

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, February 19, 2020, in the Council Room at 400 Railroad Avenue for the said City.

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

Others present were: Jeremy Mathiasen, City Engineer, with Stantec, Inc., Joe Mergen, Public Works Supervisor, Kate Asfeld, Editor, Albany Enterprise, Ozzie Carbajal, Police Chief, Jeremy Mathiasen, City Engineer with the firm of Stantec, Jack Ramler, Ramler Properties, LLC, and Tom Schneider, Clerk/Adm.

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 John R. Harlander to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 69710 to 69737 and 17768 to 17782. 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 February 5th and hearing none declared them approved.

Open forum/public comments: none.

Sherri Thill and Chad Schmidt, owners of Rookies Sports Bar, 481 Railroad Avenue, appeared before the Council to present a Minnesota Lawful Gambling LG214 permit application on behalf of the New Munich Jaycees to conduct bar bingo on Monday evenings. Ms. Thill noted the Albany Area Jaycees will continue to conduct charitable gambling activities at the business, but they were not interested in starting bar bingo nor was the Albany Fire Department who conducts bar bingo next door at Shady's Hometown Tavern and Events Center. After due discussion, a motion was made by John R. Harlander who introduced the following Resolution and moved its adoption:

RESOLUTION 2020-06
APPROVING MINNESOTA
LAWFUL GAMBLING LG214 PERMIT APPLICATION
(Rookies Sports Bar – 481 Railroad Avenue)

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, 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.

Councilor Adam Rushmeyer, Planning Commission Liaison, informed the Council the Planning Commission held a public hearing on February 13th on a request by Ramler Properties, 160 13th Street, for a Zoning Ordinance Text Amendment in the M2 Industrial, Commercial, and Business District, Section 80.23, Subd. 1, to add massage therapy business as a permitted use. Mr. Rushmeyer noted the action would also include a beauty/barber salon as a permitted use in the same district. Mr. Ramler noted the office in the building has been rented in the past for other businesses and saw no need to contact the City prior to renting out the office building. After due discussion and upon the recommendation from the Planning Commission, a motion was made by Mayor Tom Kasner and seconded by John R. Harlander to approve the request by Ramler Properties, 160 13th Street, for a Zoning Ordinance Text Amendment in the M2

Industrial, Commercial, and Business District, Section 80.23, Subd. 1, to add massage therapy business as a permitted use as follows:

1. Amendment would promote the objective of supporting job retention within the City and compact development by encouraging full use of available developed space.
2. Beauty/Barber Salon, a similar use, be added as a permitted use in an M2 Zone.

All voted for the motion and it carried.

Mr. Rushmeyer informed the Council a request was made by Chris and Tracy Frieler, 804 1st Avenue, at the January 15th Council meeting for the installation of a new driveway access to Albany Avenue for the purpose of constructing a shed in their rear yard. Mr. Rushmeyer noted the Trails Edge subdivision has a private covenant that prohibits a driveway access to Albany Avenue for specific lots that abut Albany Avenue, but the City does not have any legal authority to regulate private covenants. Mr. Schneider informed the Council allowing future driveway accesses on Albany Avenue also includes the Sterling Heights subdivision. After due discussion and upon the recommendation by the Planning Commission, a motion was made by Adam Rushmeyer and seconded by Al Amdahl to approve driveway accesses to Albany Avenue as per the following:

- The installation of an approach/driveway access to Albany Avenue would promote additional construction including increased property taxes.
- The City does not have any legal authority to enforce or administer private covenants in a subdivision.
- Property owner to pay for preparation and recording fee of a private approach/driveway access perpetual agreement which will require the property owner to be responsible for the installation and maintenance of the approach/driveway access within the right-of-way.
- The owner may install a driveway access to the edge of the right-of-way (ROW), but the installation and materials to be approved by the City engineer and final surface to be either bituminous or concrete.

All voted for the motion and it carried.

Mr. Rushmeyer also informed the Council the City Attorney recommended the Planning Commission consider the sale of City owned property formally MnDOT railbank property west of 8th Street and north of the Lake Wobegon Trail (26,966 sq.ft.) for the purpose of future economic development. Mr. Rushmeyer noted the property may be used in the future as a parking lot if the abutting property is ever redeveloped which may be a positive benefit. Mr. Schneider informed the Council there is a storm sewer and sanitary sewer pipe included within this property which will be protected by a perpetual drainage and utility easement allowing the City to maintain the utilities. Mr. Mathiasen informed the Council it's not uncommon for redevelopment projects to construct parking lots above municipal utilities, but with the understanding if the City has to repair the utilities the City would not be responsible to repair the parking lot which can be outlined in a development agreement. After due discussion and upon the recommendation by the Planning Commission, a motion was made by Adam Rushmeyer and seconded by John R. Harlander to approve the sale of City owned property formally MnDOT railbank property west of 8th Street and north of the Lake Wobegon Trail (26,966 sq.ft.) for the purpose of future economic development. All voted for the motion and it carried.

Mr. Rushmeyer also informed the Commission Verizon may be attaching three (3) small wireless 5G antennas to three (3) existing street light poles in 2020. Mr. Schneider noted the new antenna's will be mounted above the street lights on Railroad Avenue in two locations and below a street light in the City Hall parking lot west of the Veteran's Memorial Park.

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 Al Amdahl to approve electronic payments, transfers, and the payment of the following: checks 39460-39470. Voting for the motion were Councilors John R. Harlander, Adam Rushmeyer, Al Amdahl, and Keith Heitzman and none voted against. Mayor Tom Kasner abstained and the motion carried.

Mr. Heitzman informed the Council the golf board approved the execution of a Promissory Note between the City and Albany Golf Club, Inc. for the purpose of purchasing a new Toro lawn mower (\$32,000). Mr. Heitzman noted the club will pay one-half of the costs and the City to issue the said Note in the principal amount of \$16,000 at one-percent (1%) interest to be paid over a five-year (5) period. Mr. Schneider informed the Council the City has issued Promissory Notes in the past to the club and no delinquent payments have ever been received. After due discussion, a motion was made by Keith Heitzman and seconded by Adam Rushmeyer to approve the Promissory Note in the amount of \$16,000 at one-percent (1%) interest to be paid over a five-year (5) period. Voting for the motion were Councilors John R. Harlander, Adam Rushmeyer, Al Amdahl, and Keith Heitzman and none voted against. Mayor Tom Kasner abstained and the motion carried.

Mr. Mergen presented to the Council a 2019 year-end activity report for the Street, Park, Water, and Sewer Department.

Mr. Mergen informed the Council the Stearns County Highway Department will seal coat Stearns County Road #54 east of the 1st Street and Railroad Avenue Intersection in 2020; a project that was scheduled in 2019, but not completed; whereby the City's share of the improvement is \$13,000+/- . Mr. Mergen questioned if the Council would like the project to end at the intersection of Golf View Drive or Par Drive. Mayor Tom Kasner, with the consensus of the Council, directed Mr. Mergen to inform the County the City has no objections with their project, but it should end at Par Drive.

Mayor Tom Kasner, Albany Fire Board Liaison, informed the Council the Board held a meeting on February 18th to review the following 2019 operations of the Albany Fire Department:

- Approved an increase to the relief association defined benefit for years of service from \$2,100 to \$2,500 per year of service to the firemen who retire. Benefit to be effective when association amends by-laws.
- Board reviewed departments submitted by the treasurer of the department for year-end fund balances for the following: general fund checkbook, savings, donations, charitable gambling and accounts receivable. Nearly \$21,000 is still owed to the department from past service calls. Past due accounts greater than 6 months will be forwarded to a collection agency.
- Department waiting to hear from FEMA if grant application (\$130,000+/-) is approved to purchase new self-contained breathing apparatus (SCBA) equipment.
- The largest expenditure facing the department is replacing Unit #2, the pumper truck (engine), with another or ladder truck. Estimated cost of a new engine, \$495,000, and a new ladder truck, \$947,000. Board directed Mr. Winkels to prepare a detailed financial plan that would include funding sources, loan payments, budget impact, and future annual truck replacement funding. Information to be presented at the July Board meeting. Only preliminary discussions. No action taken by the Board.
- Board approved 2019 department reimbursement and 2020 Capital Equipment contribution. The overall cost to all jurisdictions is \$154,729. The City's cost is \$86,648 or 56%. This is a 9% increase compared to 2018. Revenues collected from fire/medical calls outside the service district in 2018 was \$13,000 less.

- Charitable gambling donated to City \$77,300+/- for fire equipment.
- \$19,500 was received from Blattner Family Foundation annual 2019 Golf Tournament.
- Annual firemen’s banquet to be held on March 28th at the Albany Golf Club.
- April 11th is the annual Firemen’s Dance at Shady’s Hometown Tavern and Event Center. The annual event raises \$17,000+/- for future equipment purchases.
- Andrew Bruder, a new fireman, is completing training courses.
- Total 2019 service calls:
 - Fire Calls/C02 alarm 15
 - Medical Calls 149
 - Auto accidents 15
 - Gasoline spills/leak 3
 - Mutual Aid 1
 - Other Misc. 27
 - Total: 210

Mr. Harlander questioned if the Council or the Albany Area Fire Board has the final authority whether or not to purchase a new engine or ladder truck. Mayor Tom Kasner noted the Council will have the final authority prior to a decision by the fire board. Mr. Schneider noted the cost to fund a new engine or ladder truck is very significant to all participating governmental jurisdictions; but the City pays the largest percentage of department expenses and the matter should come before the Council for discussion prior to a final decision by the board. Mayor Tom Kasner noted additional financial information and truck options will be presented to the Fire Board for discussion at their July meeting.

The Council took notice of a Minnesota lawful gambling LG220 exempt permit application submitted by the Church of Seven Dolors for a raffle to be held on June 22nd at Albany Golf Club (AGC), 500 Church Avenue, for the annual Holy Family School golf outing. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION 2020-05
 APPROVING MINNESOTA LAWFUL GAMBLING EXEMPT PERMIT
 APPLICATION (AGC-June 22nd raffle)

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 Adam Rushmeyer, John R. Harlander, Keith Heitzman, and Al Amdahl, 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 in the evening on Wednesday, March 4, 2020 and adjourned the meeting at 7:45 PM.

Tom Schneider
 Clerk/Adm.