

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, April 5, 2023, 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., Police Chief Ozzie Carbajal, Joseph Mergen, Supervisor, Public Works Department, Jeremy Mathiasen, the city Engineer with the firm Stantec, Inc., St. Cloud, MN, Travis Okerlund, Superintendent, Albany Area High School, Scott Bunjte, Activities Director, Albany Area High School, and Tim Hennagir, Staff Writer, the Star Post. The following property owners were present for the meeting: Diane Wolf, Joe Wedel, Elaine Wedel, Michelle Radmacher, Joe Lucas, Susan Bredeck, Craig Baggenstoss, Bruce Winter, Berleen Hollenkamp, Brittany Ethan, Ryan Johnson, Sam Duff, Samantha O'hara, Scott Schneider, Frank Haynes, Bryan Schiffler, Rick Christensen,

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 Adam Rushmeyer and seconded by Keith Heitzman to approve/authorize payroll (3614-3641), electronic payments, transfers, and the payment of the following bills: Check Numbers 72570 to 72604. 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 March 15<sup>th</sup>. Mayor Tom Kasner informed the council a Park Board meeting was held on March 29<sup>th</sup>; whereby the board recommended to the council the motion to approve the completion of the construction of a three-court pickleball facility east of the skateboard ramps in North Park and use of park funds for the project be rescinded. Mayor Tom Kasner noted the board recommended the tennis court facility be removed and replaced with a six-court pickleball facility in North Park. After due discussion and upon the recommendation by the Park Board, a motion was made by John R. Harlander and seconded by Adam Rushmeyer to rescind the motion to approve the completion of the construction of a three-court pickleball facility east of the skateboard ramps in North Park and use of park funds for the said project. Mayor Tom Kasner, hearing no other corrections or additions, declared them approved.

Open forum/public comments: Sam Duff appeared before the council to request the council consider erecting "STOP" signs at the intersection of 7<sup>th</sup> Street and Midland Avenue to prevent future vehicle crashes. Mayor Tom Kasner noted the request is already on the agenda.

Harry Larson and Deborah Larson, 150 4<sup>th</sup> Street, appeared before the council to inform the council they never received a final invoice from the city for their special assessment relating to the 2022 Midland Avenue Improvements. Mrs. Larson informed the council they would like to pay their assessment, but do not want to pay any interest being they did not receive a final invoice. Mr. Schneider noted mailed notices of the final special assessment amount to all benefitted properties to be assessed was done on May 4<sup>th</sup> and the resolution adopting the assessment was held on May 18<sup>th</sup> which included an interest rate. Mr. Schneider noted all unpaid special assessments were certified to the county auditor in November 2022 for the first payments on a 15-year assessment to begin in the year 2024. Ms. Larson requested the city waive the interest in the amount of \$554.25 having never received written notice of a final invoice from the city. After due discussion, a motion was made by John R. Harlander and seconded by Al Amdahl to deny the said request. All voted for the motion and it carried.

Jason Murray, the city financial consultant with the firm of David Drown Associates, appeared before the council via ZOOM, a video and audio communication platform to inform the council the public notice of sale of \$3,220,000 General Obligation Permanent Improvement Revolving Fund Bonds, Series 2023A was held at 11:00 AM on Wednesday, April 5<sup>th</sup> for the 2023 Capital Improvements (Forest Avenue and adjacent roadways). Mr. Murray noted S & P Global Ratings assigned and affirmed the city's "A+/Stable" rating and six bids were received. Mr. Murray informed the council the low bidder was

Bancroft Capital, LLC of Fort Washington, Pennsylvania, with a net interest rate of 3.3155%. Mr. Murray also noted the annual debt service payment is approximately \$285,00 per year for a 15-year term which will be funded by a combination of tax levy and special assessments to be collected in the years 2024-2039. After due discussion and upon the recommendation of Mr. Murray, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTON NO. 2023-15  
RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY  
OF \$3,220,000 GENERAL OBLIGATION PERMANENT IMPROVEMENT  
REVOLVING FUND BOND, SERIES 2023A

The motion for the foregoing resolution was seconded by Al Amdahl 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, Al Amdahl, 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/Adm. available for public inspection during regular business hours.

Pursuant to due notice, Mayor Tom Kasner called the public hearing into session at 6:53 PM to consider objections to the proposed special assessments for the reconstruction of sanitary sewer, water main, storm sewer, sanitary services, water services, and roadways for the 2023 Capital Improvements (Forest Avenue (from 1<sup>st</sup> Street to 6<sup>th</sup> Street), 2<sup>nd</sup> Street (from Midland Avenue to Lake Avenue), 3<sup>rd</sup> Street, 4<sup>th</sup> Street, and 5<sup>th</sup> Street (each between Midland Avenue and Forest Avenue), and adjacent alleys. A notice of the public hearing was published in the Star Post on March 22<sup>nd</sup> and mailed notices stating the final special assessment amount to benefitted property owners on March 20th. Mr. Mathiasen informed the public of the following: project improvements, construction schedule, proposed special assessments, methodology of calculating final assessments, temporary mailboxes, refuse pickup, tree removal, and turf restoration. Mr. Mathiasen noted the total estimated project cost is \$3,083,753 which included construction, administration, engineering, estimated assessment proceeds are \$711,709 or 23%, and the city paying 77%. Mr. Mathiasen also noted special assessments can be paid in full without interest until May 5th and if not paid by this date, interest will begin to accrue at the time of the adoption of the resolution for the final assessments calculated over a period of 15-years at 4.75% interest. The following individuals appeared before the council:

Berleen Hollenkamp, 401 Forest Avenue, appeared before the council to inform the council the concrete curb and driveway apron installed last year by the city's contractor has deteriorated and requested someone look at the condition of the concrete. Mr. Mathiasen informed the council the concrete was not installed last year, but in the year 2020 with the Lake Avenue Improvements and will have someone reach out to her to inspect the condition of the concrete in the following weeks.

Ryan Johnson, 201 3<sup>rd</sup> Street, appeared before the council to question if there is any potential damage to his water and sewer services when the new services are reconnected because each are very old and does not want them damaged. Mr. Mathiasen noted the contractor only performs work within the right-of-way and if during the reconnection it is found the water and sewer service are in poor condition, he will be notified. Mr. Mathiasen noted homeowners who wish to update their water and sewer services from the edge of the right of way to their home are responsible for hiring and paying their own private contractor. Mr. Johnson also questioned if his concrete steps connecting to the street will be removed and/or replaced to their original condition. Mr. Mathiasen noted he will take a look at the steps and contact him for further discussion.

Joe Lucas, 230 5<sup>th</sup> Street, questioned why all the trees need to be removed from the boulevard and whether or not the city will replant new trees. Mr. Mathiasen noted trees within the right of way can cause damage to curbs, sidewalks, and issues with overhead power lines. Mr. Mathiasen noted the city will not replace trees at a one-to-one loss but will consider replanting outside the right of way on a case-by-case basis.

Diane Wolf, 230 3<sup>rd</sup> Street, questioned what a safe distance near the edge of a sidewalk is where trees would not be removed. Mr. Mathiasen noted any trees at a distance greater than five (5') feet would more than likely not be removed, but if questionable, he can visit the property to review the location of the existing tree.

Brittany Ethan, 201 3<sup>rd</sup> Street, informed the council she lives on a corner lot and her property abuts an alley and questioned if access to her property would be an issue during construction. Mr. Mathiasen noted access to properties will be made available throughout the project but might be limited at times depending on the work performed near each property.

Craig Baggenstoss, 241 5<sup>th</sup> Street, appeared before the council to question how will access to his property be maintained during construction being his child has to ride a bus, and can the alley adjacent to his property be realigned. Mr. Mathiasen noted access to properties will be maintained throughout construction and the alignment of the alley may be adjusted to a point.

Michelle Rademacher, 251 3<sup>rd</sup> Street, appeared before the council to question if property owners can keep the wood when trees are cut down and if her property would have its own individual water service because currently her water service is shared with the adjacent property. Mr. Mathiasen noted it's difficult to plan specific dates regarding tree removal between property owners and the contractor; whereby the contractor has to remain on schedule to complete the project in a timely manner. Mr. Mathiasen noted each property will be served with individual water and sewer services. Ms. Rademacher questioned if her driveway apron could be widened to allow access for off-street parking adjacent to her garage. Mr. Mathiasen noted her driveway apron may be increased to a certain point, but the final width will be determined during construction.

Frank Haynes, 741 Forest Avenue, appeared before the council to inform the public the city has been wonderful working with property owners during reconstruction projects and he personally never had any issues with not having access to his property during a recent construction project.

Mayor Tom Kasner, hearing no more questions from the public, closed the public hearing at 7:40 PM. After due discussion, a motion was made by Al Amdahl who introduced the following resolution and moved its adoption:

RESOLUTION 2023-16  
ADOPTING FINAL ASSESSMENT ROLE  
2023 Capital Improvements

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 John R. Harlander, Adam Rushmeyer, 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 office of the City Clerk/Administrator for public inspection during regular office hours.

Councilor Al Amdahl, Park Board Liaison, informed the council the Park Board held a meeting on March 29<sup>th</sup> to discuss the proposed construction of the following improvements in North Park as recommended by the board:

- Six-court pickleball facility to be located where the current tennis courts are located. The fencing be removed, but concrete will be inspected by a local concrete contractor to determine if any is salvageable.
- Two-soccer fields, one regulation and the other youth, to be located north of the softball field or directly south of Soo Line Avenue.
- Dog park to be located south of softball park.
- Construction of pedestrian trail along the northern shoreline of North Lake connecting to the existing pedestrian trail south of the school's Early Childhood Learning Center and ending at the

- main driveway entrance to North Park off TH238 to include the removal of dead trees, buckthorn, miscellaneous brush.
- Install an observation platform and kayak landing access on North Lake south of Jaycee shelter.
- Excavate nuisance vegetation and add water fountain-feature in wetland located between the 2014 playground equipment and Jaycee shelter.
- Removal or clearing of brush, and dead trees south of softball field.

Councilor John R. Harlander informed the council he cannot support the construction of soccer fields in North Park and recommended they be constructed on the school campus or purchase additional property adjacent to the school. Mr. Okerlund informed the council there is a need for soccer fields and they would be interested in a partnership to maintain the fields if constructed in North Park. Mr. Okerlund noted the school campus is near capacity for athletic fields and buildings. Mayor Tom Kasner, with the consensus of the council, noted soccer is listed as an activity in Phase II improvements and does not need to be constructed at this point in time. Mr. Rushmeyer questioned if action by the council to consider park improvements be delayed until the snow melts and recommended a visit be scheduled to see the proposed locations of each improvement. After due discussion, a motion was made by John R. Harlander to authorize the removal of the tennis courts and fencing to construct a four-court pickleball facility on a new concrete surface, new fencing, corrected soils, if need be, at the present tennis court site. Mayor Tom Kasner noted the motion died for lack of a second. After due discussion and upon the recommendation by the Park Board, a motion was made by John R. Harlander and seconded by Al Amdahl to approve the removal of the tennis courts and fencing and to construct a six-court pickleball facility on a new concrete surface, new fencing, and if need be, corrected soils to be paid for by Bryan Schiffler and his community group. All voted for the motion and it carried.

After due discussion and upon the recommendation by the Park Board, a motion was made by Al Amdahl and seconded by John R. Harlander to approve the following amenities in North Park which be privately funded by donations or in-kind services by Bryan Schiffler and his community group:

- Dog park, 50' x 200', to be located south of softball park.
- Construct pedestrian trail along the northern shoreline of North Lake connecting to the existing pedestrian trail south of the school's Early Childhood Learning Center and ending at the main driveway entrance to North Park off TH238.
- Removal or clearing of nuisance vegetation, brush, and dead trees as follows: 1) north shoreline of North Lake, 2) south of softball field, and 3) south of skateboard ramps.
- Install an observation platform and kayak landing access to North Lake south of Jaycee shelter.

All voted for the motion and it carried.

Mr. Schiffler appeared before the council to request permission for his group to provide the city engineer and council with a preliminary design and application for a public water permit for the proposed construction of a pedestrian walk/bike path along the eastern boundary of North Lake abutting State Hwy 238 (TH238) connecting North Park to an existing sidewalk at the intersection of Lake Avenue and 1<sup>st</sup> Street (TH238). Mr. Schiffler noted if the council objects to his group's participation in the aforementioned request, there is no need to move forward with any soil borings along the eastern shoreline of North Lake. Mr. Schiffler also noted he can construct the pedestrian trail with private donations and in-kind services and if significant plans and specifications are prepared by the city engineer, he would not be able to construct the pedestrian trail or raise enough funds to complete the project. Mr. Mathiasen informed the council the estimated costs to conduct four soil borings is \$3,500 and without any soil borings, it's difficult to design or evaluate pedestrian trail alternatives. Mayor Tom Kasner questioned Mr. Schiffler about what design is being proposed having not received a draft. Mr. Schiffler informed the council the design being considered is to install sheet piling to minimize the impact on North Lake. Mr. Harlander noted he will hold Mr. Mathiasen and his firm Stantec Engineering accountable to prepare a proper design for a pedestrian trail. Mayor Tom Kasner, with the consensus of the council, directed Mr. Schiffler to submit to the city engineer for review a proposed pedestrian trail design, and draft public water permit

application. Mayor Tom Kasner informed Mr. Mathiasen not to conduct any soil boring at this time along the east shoreline of North Lake and North Park.

The council took notice of the city's Capital Improvement Plan depicting future roadway and utility reconstruction improvements west of 8<sup>th</sup> Street between Railroad Avenue and Forest Avenue. Mayor Tom Kasner noted the city's financial consultant recommended to the council to pause any immediate reconstruction improvements to reduce overall debt of the city. Mr. Harlander questioned if it makes sense to authorize the preparation of an engineering feasibility study for the area west of 8<sup>th</sup> Street rather than paying higher hourly rates in the future for the same report being unit pricing is the only line items that need to be updated. Mayor Tom Kasner informed the council the Capital Improvement Plan will be discussed at the next meeting to consider moving forward with the said study.

Mayor Tom Kasner, Economic Development Authority (EDA) Liaison, informed the council the EDA held a meeting on March 29th, on a request by David Belford, 441 Railroad Avenue, dba Barbacoa American and Mexican Food, to consider a Commercial Rehabilitation Deferred Loan/grant (CRDL), Phase Two, to be reimbursed for the following building efficiency improvements: windows (1<sup>st</sup> & 2<sup>nd</sup> floor), upper crown brick repairs, carpentry finishes, HVAC, plumbing, etc. at an estimated cost of \$355,000+/- . Mayor Tom Kasner noted when all the repairs are completed, the intension is to fully restore the building to its original design attributes while updating several aspects of the buildings restoration to be building code compliant and full use of the second floor as it was originally intended, a hotel. Mayor Tom Kasner also noted many aspects of phase one construction and costs were intermingled with what needed to be done to support phase two which were extensive and resulted in higher costs than expected. After due discussion, and upon recommendation from the EDA, a motion was made by Mayor Tom Kasner and seconded by Adam Rushmeyer to approve the CRDL application submitted by Mr. Belford as follows:

- The estimated total of the "proposed" improvements is \$50,000+. Phase II - HVAC, plumbing, windows, electrical, upper brick crown repairs, etc.
- The EDA's share to be up to \$24,999, or the maximum.
- Improvements related to, but not limited to, tax base increase, and complete building reconstruction. Window quotes were intermixed with Phase I and included the balance as Phase II.
- Business signs shall comply with sign regulations.
- Request meets the city's 2014 Criteria for Business Subsidy.
- This is a large capital investment on Railroad Avenue (mainstreet).
- Comply with all CRDL policy regulations.

All voted for the motion and it carried.

Police Chief Ozzie Carbajal appeared before the council to inform the council there have been recent and past vehicle crashes at the intersection of 7<sup>th</sup> Street and Midland Avenue which is an uncontrolled intersection. Mr. Carbajal recommended "STOP" signs be erected in the north/south direction to improve vehicle safety at the intersection. Mayor Tom Kasner noted the city erected several new "STOP" signs in areas where the city completed reconstruction improvements and had no objection to the request. After due discussion and upon the recommendation by Police Chief Ozzie Carbajal, a motion was made by John R. Harlander and seconded by Al Amdahl to authorize the Public Works Department to erect "STOP" signs in the north/south direction at the intersection of 7<sup>th</sup> Street and Midland Avenue. All voted for the motion and it carried.

Mr. Mergen appeared before the council to inform the council a notice will be published in the Star Post next week seeking a qualified individual to be hired as a seasonal lawn mowing worker in the Park Department at an hourly rate of \$13.00.

Mr. Schneider informed the council West Central Sanitation, the city's refuse contractor for residential properties, delivered refuse, recycling, and yard waste carts/containers the week of March 20<sup>th</sup> and their first day of service was on Monday, April 3<sup>rd</sup>. Mr. Schneider informed the council he received a few calls from residents with various concerns, but overall, the transition to a new refuse hauler went very

well. Samantha O'hara, 311 Sunset Court, appeared before the council to request her property not be charged a monthly refuse fee being they already pay for a dumpster at their business. Mayor Tom Kasner noted Ordinance 74 requires refuse service for residential properties and does not allow any exemptions. No action was taken by the council.

Mr. Schneider requested the city discontinue allowing utility customers to pay their bills at Stearns Bank and Magnifi Financial; whereby said bills can be paid directly at city hall or by other means offered by the city. Mr. Schneider informed the council there is no need for the public works department to collect utility bills on a weekly basis when they could be doing other work. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Keith Heitzman to discontinue allowing utility customers from paying their bills at Stearns Bank and Magnifi Financial. All voted for the motion and it carried.

The council took notice of a resolution to amend Appendix A, Schedule of Charges and Fees, Ordinance 51.07, Winter Parking, winter parking fines. Mr. Schneider informed the council the public works department has been dealing with ongoing issues with vehicles that remain on streets during snow removal which has caused additional time and labor to plow a second time not to mention the hazards of driving around parked vehicles with large equipment. Mr. Mergen noted at times he's noticed the same vehicle time and time again parked on the street during a snow event. Mr. Schneider recommended approval of the amendment which will increase the winter parking fine from \$25 to \$50 and subsequent offenses \$75 plus impound fees. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION 2023-17  
CITY OF ALBANY, MINNESOTA  
A RESOLUTION AMENDING APPENDIX A

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 John R. Harlander, Adam Rushmeyer, 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 office of the City Clerk/Administrator for public inspection during regular office hours.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o'clock or as soon as thereafter on Wednesday, April 19, 2023, and adjourned the meeting at 9:10 PM.

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Tom Schneider  
Clerk/Adm.