

Pursuant to due call and notice thereof a SPECIAL meeting of the Council in and for the City of Albany, Stearns County, Minnesota, was called to order by Mayor Tom Kasner at 5:30 o'clock in the evening on Wednesday, December 28, 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 Adam Rushmeyer. Councilor Al Amdahl was absent for the meeting.

Other's present were: Tom Schneider, Clerk/Adm., Police Chief Ozzie Carbajal, Derek Stommes, Patrol Officer, Tim Hennagir, Staff Writer, the Star Post, Kris Schiffler, owner of Shady's Hometown Tavern and Events Center, 451 Railroad Avenue, Amy Schmidt, Rodney McNamar, Kim Pelzer, Steve Pelzer, Joe Overman, Amy Schiffler, James Stueve, Jr., Karla Christen, Mara Evens, Derek Iverson, Julie Glenz, Morgan Heidgerken, Kelly Wolford, Tina Rodenwald, Randy Bromenshenkel, and Kayla Christen. Susan Dege, City Attorney with the firm of Jovanovich, Dege, & Achmann, PA, St. Cloud, MN, attended the meeting via ZOOM, a video and audio communication platform.

Mayor Tom Kasner announced to members from the public in attendance, the purpose of the meeting is to clarify the days and terms of suspension and financial penalties for Shady's Hometown Tavern and Events Center and the meeting is not a public hearing. Ms. Dege informed the council due to special events that were scheduled, but not known to the council at the December 21st council meeting, tonight's meeting is being held to clarify the days of suspension. Mr. Schneider noted a local organization has an event scheduled for January 6th and questioned if there are any other events in the upcoming weeks. Mr. Rushmeyer informed the council he is not in favor of carving out specific days for events due to the ordinance violations caused by the establishment and would be in favor consecutive days. Mr. Schiffer informed the council he would be in favor of consecutive days. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

**CITY OF ALBANY, MINNESOTA
RESOLUTION 2022-40
A RESOLUTION CLARIFYING LIQUOR LICENSE SUSPENSION**

RECITALS:

WHEREAS, pursuant to notice to the Licensee, the City Council for the City of Albany held a hearing to consider alleged violations of City Code, related to the conduct of a male dance revue at the licensed premises;

WHEREAS, the Licensee was represented by its three Members, who were provided opportunity to speak and did speak at the hearing;

WHEREAS, the Licensee was permitted to read into the record a letter from their attorney arguing that the City Code did not prohibit the male dance revue;

WHEREAS, the City Council determined that the male dance revue did violate the prohibition of allowing adult entertainment in a licensed premises and imposed a 10-day suspension, fine and reimbursement to the City for legal costs; and

WHEREAS, the City Council desires to clarify the consequences of the violation.

THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF ALBANY, MINNESOTA,

1. Shady's Hometown Tavern and Event Center, Inc. has violated City Code Sections 60.17, Subd. 6 (Nudity and Sexual Conduct Prohibited) and 66.05-.06 (Adult Uses) by hiring the male dance review to perform in a licensed premises.

2. The on-sale liquor license for Shady’s Hometown Tavern and Event Center, Inc. shall be suspended for a period of 10 days, specifically, January 10 through January 20, 2023. The premises may not serve alcohol during the days of suspension, whether directly or through an outside caterer.
3. Shady’s Hometown Tavern and Event Center, Inc., shall pay a civil penalty of \$1,000 to the City of Albany within thirty days of the date of this Resolution.
4. Shady’s Hometown Tavern and Event Center, Inc. shall reimburse the City of Albany for its attorney’s fees incurred in this matter in the amount of \$964.50 within thirty days of the date of this Resolution.

Adopted this 28th day of December, 2022, by a vote of “4” in favor and “0” opposed.

CITY OF ALBANY

By _____
Tom Kasner, Its Mayor

By _____
Tom Schneider, Clerk/Administrator

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 Keith Heitzman, Adam Rushmeyer, and John R. Harlander, and none voted against the same whereupon the said Resolution was declared duly passed and adopted.

Mayor Tom Kasner adjourned the meeting at 5:40 PM.

Tom Schneider
Clerk/Adm.