

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, July 15, 2020, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors John R. Harlander, Al Amdahl, and Keith Heitzman. Councilor Adam Rushmeyer was absent.

Tom Schneider, Clerk/Adm., Kate Asfeld, Editor Star Post, Ozzie Carbajal, Police Chief, and Jeremy Mathiasen, the City Engineer with the firm of Stantec, Inc., St. Cloud, MN, were present for the meeting. Residents present for the meeting were: Jane and Darrell Heitzman, Gerald and Ione Heinen, Ken Kortenbusch, Rolland Gilk, Barry Hudock, Don Wuellner, Anthony Stangler, Jean Pundsack, Steve Notch, Bob Hanauska, Ashley Hanauska, and Joyce Winter.

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 70148 to 70193, and 17940 to 17957. 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 1<sup>st</sup>. Mr. Schneider informed the Council the following text should be deleted: "Mr. Schneider noted Ms. Pundsack would like the signs alerting the public of the noise ordinance be taken down if the police department doesn't want to enforce the ordinance." Mr. Schneider noted Ms. Pundsack did not want the signs taken down. After due discussion, a motion was made by Al Amdahl and seconded by John R. Harlander to approve the aforesaid correction and hearing none declared the said minutes approved. All voted for the motion and it carried.

Open forum/public comments: Jean Pundsack, 211 Railroad Avenue, appeared before the Council to question if larger traffic signs related to the Noise Ordinance could be purchased similar to what she had seen in the City of Wadena, MN. Ms. Pundsack informed the Council there is a state law regulating engine noise on Railroad Avenue as per the Minnesota Department of Transportation (MnDOT) and the City should look into it. Mayor Tom Kasner informed Ms. Pundsack the City will review her concerns.

Pursuant to due notice, Mayor Tom Kasner called the public hearing into session at 6:35 PM to consider objections to the proposed assessments for the reconstruction (2020 Capital Improvements) of sanitary sewer, water main, storm sewer, sanitary services, water services, sidewalks, and roadways (8<sup>th</sup> Street, Midland Avenue, Forest Avenue, Lake Avenue, Albany Avenue, and 8<sup>th</sup> Street/Shamrock Lane Sidewalk). Mr. Mathiasen informed the public of the project improvements, construction completed to date, proposed special assessments, turf restoration, and remaining project schedule. Mr. Mathiasen noted the total estimated project costs are \$1,757,376 and the total assessment proceeds are \$407,000 (20%-23%). Mr. Mathiasen also noted properties located in Albany Township have a deferred assessment and upon annexation, the assessment for the street improvement will have to be paid. Mr. Mathiasen also noted the assessments can be paid in full without interest until August 15th and if not paid by this date, interest will begin to accrue at the time of the adoption of the resolution (July 15th) for the final assessments calculated over a period of 15 years at 3.7% interest. Ms. Winter appeared before the Council to question how the Albany Area Community Center would pay the special assessment being the property is tax exempt. Mr. Schneider noted he will contact the Stearns County Auditor's office for additional information. Mr. Hudock appeared before the Council to inform the Council it appears his driveway will be steeper after the construction and questioned why the elevation changed. Mr. Mathiasen noted when streets are reconstructed including utilities, the final elevation may change slightly, but no drastic changes when the roadway is completed. Mr. Mathiasen informed the Council he will inspect Mr. Hudock's driveway to verify the elevation. Mayor Tom Kasner closed the public hearing at 6:50PM. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION 2020-22  
ADOPTING FINAL ASSESSMENT ROLE  
2020 Capital Improvements

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 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.

Bryan Schiffler, owner of the Albany Chrysler Center, and Kris Schiffler/Lee Mergen, owners of Shady's Hometown Tavern and Events Center, appeared before the Council to request approval to conduct the annual Car Show on Friday, July 31<sup>st</sup>, at the Albany Chrysler Center, and an outdoor band on Saturday, August 1<sup>st</sup>. Bryan Schiffler informed the Council all strategic guidelines for COVID-19 will be followed to protect his staff and public. Mr. Schiffler noted he has enough acreage on the property to easily meet the state guidelines. Kris Schiffler informed the public he would recommend an outdoor band in the City parking lot rather than behind his building to allow other liquor establishments to benefit from the event. Mr. Harlander noted it may be difficult to get MnDOT's approval to close Railroad Avenue being a State Highway #238. Mayor Tom Kasner reminded the Council they previously denied Heritage Day activities in the City parking lot. Mr. Schneider informed the Council the Chamber of Commerce cancelled all Heritage Day activities including the fireworks at their membership meeting held at noon on July 15th. Kris Schiffler noted while many communities cancelled events due to COVID-19, some communities recently held outdoor bands, street dances, and/or other activities with no issues. Kris Schiffler informed the Council if an outdoor band is approved, he would provide hand sanitation stations, distribute masks, announcements to social distance, and other measures to keep his employees and public safe. Bryan Schiffler informed the Council there would be no food or beer available at his car show to limit the amount of people from congregating in specific areas. Bryan Schiffler, Kris Schiffler, and Lee Mergen, thanked the Council for listening to their request and excused themselves from the meeting. Mr. Amdahl noted everyone would like to see normalcy, but large events may accelerate COVID-19. Mr. Harlander noted people will get together somewhere whether an event is held or not. Mayor Tom Kasner noted other cities seem to allow smaller events, but the City is required to follow Governor Tim Walz Emergency Executive Orders and businesses are to do the same. Mayor Tom Kasner noted organizers of such events on private property shall comply with state guidelines. After due discussion, a motion was made by John R. Harlander and seconded by Mayor Tom Kasner to approve the following:

1. Albany Chrysler Center (ACC) Car Show – July 31<sup>st</sup>
  - a. Outdoor event shall follow CDC and MDH preparedness plan guidelines to include, but not limited to the following key requirements: 1) limit occupancy capacity to no more than 25% not to exceed 250 people, and 2) ensure social distancing and a minimum of 6 feet between persons. Additional information may be obtained at <https://staysafe.mn.gov>.
  - b. Encourage ACC not to conduct the burn-out event.
  - c. Submit a "preparedness plan" to the City to show how event will meet the aforementioned safety guidelines.
  - d. No food or liquor/beer to be served at the event.
2. Shady's Hometown Tavern and Events Center Outdoor Band – August 1<sup>st</sup>
  - a. Outdoor event shall follow CDC and MDH preparedness plan guidelines to include, but not limited to the following key requirements: 1) limit occupancy capacity to no more than 25% not to exceed 250 people, and 2) ensure social distancing and a minimum of 6 feet between persons. Additional information may be obtained at <https://staysafe.mn.gov>.
  - b. Submit a "preparedness plan" to the City to show how event will meet the aforementioned safety guidelines.
  - c. If set up on Stearns Bank property, a site plan or event layout to include fencing, toilets are required.
3. No band or food booths to be located in the City Parking lot.

4. No display of fireworks.

Voting for the motion were Mayor Tom Kasner, Councilors John R. Harlander, and Al Amdahl. Councilor Keith Heitzman voted against and the motion carried.

The Council took notice of proposed Ordinance Number 69, Large Gatherings, an ordinance that would require a permit outlining specific requirements for those considering a large gathering on public or private property. Mayor Tom Kasner, with the consensus of the Council, directed Mr. Schneider to add the proposed ordinance to a future council meeting agenda. No action was taken by the Council.

Mr. Mathiasen presented to the Council change order number one to the 2020 Capital Improvements. Mr. Mathiasen informed the Council the purpose of the change order is as follows: The sidewalk improvements along Shamrock Lane and 8<sup>th</sup> Street, were bid as Alternate No. 3, but was not initially awarded. Mr. Mathiasen noted the change order work should be constructed at the same time as when the main sidewalk is being prepared and constructed and the amount of the change order is \$25,436.39. After due discussion, a motion was made by Al Amdahl and seconded by Keith Heitzman to approve change order number one to the 2020 Capital Improvements in the amount of \$25,436.39. All voted for the motion and it carried.

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 39569-39604. Voting for the motion were Councilors John R. Harlander, Al Amdahl, and Keith Heitzman and none voted against. Mayor Tom Kasner abstained and the motion carried. Mr. Heitzman updated the Council on the following construction progress of the driving range improvements: a concrete pad was poured for the driving range hitting area, target dirt mounds completed, black dirt/top soil added, conduit buried for electrical wires, boulder retaining walls constructed, and turf restoration will begin in the next few weeks.

Councilor Al Amdahl, Albany Area Schools Community Education Liaison, informed the Council the summer activities are on-going, but in a safe manner for the participants. Mr. Amdahl noted the fall activities remain uncertain due to COVID-19. Mr. Amdahl also reported nearly 67% of Albany residents completed and submitted the 2020 Census form.

Councilor John R. Harlander, Albany Police Department Liaison, informed the Council Andrew Gravdahl, Patrol Officer, submitted to the Council his resignation letter effective August 31<sup>st</sup> having accepted another police position with the Stearns County Sheriff's Department. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to accept the resignation of Andrew Gravdahl. All voted for the motion and it carried. Mayor Tom Kasner noted Mr. Gravdahl served the community for five years and thanked him for his dedication and commitment to the community while serving as a Patrol Officer.

The Council took notice of a request by Jeremy DeGier, 241 6<sup>th</sup> Street, requesting a one-year extension to a variance that was approved by the City on August 7, 2019 to construct a 32' x 24' detached garage. Mr. Schneider noted the detached shed is not constructed, but other property improvements are on-going and recommended the request be approved. After due discussion, a motion was made by Al Amdahl and seconded by Keith Heitzman to approve the said request (August 8, 2021 variance expiration). All voted for the motion and it carried.

Mr. Schneider informed the Council the Stearns County Board of Adjustment will hold a public hearing on July 23rd on a request by Thomas and David Lashinski, 22048 County Road 53, Albany, MN, to consider constructing a holding tank as a sewage treatment system to serve another establishment. Mr. Schneider noted Mr. Lashinski is constructing storage garages north of County Road 53 or Soo Line Avenue which lies north of North Park. No action was taken by the Council.

The Council took notice of a Minnesota Lawful Gambling LG220 application for Exempt Permit submitted by the Albany Women of Today to conduct a raffle on October 3rd at Holy Family School, 160 2<sup>nd</sup> Street. After due discussion, a motion was made by Mayor Tom Kasner who introduced the following resolution and moved its adoption:

RESOLUTION 2020-23  
APPROVING MINNESOTA LAWFUL GAMBLING EXEMPT PERMIT  
APPLICATION

The motion for the foregoing Resolution 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, 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.

Mr. Schneider presented to the Council a proposed Encroachment Agreement between the City and Wells Concrete Products Co., a Minnesota corporation, 210 Inspiration Lane. Mr. Schneider noted the purpose of the agreement is to allow Wells Concrete to install a block retaining wall within an existing 100-foot public drainage and utility easement to accommodate grading changes that will benefit low clearance semi-trailer loads. Mr. Schneider noted in the event the City has to access the utilities (water/sewer main) for maintenance purposes or whatever, Wells Concrete is required to remove the block retaining wall at their expense. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to authorize Mayor Tom Kasner to execute the said Agreement on behalf of the City. All voted for the motion and it carried.

Mayor Tom Kasner informed the Council the Governor extended the Peacetime Emergency through August 13th due to COVID-19 Pandemic. Mayor Tom Kasner noted members from the public may go to <https://staysafe.mn.gov> for additional COVID-19 information. Mayor Tom Kasner also noted the Minnesota Department of Education will announce how schools can safely reopen in the fall on July 27<sup>th</sup>.

Mayor Tom Kasner announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, August 5, 2020 and adjourned the meeting at 8:35 PM.

---

Tom Schneider  
Clerk/Adm.