

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 3, 2022, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Keith Heitzman, John R. Harlander, and Al Amdahl. Adam Rushmeyer was 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, 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 Keith Heitzman and seconded by Al Amdahl to approve/authorize payroll (3325-3339), electronic payments (900015-900020), transfers, and the payment of the following bills: Check Numbers 72001 to 72050. 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 July 20th and hearing none declared them approved.

Open forum/public comments: none

Mr. Mathiasen presented to the council Payment Voucher No. 3 for the 2022 Capital Improvement Project. Mr. Mathiasen noted the payment voucher includes sanitary sewer, water main, storm sewer installation, services, and roadway construction quantities. After due discussion and upon recommendation from the city engineer, a motion was made by John R. Harlander and seconded by Al Amdahl to approve Payment Voucher No. 3 to Breitbach Construction Company, Elrosa, MN, in the amount of \$457,887.87. All voted for the motion and it carried.

Mr. Mathiasen also presented to the council Payment Voucher No. 2 for the 1st Street (TH238) and 8th Street (TH238) Sidewalk Improvements. Mr. Mathiasen noted the payment voucher includes quantities for roadway, sidewalk, and driveway paving, along with street lighting installation and other miscellaneous work. Mr. Mathiasen noted there were some underground wiring issues with the ornamental street lights and additional signage that added extra expenses to the project. After due discussion and upon recommendation from the city engineer, a motion was made by Keith Heitzman and seconded by Al Amdahl to approve Payment Voucher No. 2 to Craig Bardson Excavating, Albany, MN, in the amount of \$316,468.26. All voted for the motion and it carried.

Mr. Mathiasen informed the council the city's grant application submitted to the MN Department of Natural Resources (DNR) for pedestrian bike/walk trail maintenance improvements in the amount of \$112,025 was denied. Mr. Mathiasen noted two locations for trail improvements were North Park and a trail segment near the Country Estates Park. Mr. Mathiasen also noted the improvements consisted of reclaiming the existing bituminous surface, increasing the aggregate base thickness, widening the trail base, and adding new pavement.

Mr. Mergen informed the council he received cost estimates from local contractors to assist in establishing two emergency storm water overflows in the easterly area of the Trails Edge neighborhood. Mr. Mergen noted the work would include some minor grading, excavation, and restoring an abandoned catch basin east of the overflow structure in the Trails Edge subdivision that will assist in taking extra storm water during large rain events. Mr. Mergen noted the emergency overflow or swale from the storm sewer inlet structure in the Trails Edge subdivision to 2nd Avenue will be regraded to allow additional storm water to flow away from adjoining properties during large rainfall events. Mr. Mergen also noted the cost estimates received is less than \$7,000, but there may be some additional expenses not knowing how the past contractor disconnected the storm sewer pipe when the Trails Edge subdivision was constructed in

2005. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to direct Mr. Mergen to proceed with the aforesaid storm sewer improvements and hire Craig Bardson Excavating, Albany to complete the work. All voted for the motion and it carried.

Mr. Mathiasen informed the council their company’s survey crew completed the project scanning work on Forest Avenue, side streets, and adjacent alley’s this week. Mr. Mathiasen noted the data collected will be processed for use in the preparation of the feasibility study and preliminary design. Mr. Schneider informed the council the city’s financial advisor will attend an upcoming meeting to discuss whether or not the project is financially feasible if constructed in the year 2023.

Councilor Keith Heitzman, Albany Golf Club Liaison, informed the council the Albany Mutual Telephone Association donated \$20,000 to the Albany Golf Club for future clubhouse improvements. Councilor John R. Harlander also informed the council the Albany Mutual Telephone Association donated \$5,000 to the Park Board for the construction of pickleball courts in North Park. Mayor Tom Kasner, with the consensus of the council, thanked the Albany Mutual Telephone Association for their generous donations.

Mayor Tom Kasner, member of the Albany Area Fire Board, informed the council the board held a meeting on July 27th; whereby the board approved a \$300 per year of service increase or \$2,800 per year of service for retirement benefits, 3.3% budget increase for the year 2023, and off-street parking improvements south of the firehall as planned when built in 1992. Mr. Kasner also noted the annual Albany/Avon firemen annual golf tournament will be held on August 8th and farm safety exercise on October 8th at the Albany Area School.

Mr. Schneider presented to the council a five-year Commercial Lease renewal between the Minnesota Department of Transportation (MnDOT) and the city for a small strip of right-of-way along Interstate 94 being used by the golf course (No. 2 fairway). Mr. Schneider noted the lease payment is \$100 annually, lease ends May 31, 2027, and recommended approval. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION 2022-32
COMMERCIAL LEASE No. 73142

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 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 office of the City Clerk/Administrator for public inspection during regular office hours.

Mr. Schneider informed the council it is now legal to sell certain edibles and beverages infused with tetrahydrocannabinol (THC), the cannabis ingredient extracted from hemp. Mr. Schneider noted the new law was passed by the Legislature as part of [Chapter 98](#). Article 13 makes several changes to [Minnesota Statutes, section 151.72](#) regarding the sale of certain cannabinoid (CBD) products which changes took effect on July 1, 2022. Mr. Schneider recommended the council should consider adopting an interim ordinance that would hereby establish a moratorium on the sale of hemp derived THC (tetrahydrocannabinols) food and beverages in order to allow the city time to study the issue and consider licensing and rules, and sales management controls for the sale of hemp derived THC food and beverages, similar to tobacco sales and products, behind the sales counter, checking identifications (ID’s), enforcement, compliance and license fees. Mr. Schneider also noted it would give the city an opportunity to work with the other area cities on creating consistent licensing and rules as well given our proximity to one another. Mr. Schneider also noted an Interim Ordinance enacting the moratorium can be adopted by the council for a period of up to 12 months giving the city time to study the impacts of these new laws. After due discussion, a motion was made by John R. Harlander who introduced the following interim ordinance and moved its adoption:

ORDINANCE NO. 2022-01
AN INTERIM ORDINANCE PLACING A MORATORIUM
ON THE SALE OF HEMP DERIVED TETRAHYDROCANNABINOL (THC) FOOD
AND BEVERAGES WITHIN THE CITY OF ALBANY

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

Mr. Schneider updated the council on interest rates and fund balances for various accounts at Stearns Bank N.A., Albany, and Magnifi Financial formally Central MN Credit Union, Albany. Mayor Tom Kasner, with the consensus of the council, directed Mr. Schneider to invest equally between the two when interest rates are similar.

Mayor Tom Kasner questioned how the city will respond to a request in the future from a property owner who would like to connect a sump pump to the city's drain tile system beneath the curb if the city has knowledge from a recent investigation the drain tile downstream may be partially or totally collapsed. Mr. Schneider informed the council property owners are required to call Gopher State One-call when you did and this calling service will notify the city to conduct a utility locate and at that time, the city can contact the property owner to instruct them not to connect to the drain tile or if they wish, sign a liability waiver. Mayor Tom Kasner noted the city had encouraged residents to connect to the drain tile to remove water from being pumped across sidewalks and/or streets, but if the drain tile is compromised there should be no new connections. Mr. Harlander noted property owners have to have an air gap located outside their home where the sump pump's internal discharge line exits the basement and connects to the external discharge line for the purpose to provide an outlet for flows in the event there is a problem with the discharge line or drain tile system. Mr. Schneider also informed the council Ordinance 70.05, Subd. 4 states the city is not liable for any damages that may occur as a result of the connection to the drain tile system and will review the language with the city attorney to consider any changes.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o'clock in the evening on Wednesday, August 17, 2022, and adjourned the meeting at 7:15 PM.

Tom Schneider
Clerk/Adm.