

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, October 20, 2021, 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, the City Engineer with the firm of Stantec, Inc., St. Cloud, MN, Ozzie Carbajal, Police Chief, Kate Asfeld, Staff Reporter, The Star Post, and the following high school students: Hailey Nathe, Grace Eiyck.

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 71353 to 71374. 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 6th and hearing none declared them approved.

Open forum/public comments: none.

The Council took notice of a proposed amendment to Ordinance No. 71, Animals, for the purpose of not requiring dog owners to annually register their dog. Mr. Rushmeyer informed the council he received a phone call from a resident who questioned how the city would know if a dog has a current rabies vaccination or why would a dog owner claim ownership in the event a dog bite if the city no longer requires a dog tag. Chief Carbajal noted the city registers nearly 150 dogs, but a percentage of dog owners fail to register their dog for some reason or another. Mr. Carbajal noted in the event of an incident, an investigation would begin immediately. Mr. Schneider informed the council there are no changes in sections pertaining to dogs running at large and dangerous animals. Mr. Rushmeyer questioned who is the city health officer or designee in the event a dog is determined to be rabid and shall be euthanized. Chief Carbajal noted the police department is the agency that would follow through with an investigation and determination if the dog would need to be euthanized. Mr. Schneider noted the police department has always been involved in the event of a dog bite. After due discussion, a motion was made by John R. Harlander who introduced the following ordinance amendment and moved its adoption:

**CITY OF ALBANY
AMENDMENT TO ORDINANCE NO. 71 ANIMALS**

The City Council for the City of Albany, HEREBY ORDAINS as follows:

- 1) That City Code Section 71.11: Permits Required is hereby revoked.
- 2) That City Code Section 71.12: Tags is hereby revoked.
- 3) That City Code Section 71.13 is hereby amended to read as follows:

“Section 17.13: RABIES VACCINATION.

Subd. 1: Evidence of Vaccination. The owner or keeper of the animal must provide a current rabies certificate to show that the animal has been properly vaccinated for rabies.

Subd. 2: Seizure. Any animal which has bitten a person in the City may be immediately quarantined to the owner’s premises for a period of time necessary to determine if said animal has been infected with rabies or other contagious diseases.

Subd. 3: Disposition. If the animal is determined to be rabid, the animal shall be destroyed under direction of the Chief of Police or their designee.”

4) That City Code Section 71.14: Impoundment is hereby revoked.

This Ordinance Amendment shall be effective upon publication.

This Ordinance was approved by the majority of the City Council of Albany on this 20th day of October, 2021.

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

Mr. Mathiasen presented to the Council an engineering feasibility study for the following proposed 2022 Capital Improvements on Midland Avenue between 1st Street and 6th Street, and 2nd, 3rd, 4th, and 5th Streets between Railroad Avenue and Midland Avenue including adjacent alleys within this project area. Mr. Mathiasen noted the estimated project cost is \$2.5+/- million dollars. Mr. Mathiasen noted the reconstruction improvements would consist of new roadway, curb/gutter, water main, sewer main, services, and storm sewer. Mr. Mathiasen noted the improvement project would include assessments to benefitted properties for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429. After due discussion, a motion was made by Adam Rushmeyer who introduced the following Resolution and moved its adoption:

**RESOLUTION 2021-24
RECEIVING PRELIMINARY ENGINEERING REPORT AND CALLING
PUBLIC HEARING ON A LOCAL
IMPROVEMENT PROJECT
(2022 Capital 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 Adam Rushmeyer, and John R. Harlander, 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 public hearing will be scheduled at 6:30 o’clock in the evening or as soon as thereafter on Wednesday, November 18th at City Hall, to consider the aforesaid improvement project.

Mr. Mathiasen presented to the council the proposed design for the Golf View Drive lift station improvements. Mr. Mathiasen noted the improvements will consist of two new pumps, electrical controls, control panel, and a standby generator. Mr. Mathiasen also noted the estimated construction cost of \$135,000 is below the public bid requirement so bidding packages will be provide to multiple city approved contractors. Mr. Mergen informed the council the lift station improvements are needed and recommended approval of the design. After due discussion, a motion was made by John R. Harlander and seconded by Adam Rushmeyer to approve the design of the Golf View Drive lift station improvements and to authorize the acceptance of securing quotes from city approved contractors. All voted for the motion and it carried.

Mr. Mathiasen also appeared before the Council to question how the council would consider the development of street (Inspiration Lane) and/or utilities for Lot 3, Block 5, Albany Business and Industrial Park. Mr. Mathiasen noted in the past the city normally pays the actual cost to oversize the utilities for future extension and development, but the street may not be necessary and could be constructed upon receipt of a petition by the abutting land owners. Mr. Schneider noted the lot may be split once with council approval and the utilities and street construction can be discussed at that point in time a petition is received. Mayor Tom Kasner, with the consensus of the council, directed the city engineer to provide the council with an estimated cost to extend utilizes from Inspiration Lane to Sand Lake Road along the southern boundary of Lot 3, Block 5.

Mr. Mergen presented to the Council an Agreement for Snow Removal Services between the City of Albany and Custom Waste Irrigation, Albany, MN, to provide snow removal services at general locations along Railroad Avenue (main street) as approved by the council. Mr. Mergen noted the agreement is similar to previous two-year agreements which outlines costs per hour for snow removal equipment and labor to remove the snow after snow events at the request by the city. Mr. Mergen also noted MnDOT will reimburse the city for snow removal expenses within their right-of-way on State HWY #238 or Railroad Avenue. After due discussion, a motion was made by Keith Heitzman and seconded by Adam Rushmeyer to authorize Mayor Tom Kasner on behalf of the city to execute the said Agreement. All voted for the motion and it carried.

Councilor Keith Heitzman, Albany Golf Club Liaison, presented to the Council the Albany Golf Club’s checkbook register. After due discussion, a motion was made by Keith Heitzman and seconded by Adam Harlander to approve electronic payments, transfers, and the payment of the following: checks 40001-40020. 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. Mr. Heitzman also updated the council on proposed landscaping improvements adjacent to the clubhouse.

The Council took notice of a LG220 MN Lawful Gambling application (raffle) and an application for a one day to four day Temporary On-sale Liquor License for the annual fund raiser to be held Saturday, January 15, 2022 submitted by the Holy Family School, 160 2nd Street. After due discussion, a motion was made by Mayor Tom Kasner to approve the Temporary On-sale Liquor License and introduced the following resolution and moved its adoption:

RESOLUTION 2021-25
APPROVING MINNESOTA
LAWFUL GAMBLING EXEMPT PERMIT APPLICATION

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.

Mr. Schneider informed the council the April 1, 2020 counts from the U.S. Census Bureau shows the City of Albany population to be 2,780 and the number of housing units is 1,157. Mr. Schneider noted the estimated population of the city in 2019 was 2,716.

The Council took notice of a LG220 MN Lawful Gambling application (bingo/raffle) to be held Saturday, January 14, 2022 submitted by the Albany Women of Today at Shady’s Hometown Tavern, 451 Railroad Avenue. After due discussion, a motion was made by Mayor Tom Kasner who introduced the following resolution and moved its adoption:

RESOLUTION 2021-26
APPROVING MINNESOTA
LAWFUL GAMBLING EXEMPT PERMIT APPLICATION

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.

Mr. Schneider informed the Council the proposed lot area of the city owned vacant lot adjacent to 1st Street and Railroad Avenue intersection is 18,945 sq.ft. Mr. Schneider noted the lot may be sold in the future as surplus property for redevelopment purposes and will discuss the redevelopment of the site at the next Planning Commission meeting. Mr. Mathiasen noted the lot can be used for a staging area for the proposed 2022 Capital Improvement project.

Mayor Tom Kasner announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, November 3, 2021, and adjourned the meeting at 8:20 PM.

Tom Schneider
Clerk/Adm.