner noted similar activities in the past will be held and is looking forward to this year’s event being last year was canceled due to COVID-19. Mr. Schneider noted the Albany Lions Club is requesting a Temporary On-Sale Liquor license for the event and the Chamber is requesting temporary closure of Railroad Avenue (State HWY TH#238) for the parade and other activities. After due discussion, a motion was made by Keith Heitzman and seconded by Adam Rushmeyer to approve the following for Heritage Day to be held on July 31st: 1) Large Gathering Event Permit (Albany Chamber of Commerce), 2) Temporary On-Sale Liquor license (Albany Lions), and 3) MnDOT Parade Permit application to temporarily close Railroad Avenue for activities. All voted for the motion and it carried.

Bryan Schiffler, 20 Railroad Avenue, on behalf of Lucky of Albany, LLC, appeared before the Council to submit a petition for annexation of property legally described as follows:

All that part of the right of way of the railway of the Great Northern Railway Company in the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section Twenty-two (22), in Township One Hundred Twenty-five (125) North, of Range Thirty-one (31) West, Stearns County, Minnesota, described as follows, to-wit: Beginning at a point distant 59 feet Northeasterly, measured at right angles, from the center line of the main track of the railway of said Railroad Company at a point therein distant 918.4 feet Southeasterly, measured along said center line of main track from its intersection with the West line of said NW1/4 of the NE1/4 of Section 22; thence Northeasterly at right angles to said center line of main track a distance of 91 feet; thence Northwesterly parallel with said center line to the North line of said Section 22; thence West along the North line of said Section 22 to a line drawn at right angles to said center line of main track at a point therein distant 579.4 feet Southeasterly, measured along said center line from the West line of said NW1/4 of the NE1/4; thence Southwesterly at right angles to said center line of main track to a point distant 59 feet Northeasterly from said centerline of main track; thence Southeasterly parallel with said center line of main track of the point of beginning AND that part of the former Burlington Northern

Railroad Company's branch line right of way upon, over and across the North Half of the Northwest Quarter of the Northeast Quarter of Section 22, Township 125 North, Range 31 West, Stearns County, Minnesota; lying between two lines run parallel with and distant 25.0 feet and 59.0 feet northerly, measured at right angles from the main track centerline of said railroad and bounded between two lines run at right angles to said centerline, distance 579.4 feet and 918.4 feet southeasterly, measured along said centerline from the west line of said North Half of the Northwest Quarter of the Northeast Quarter.

Mr. Schiffler noted the purpose of the annexation is to redevelop the property in the future and connect a building to municipal water and sewer services on Countryside Lane. Mr. Schneider recommended to the Council approval of the request for annexation and noted an Orderly Annexation Agreement between the City and Albany Township will be drafted and presented to the Council for approval at the June 16th Council meeting and June 28th Township meeting. Mr. Schneider also noted thereafter the Minnesota State Board of Adjustments will review the said Agreement and consider final approval of the annexation in July. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Al Amdahl to approve the petition for annexation of aforesaid property as requested by Bryan Schiffler. All voted for the motion and it carried.

Pursuant to due notice, Mayor Tom Kasner called the public hearing into session at 6:55 o'clock in the evening on a request by Justin Kurtz, 113 Par Drive, Albany, MN, to vacate the drainage and utility as dedicated in ALBANY GOLF VISTAS, according to the recorded plat thereof, Stearns County, Minnesota, bounded as follows:

Lots 21 and 22, Block 1, ALBANY GOLF VISTAS, according to the recorded plat thereof, Stearns County, Minnesota. A 5.00 foot drainage and utility easement over, under and across the easterly 5.00 feet of Lot 21, Block 1, ALBANY GOLF VISTAS, according to the recorded plat thereof Stearns County, Minnesota, as measured perpendicular to, contiguous and parallel with the easterly line of said Lot 21 and the westerly 5.00 feet of Lot 22, said Block 1, as measured perpendicular to, contiguous and parallel with the westerly line of said Lot 22, and lying southerly of following described line: Commencing at the southwesterly corner of said Lot 21; thence North 13°39'02" East, assumed bearing, along the westerly line of said Lot 21, a distance of 185.18 feet to the point of beginning of the line to be described; thence South 72°59'08" East, 85.98 feet and said line there terminating. Less and Except the southerly 10.00 feet of said Lots 21 and 22, as measured perpendicular to, contiguous and parallel with the southerly lines of said Lots 21 and 22.

Mr. Schneider noted a public notice was published in the Star Post on May 19th and May 26th and no written comments were received. Mr. Schneider informed the Council the utility companies were given notice and no utilities are located within the proposed described easement to be vacated. Mr. Schneider also noted the purpose of the request is to construct a new home. Mayor Tom Kasner closed the public hearing at 6:57 PM. After due discussion, a motion was made by Keith Heitzman and seconded by John R. Harlander to approve the following: 1) vacate the public drainage and utility easement as per the aforesaid legal description, 2) authorize Mayor Tom Kasner to execute a Notice of Completion of the said vacation, and 3) approve certificate of compliance to combine both aforesaid lots into one lot. All voted for the motion and it carried.

Mr. Mathiasen presented to the Council Payment Voucher No. 2 for the 2021 Capital Improvement Project. Mr. Mathiasen noted the payment voucher includes removals, sanitary sewer, water main, and storm sewer installation. After due discussion and upon recommendation from the City engineer, a motion was made by Adam Rushmeyer and seconded by Al Amdahl to approve Payment Voucher No. 2 to Breitbach Construction Company, Elrosa, MN, in the amount of \$243,899.85. All voted for the motion and it carried.

Mr. Mathiasen informed the Council he contacted the Stearns County Highway engineer as directed by the Council, the road authority, to discuss the final speed study results conducted by the Minnesota Department of Transportation (MnDOT) for County Road #157 (Railroad Avenue), between the junction of TH #238 and 14th Street. Mr. Mathiasen noted the results of the said Study are final and speed limit signs were placed by Stearns County on CR #157 (Railroad Avenue) accordingly. Larry Eggert, 111

12th St., appeared before the Council to question how MnDOT determined the new speed limit which increased adjacent to his residence and strongly opposed the new speed limit. Mr. Eggert informed the Council he supported the Council’s action to request a speed study, but did not think the speed limit would increase adjacent to his residence. Mayor Tom Kasner noted he was surprised by the final results and instructed Mr. Eggert to contact the Stearns County Highway engineer and MnDOT for further questions.

Mr. Eggert also informed the Council he hears dogs barking on a regular basis at the business named “A Place Like Home” located at 1203 Shamrock Lane. Mr. Eggert noted this type of business should not be located near residential homes and recommended immediate action be taken by the City to stop the dogs from barking. Police Chief Carbajal informed the Council he has received complaints from Mr. Eggert and found at times he has heard dogs barking outside the facility. Mayor Tom Kasner directed Mr. Schneider to review the conditions outlined in the Conditional Use Permit issued by the City to the said business and to contact the business owner(s).

Police Chief Carbajal presented to the Council Resolution 2021-17, a resolution between the State of Minnesota and the City of Albany to enter into a joint powers agreement to use systems and tools available over the State’s criminal justice data communications network for which the City is eligible. Mr. Carbajal recommended approval of the five-year agreement. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-17
APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS
WITH THE CITY OF ALBANY ON BEHALF OF ITS CITY ATTORNEY
AND POLICE DEPARTMENT

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, Keith Heitzman, and Al Amdahl, and none voted against the same; whereupon the said Resolution was declared duly passed and adopted.

Police Chief Carbajal also reported he purchased three portable radios to replace older radios with funds received from the Albany Jaycees, Albany Lions, and a CenterPoint Energy grant. Mr. Carbajal also noted he will soon be purchasing AXON body cameras and is working on a policy which will be presented to the Council in the near future. Mayor Tom Kasner thanked the local clubs for their generosity in supporting local law enforcement.

Mr. Mergen informed the Council the City received an anonymous donation to purchase a Polaris side by side and track setter to groom the cross-country ski trails on the golf course this winter season. Mr. Mergen noted the donation is much appreciated and will contact Stearns County Park Department to discuss proper grooming techniques being Quarry Park in Waite Park is well maintained for skiers during the winter season.

Mr. Schneider informed the Council the Public Works Department recently completed the annual water quality report known as Consumer Confidence Reports, for the City’s customers. Mr. Schneider noted the reports tell where drinking water comes from, what’s in it, and how you can help protect it. Mr. Schneider noted the reports may be viewed by the public during regular office hours at City Hall.

Mayor Tom Kasner announced the next regular Council meeting for 6:30 o’clock in the evening on Wednesday, June 16, 2021, and adjourned the meeting at 7:30 PM.

Tom Schneider
Clerk/Adm.