

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, August 17, 2022, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Keith Heitzman, John R. Harlander, Adam Rushmeyer, and Al Amdahl. None were absent for the meeting.

Other's present were: Tom Schneider, Clerk/Adm., Joe Mergen, Public Works Supervisor, Jeremy Mathiasen, City Engineer with Stantec, Inc., St. Cloud, MN, Jason Murray, the city's financial consultant, with the firm of David Drown Associates, Police Chief Ozzie Carbajal, and Evan Michealson, Staff Writer, 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 approve/authorize payroll (3340-3353), electronic payments (900021-900025), transfers, and the payment of the following bills: Check Numbers 72051 to 72089. 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 August 3rd and hearing none declared them approved.

Open forum/public comments: none

Councilor Adam Rushmeyer, Planning Commission Liaison, informed the council the Planning Commission held a meeting on August 16th on a request by Catherine Wolf and Rachel Buttweiler, 21837 Trestle Ridge Road, Albany, MN dba Montessori on Main, 521 Railroad Avenue, for a conditional use permit (Section 80.19, Subd. 2) to operate a child day-care in a Core Commercial (C1) Zoning District. Mr. Rushmeyer noted a conditional use permit (CUP) was approved on October 24, 2019, but expired on November 7, 2021 due to the business not opening which required the applicant to reapply. After due discussion and upon the recommendation by the Planning Commission, a motion was made by Adam Rushmeyer and seconded by Al Amdahl the request by Catherine Wolf and Rachel Buttweiler, 21837 Trestle Ridge Road, Albany, MN, for a conditional use permit (Section 80.19, Subd. 2) to operate a child daycare in a Core Commercial (C1) District at 521 Railroad Avenue, be approved with the following conditions:

1. The pick-up and drop off of children to be in rear alley and NOT Railroad Avenue.
2. Applicant shall obtain all State and County permits as required for building use.
3. Signs shall comply with the Sign regulations (Section 80.11)
4. Exterior Lighting shall comply with lighting regulations (Section 80.13)
5. Comply with Ordinance 41.01, Subd. 1 (sidewalk snow/ice removal)
6. Building renovations shall conform to the State Building Code.
7. Commercial grade fence if erected near the rear alley to be located a few feet from right-of-way (ROW) for the purpose to allow snow from the snowplow not to damage the fence during snow removal.
8. Maximum number of children at one-time in the building to be determined by permitted occupancy.

All voted for the motion and it carried.

Mr. Murray appeared before the council to discuss financing the proposed 2023 Forest Avenue reconstruction improvements (est. \$2.6 million), debt management, and utility fund analysis. Mr. Murray noted interest rates for bond issuance are approximately four (4%) percent compared to a few years ago

when the rates were as low as two (2%) percent. Mr. Murray presented a Bond Summary Report which showed the number of debt outstanding, bond payments, projected revenues, bond fund balance, and a ten (10%) percent bond levy increase if the city moves forward with the aforesaid improvement. Mr. Murray also noted the council can consider the following: 1) decrease the bond levy percentage, 2) increase the water/sewer revenue payment, 3) not proceed with the improvement. Mr. Harlander informed the council improvement projects should not be delayed being costs continue to rise each year and recommended the bond levy percentage be decreased to seven (7%) percent and water/sewer contribution be increased. Mayor Tom Kasner noted infrastructure on Forest Avenue is in need of replacement and would be in favor of continuing with reconstruction projects as long as the debt can be managed without the city's tax capacity rate seeing a significant increase. Mr. Rushmeyer questioned what the impact might be to the bond summary report if the water/sewer contribution is increased. Mr. Murray noted the said report will be updated when the 2021 comprehensive audit is completed which includes both water and sewer department operations. Mr. Murray also noted the city's net tax capacity increased nearly sixteen (16%) percent which is due to property market value increases and provided tax capacity rate calculations based on the aforesaid information. Mayor Tom Kasner, with the consensus of the council, directed Mr. Murray to update the bond summary report with additional revenue options to finance 2023 Forest Avenue reconstruction improvements to be presented at the September 7th council meeting.

Mr. Mathiasen updated the council on the progress of several construction improvements and is satisfied on how they are progressing. Mr. Mathiasen noted the feasibility study for the proposed 2023 Forest Avenue reconstruction improvements (Forest Avenue between 1st and 6th Street, 2nd Street through 5th Streets between Forest Avenue and Midland Avenue and the adjacent alleys) will be presented at the September 21st council meeting.

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 Rushmeyer to approve electronic payments, transfers, and the payment of the following: checks 40224-40263. Voting for the motion were Councilors Keith Heitzman, Al Amdahl, John R. Harlander, and Adam Rushmeyer, and none voted against. Mayor Tom Kasner abstained and the motion carried. Mr. Heitzman informed the council several course improvements are near completion and in mid-September, landscaping improvements will begin on the west side of the clubhouse.

Councilor Al Amdahl, Park Board Liaison, informed the council the board held a meeting on August 15th to discuss the proposed pedestrian walk/bike bituminous path along the eastern boundary of North Lake abutting State Hwy 238 (TH238) connecting North Park to an existing sidewalk on Lake Avenue. Mr. Amdahl noted the city engineer presented a summary of his phone conversation with representatives from the Minnesota Department of Transportation (MnDOT) and the Minnesota Department of Natural Resources (DNR) related to the proposed trail. Mr. Amdahl also noted the board recommended to the council the following: 1) construct proposed pedestrian trail on west side of TH238, 2) schedule a public hearing, and 3) minimal funding from the city. Mr. Schneider informed the council a public hearing will be scheduled in the fall and decisions will be considered whether or not to move forward to authorize the city engineer to prepare a feasibility study. Mr. Schneider also noted there will be significant obstacles to overcome with MnDOT and the DNR, but if successful the said trail will be a nice amenity for the community.

Police Chief Ozzie Carbajal presented the School Resource Officer (SRO) Agreement renewal between the city and Albany Area Schools. Mr. Carbajal informed the council the relationship, duties and responsibilities is working very well between the two jurisdictions. Mr. Carbajal noted the payment for the services provided by the police department is \$31,827 for the 2022-2023 school year. After due discussion, a motion was made by Al Amdahl and seconded by Adam Rushmeyer to authorize Mayor Tom Kasner to execute the SRO agreement on behalf of the city. All voted for the motion and it carried.

The council took notice of a proposed amendment to Ordinance 70, Public Nuisances, Section 70.05, Subd. 4, Sump Pump Discharge Abatement. Mr. Schneider informed the council the purpose of the amendment is to add language to require any connection to the city's drain tile system to be designed with an "air gap" above the in-ground pipe to allow discharge even if the in-ground pipe is frozen or blocked by

some other means. After due discussion, a motion was made by Mayor Tom Kasner who introduced the following amendment to Ordinance 70, Public Nuisances:

CITY OF ALBANY
AMENDMENT TO ORDINANCE NO. 70, PUBLIC NUISANCES

The motion for the foregoing ordinance 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 John R. Harlander, Al Amdahl, Adam Rushmeyer, and Keith Heitzman, and none voted against the same whereupon the said ordinance amendment was declared duly passed and adopted. The full text of the said ordinance amendment is on file at the office of the city Clerk/Administrator for public inspection during regular office hours.

The council took notice of a liability coverage waiver form prepared by the League of Minnesota Cities Insurance Trust, the City’s Insurance carrier, relating to statutory tort liability limits to the extent of the coverage purchased for the year 2023. Mr. Schneider noted it’s been common practice of the council not to waive the monetary limits on municipal tort liability. After due discussion, a motion was made by Keith Heitzman and seconded by Adam Rushmeyer not to waive the monetary limits on municipal tort liability. All voted for the motion and it carried.

Mr. Schneider informed the council the Albany Area Schools request to issue general obligation school building bonds in an amount not to exceed \$16,960,000 for acquisition and betterment of school sites and facilities including, but not limited to, renovation of the former hospital/clinic facility at 300 3rd Avenue, for use as an early learning center, construction of an addition consisting of a new multi-purpose space, deferred capital maintenance, infrastructure improvements, furniture, fixtures, and equipment, and technology, was approved at the August 9th election. Vote total: 1,272 YES and 881 NO. Mr. Schneider noted the school will schedule a closing and share with the city a construction schedule within the next month or so to move forward with the renovations.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o’clock in the evening on Wednesday, September 7, 2022, and adjourned the meeting at 7:20 PM.

Tom Schneider
Clerk/Adm.