

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, November 1, 2023, 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. Other's present were Joseph Mergen, Supervisor, Public Works Department, Jeremy Mathiasen, city engineer with the firm Stantec, Inc., St. Cloud, MN, JoAnna Bigler, Patrol Officer, Police Sergeant Matt Gannon, Tim Hennagir, Staff Writer, the Star Post, Tom Schneider, Interim City Administrator, Kody Beckers, Patrol Officer, Gary Winkels, Public Works Department Assistant, Aaron Kleinschmidt, Manager, Albany Golf Club, Inc., Jodi Teich, Engineer with Stearns County Highway Department, Bryce Sloan, Patrol Officer, Jason Arnzen, Arnzen Construction, Inc., Ken Beckers, and Karen Beckers.

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 John R. Harlander to approve/authorize payroll (3887-3902), electronic payments, transfers, and the payment of the following bills: Check Numbers 73069-73090. 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 October 18th and hearing none declared them approved.

Open forum/public comments: none.

Police Chief Carbajal appeared before the Council to introduce Kody Beckers, a full-time Patrol Officer in the Albany Police Department. Mayor Tom Kasner administered the Law Enforcement Oath of Office to Mr. Beckers and welcomed him as a member of the Albany Police Department. Ms. Karen Beckers pinned the police badge on her son's uniform.

Mayor Tom Kasner welcomed Ms. Teich to the meeting to update the council on the proposed 2024 County Road 157 Improvements. Ms. Teich informed the council County Road 157 is not designated as a state aid road and therefore the city is responsible for the costs outside the center twenty-four (24) feet of the roadway. Ms. Teich noted there is a proposed seven (7) foot wide sidewalk on the north side of the road ending westerly at the Lake Wobegon Trail and the estimated costs to the city for the project is \$663,720. Mr. Mathiasen noted the estimated costs to relocate the water and sewer main are \$40,000 - \$60,000 which is not included in the aforementioned estimated costs. Ms. Teich noted a couple of funding options for the city to consider are the Local Road Improvement Program (LRIP) and the Active Transportation Program. Mayor Tom Kasner noted the city will consider submitting applications for the aforesaid funding programs. Ms. Teich noted several residents attended the public open house held at City Hall on October 17th and questioned if Shamrock Lane west of 8th Street is considered as an alternate semi-truck route rather than the county road. Ms. Teich also noted the county may not prohibit semi-truck traffic on a county road, but the council may designate a city street. Mayor Tom Kasner, with the consensus of the council, informed Ms. Teich Shamrock Lane west of 8th Street will not be designated as an alternate semi-truck route. Mayor Tom Kasner, with the consensus of the council, confirmed the construction of a sidewalk on the north side of the road from 9th Street to the Lake Wobegon Trail. After due discussion, a motion was made by Al Amdahl who introduced the following resolution and moved its adoption:

**RESOLUTION 2023-25
CALLING FOR A PRELIMINARY ENGINEERING REPORT
Railroad Avenue/CR 157 Roadway & Utility Improvements
(8th Street to 14th Street)**

The motion for the foregoing Resolution 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 was declared duly passed and adopted. The full text of the said Resolution is on file at the administration office for public inspection during regular office hours.

Mr. Arnzen appeared before the council to present bids received at 10:00 AM on Tuesday, October 17th, at Albany City Hall for the Albany Golf Club, Inc., 2023-24 Clubhouse Improvement Project. Mr. Arnzen noted the project included nineteen (19) bid divisions; whereby the total of all bids received was \$1,289,112. Mr. Arnzen noted an addendum will be mailed to all bidders to clarify if the bid submitted included sales tax and if so, the bid should be reduced being the city is tax exempt on materials purchased for the project. Mr. Schneider noted Arnzen Construction, Inc., is the purchasing agent on behalf of the city; whereby the city will provide a certification of sales tax exemption for the contractors to use when purchasing materials. Mr. Arnzen informed the council there will be a second addendum related to kitchen renovations which is estimated to be \$225,000+/- . Mr. Schneider informed the council an anonymous donation will fund the clubhouse improvements. After due discussion, a motion was made by Keith Heitzman and seconded by Adam Rushmeyer to approve the low bid received from contractors for each bid division for the clubhouse improvements. Voting for the motion were Mayor Tom Kasner, Councilors Adam Rushmeyer, Al Amdahl, and Keith Heitzman. Councilor John R. Harlander abstained and the motion carried.

The council took notice of a proposed Agreement for Construction Management Services between the city of Albany and Arnzen Construction, Inc., for the Albany Golf Club, Inc., 2023-24 Clubhouse Improvement Project. Mr. Schneider informed the council that the city attorney drafted the agreement and recommended approval. After due discussion, a motion was made by Adam Rushmeyer and seconded by Al Amdahl to authorize Mayor Tom Kasner to execute the said agreement on behalf of the city of Albany. Voting for the motion were Mayor Tom Kasner, Councilors Adam Rushmeyer, Al Amdahl, and Keith Heitzman. Councilor John R. Harlander abstained and the motion carried.

Councilor Adam Rushmeyer, Planning Commission Liaison, informed the council the Planning Commission held a public hearing on September 13th on a request by ATC, LLC (Taylor Carbert), 800 2nd Avenue, for a variance to relax the front yard requirement from twenty-five (25) feet (Section 80.15, Subd 6(a)(2) to allow for the construction of a new single-family dwelling. Mr. Rushmeyer informed the council the variance request was denied for the following reasons:

- The exact location of the wetland in the southwest corner of the buildable lot area was not properly identified on a certificate of survey. No home is to be constructed in a wetland.
- The distance from the front of the garage to the sidewalk was not shown on the certificate of survey. No vehicle parked in front of the garage may block the sidewalk.

- A reduced or smaller house plan should be considered.

Councilor Adam Rushmeyer, Planning Commission Liaison, also informed the council the Planning Commission held a second public hearing on September 13th on a request by the City of Albany to amend Zoning Ordinance 80, to provide specific standards for building and roofing materials to each zoning district and remove duplicate or conflicting standards from Section 80.05 and 80.21. Mr. Rushmeyer noted the amendments will allow for the use of vertical and horizontal metal siding and roofing materials with color matched non-exposed fasteners. Mr. Rushmeyer also noted the amendment adopts standards for the use of metal roofs, and siding in certain zoning districts, removes contradictory or duplicative language in Section 80.05 and Section 80.21, Exterior Material Requirements, and moves exterior material requirements to each zoning district. After due discussion, and upon the recommendation by the Planning Commission, a motion was made by Adam Rushmeyer who introduced the following amendment and moved its adoption:

CITY OF ALBANY
AMENDMENT TO ORDINANCE 80, ZONING

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

Pursuant to due notice, Mayor Tom Kasner called the public hearing into session at 7:10 PM to consider and possibly adopt the proposed assessment for unpaid city charges (lawn mowing) incurred in relation to Ordinance 77. Mr. Schneider noted a notice of the public hearing was published in the Star Post on October 4th. Mr. Schneider also noted attempts to collect the unpaid amount have been unsuccessful and recommended the council certify the amount to the county auditor. No comments were received. Mayor Tom Kasner closed the public hearing at 7:12 PM. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to certify to the Stearns County Auditor-Treasurer the unpaid lawn mowing charge at 201 1st Street, in the amount of \$575.00, to be payable in one (1) installment collectable as a special assessment in the year 2024. All voted for the motion and it carried.

Police Chief Ozzie Carbajal informed the council the city will receive one-time public safety state aid on December 26th to be used by the Police and/or Fire Department; whereby the city of Albany's aid will be \$122,613. Mr. Carbajal questioned how the council intends to disperse the funds between both departments. Mr. Schneider informed the council the Mn Legislature appropriated \$210 million to cities for public safety aid which was divided on a per capita basis. Councilor John R. Harlander noted the funds should be allocated to the police department being the department does not have charitable gambling or any other annual funding opportunities. Mayor Tom Kasner noted he would be in favor of setting the funds aside in a capital equipment fund to be used for the Police Department. Mayor Tom Kasner directed Mr. Winkels to discuss the public aid with the membership of the firemen at their next regular meeting.

Mr. Mergen informed the council he does not have all the information regarding the proposed purchase of a new skid steer and should have the information for the council to review

in the near future. Mr. Mergen noted it's estimated a new skid steer would cost \$75,000+/- which would be paid for by the Capital Equipment fund.

Mr. Mergen also informed the council he and Mr. Bryan Schiffler met with the contractor who prepared the newly painted surface at the pickleball courts in North Park to discuss the surface cracks that appeared in the playing surface. Mr. Mergen noted the cracks will be repaired and courts resurfaced in specific areas at no cost to the city.

Mr. Schneider presented to the council the following compensation terms agreed upon by Mr. Gary Winkels for the position of Administrator-Clerk-Treasurer for a tentative start date on or before January 1, 2024:

- Pay Equity Program, Group XI, pay range of \$36.25 - \$58.43.
- Starting salary: \$85,280 annual salary or \$41.00/hour. On or before July 1, 2024, or 6 months after start date, if successful performance review, salary to increase to \$88,400 annually or \$42.50/hour.
- Salaried position, At-will employee.
- Health Insurance, PTO, Holiday Pay – no changes to the following:
 - PTO rate: 9.86 hrs./pay period.
 - Accumulated PTO: 1,204.63 hours
 - Compensation hours to be paid out 80 hours at current rate per hour.
- Resign as Public Works Assistant in the Public Works Department effective upon the city hiring his replacement.
- 1-year probational period as per the city Personnel Policy. An employee who has completed the Introductory Period will meet with the council for status review after which the city council shall either: (a) remove the introductory status, (b) add an additional six (6) months to the employee's Introductory Period, or (c) discharge the employee.
- Current working hours are 8:00 AM – 4:30 PM with a one-hour lunch period. The salaried position includes attending evening meetings or any others while performing the duties and responsibilities as Administrator-Clerk-Treasurer.
- Resign as Fire Chief once you start your first day in the said Position.

Mr. Winkels appeared before the council to inform the council he agreed to the aforementioned compensation terms and thanked the council for the opportunity to serve the council and community in the new position. After due discussion, a motion was made by Keith Heitzman and seconded by John R. Harlander to approve the aforementioned compensation terms. All voted for the motion and it carried.

The council took notice of the proposed job posting notice, job description, and pay equity job evaluation (Group VII, 217 points) for the position of Public Works Department Assistant. Mr. Schneider noted the position will require more mechanical responsibilities than water and wastewater and therefore the employment documents were revised. After due discussion, a motion was made by Al Amdahl and seconded by Adam Rushmeyer to approve the job posting notice, job description, and pay equity job evaluation (Group VII, 217 points) for the position of Public Works Department Assistant. All voted for the motion and it carried. Mr. Schneider informed the council the job posting notice will appear in the Star Post on November 8th.

The Council took notice of an annual liability coverage waiver form prepared by the League of Minnesota Cities Insurance Trust (LMCIT) relating to statutory tort liability limits to the extent of the coverage purchased. Mr. Schneider noted LMCIT has insurance coverage for all municipal buildings, contents, equipment, liability, etc. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Keith Heitzman to execute the aforesaid form indicating that the city does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. All voted for the motion and it carried.

Police Chief Ozzie Carbajal informed the council he authorized a vehicle to be towed on 5th Street within the location of the Rookies Sports Bar Beanbag or Corn Hole Tournament on August 5th, Heritage Day; whereby the owner of the vehicle who was out of town at the time objected to the tow and requested a hearing before a judge at conciliation court in Stearns County. Police Chief Ozzie Carbajal noted the owner of the vehicle is requesting the city pay \$800+/- for the cost of the tow and lost wages; whereby a final verdict will be decided by the judge within the next sixty (60+/-) days.

Mayor Tom Kasner announced to the council he received a request from Marvin Meyer, Meire Grove, MN, soliciting the city's support for a trail connection or loop of the existing Lake Wobegon Trail, Glacial Lakes Trail, and Dairyland Trail which includes twenty-six (26) cities, several townships, and counties. Mayor Tom Kasner noted Mr. Meyer informed him he will attend the next Stearns County Parks Commission meeting to present his idea to the county.

Mayor Tom Kasner announced the next regular council meeting for 6:30 PM or as soon as thereafter on Wednesday, November 15th and adjourned the meeting at 7:45 PM.

Tom Schneider
Interim City Administrator