

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, June 21, 2023, 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. 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, JoAnna Bigler, Police Patrol Officer, Derrick Bjork, Patrol Officer, Matt Gannon, Patrol Sergeant, Tim Hennagir, Staff Writer, the Star Post, Larry Eggert, Judy Eggert, Bryce Slone, Diane Simmons, Sonny Hammond, Terry Torrence, Grace Eiyneck, Brianna Sininger, Kendra Schwalbe, Krista Dotseth, Beth Willenbring, Peter Maas, Warren Tomporowski, Ann Studinski, Geraldine Garding, Claire Lecy, Eva Schwenzfeier, Kylan Gerads, Lynn Slone, Keith Slone, Dalton Herzog, Frank Haynes, Sonya Hoffarth, Lee Mergen, Eric Glenz, Joesph Peternell, Bridget Fischer, Anita Borgerding, Ava Borderding, Heather Cruz, and Molly Hoppe.

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 Adm Rushmeyer to approve/authorize payroll (3707-3725), electronic payments, transfers, and the payment of the following bills: Check Numbers 72733 to 72763. All voted for the motion and it carried.

Mayor Tom Kasner also called for any corrections or additions to the minutes of the regular meeting of the council held on June 7th and hearing none declared them approved.

Open forum/public comments: Peter Maas appeared before the council to inform the council there is a need for soccer fields in the community and there is no available space on school campus to construct soccer fields. Mayor Tom Kasner informed Mr. Maas there has been discussions with the school district related to soccer fields being constructed, but no final decisions. Mayor Tom Kasner noted the city is currently concentrating on completing the Phase I improvements in North Park which does not include soccer fields.

Police Chief Carbajal appeared before the Council to introduce Patrol Officer Bryce Slone to be hired as a full-time Patrol Officer in the Albany Police Department. Mayor Tom Kasner administered the Law Enforcement Oath of Honor to Mr. Slone and welcomed him as a member of the Albany Police Department. Ms. Lynn Slone pinned the police badge on her son's uniform.

Mr. Haynes appeared before the council on behalf of the group identified as Friends of North Park, and Dalton Herzog, member of the Albany Jaycees, to inform the council that Freeport State Bank, Freeport, MN, donated a new Toro Lazer Z lawn mower to the city for North Park. Mr. Haynes noted the North Park volunteer group continues to support their goal which is to assist the city with ongoing maintenance of the said park. Mr. Haynes also noted the new mower has a larger mowing width than the current city mowers which will reduce mowing costs. Mr. Mergen noted the mower has been delivered and will be very useful in North Park. Mayor Tom Kasner, with the consensus of the council, thanked Freeport State Bank and Mr. Haynes for the donation and their support of park maintenance.

Terry Torrence, 1004 Shamrock Lane, appeared before the council to inform the council he is purchasing the Hillcrest Restaurant and Stubby's Tavern on June 30th. Mr. Torrence noted his business name will be Bear Crest Restaurant & Lounge and requested approval of a On and Off-Sale Liquor license. Mr. Schneider noted a background check was successfully completed and the license period will be July 1st to June 30, 2024. Mr. Harlander questioned if Mr. Torrence would be dispensing alcohol on June 30th after closing and if so, the license period should include this date. Mr. Torrence informed the council it would be is intention to dispense alcohol shortly after closing on the property. Mr. Schneider questioned if a one-day license be considered for June 30th but would have to contact the state to determine the appropriate license period. After due discussion, a motion was made by John R. Harlander and seconded by Keith

Heitzman to approve the aforesaid licenses to Bear Crest Restaurant & Lounge, 1004 Shamrock Lane, for the license period June 30, 2023, to June 30, 2024, contingent upon the State Liquor Control confirming the license period. All voted for the motion and it carried.

Larry Eggert, 111 12th Street, appeared before the council to request immediate action to either reduce or eliminate outside dog barking at Lucky Dog Lodge, 1201 Shamrock Lane. Mr. Eggert noted a petition signed by several residents who reside on 12th Street north of Railroad Avenue was submitted to the council at the June 7th council meeting. Mr. Eggert informed the council the business is in violation of their Conditional Use Permit (CUP) that was approved in 2019, city Ordinance 71, and Mn State Statute 99.06. Police Chief Ozzie Carbajal informed the council he and his officers used a noise decibel reading device and no readings exceeded the normal limits (60 decibels) from barking dogs. Eric Glenz, Spooner & Glenz Law Offices, Paynesville, MN, appeared before the council on behalf of Lucky Dog Lodge to inform the council playful barking is not considered a nuisance and the barking is not at a level high enough to be a violation of state and local ordinances. Mr. Peternell informed the council he owns the property the business is renting and employees have been instructed to take additional precautions not to allow dogs to bark outside. Mayor Tom Kasner, with the consensus of the council, directed Mr. Schneider to contact the city attorney to review city ordinances, Mn State Statutes, and the conditions of the CUP to determine if any alleged violations need to be addressed at Lucky Dog Lodge.

Councilor Adam Rushmeyer, Planning Commission Liaison, informed the council the Planning Commission held a meeting on June 14th on a request by S.William Property Management, LLC, P.O. Box 406, Albany, MN, for the following: 1) Rezone property at 150 4th Street from C1-Core Commercial (Section 80.19) to R1-Low Density Residential (Section 80.05) for the purpose of remodeling an existing commercial building to a two-family dwelling or duplex, 2) amend Land Use Map in Comprehensive Plan from commercial to residential designation, and 3) Conditional Use Permit (CUP), Section 80.15, Subd. 3 (a), to allow a two-family dwelling in an R1-Low Density Residential District. After due discussion, and upon the recommendation of the Planning Commission, a motion was made by Adam Rushmeyer and seconded by John R. Harlander that the request by S.William Property Management, LLC, P.O. Box 406, Albany, MN, be approved as follows: 1) amend Land Use Map in Comprehensive Plan from commercial to residential designation, 2) rezone property at 150 4th Street from C1-Core Commercial (Section 80.19) to R1-Low Density Residential (Section 80.05) for the purpose of remodeling an existing commercial building to a two-family dwelling or duplex, and 3) Conditional Use Permit (CUP), Section 80.15, Subd. 3 (a), to allow a two-family dwelling in an R1-Low Density Residential District with the following conditions:

- Outside lighting shall be downcast.
- Privacy fence be erected along eastern property line and comply with fencing regulations.
- Construct an enclosure for the dumpster or trash. No refuse carts shall be used.
- No sleeping quarters shall be allowed in the basement.
- Property shall not include more than two family dwelling units.
- Install Knox Box mounted on the outside of building.
- Comply with Building Code requirements.

All voted for the motion and it carried.

Mayor Tom Kasner, Economic Development Authority (EDA) Liaison, informed the council the EDA held a meeting on June 14th, on a request by Kendra Imdieke and Jammie Erickson dba Salt and Light Coffee House, 321 Railroad Avenue, to consider approving a business assistance application for a Commercial Rehabilitation Deferred Loan/Grant (CRDL) to be reimbursed for the following building efficiency improvements: windows (1st floor), projecting sign, lighting, railings, exterior vertical siding non-exposed fasteners, etc. at an estimated cost of \$24,581. Mayor Tom Kasner noted if the request is approved the remaining balance in the storefront rehabilitation fund is \$6,225+/- . After due discussion, and upon the recommendation by the EDA, the request by Kendra Imdieke and Jammie Erickson dba Salt and

Light Coffee House, 321 Railroad Avenue, for a business assistance application for a Commercial Rehabilitation Deferred Loan/Grant (CRDL) be approved as follows:

- The estimated total of the “proposed” improvements is \$24,581.
- The EDA’s contribution for project improvements to be 50% or \$12,290.
- Improvements related to, but not limited to, increased tax base, employment opportunities, exterior vertical siding non-exposed fasteners, railings, signage, lighting, windows, and interior remodel. The street view will be improved.
- Upon completion of improvements, evidence of payment to contractor(s) shall be submitted to the city prior to the city releasing EDA funds.
- Request meets the city’s 2014 Criteria for Business Subsidy.
- If the real estate is sold, transferred, or otherwise conveyed within four (4) years of the final disbursement date, voluntarily or involuntarily, the full amount of the CRDLs must be repaid to the EDA. Thereafter, the amount of repayment is reduced by twenty-five percent (25%) for each year until the seventh (7th) anniversary of the final disbursement date. After the seventh (7th) anniversary, the deferred loan is entirely forgiven as outlined in the Deferred Loan Payment Agreement that will be executed between the EDA and Albany Hotel & Business Center, Inc.
- A 1099 will be issued by the city to the applicant upon the termination of the DLP loan Agreement.
- Owner to complete and submit a Commercial Building Permit application for review and consideration of the aforesaid improvements.

All voted for the motion and it carried.

Mayor Tom Kasner also informed the council Paul Wellenstein has stepped down from the board due to personal business commitments which prevents him from attending regular board meetings. Mayor Tom Kasner noted a notice for board vacancy will be published in the Star Post for a term ending December 31, 2024, and thanked Mr. Wellenstein for his tenure on the board.

Mr. Mathiasen appeared before the council to update the council on the progress of the construction projects. Mr. Mathiasen noted last year his staff prepared right of way exhibits for three properties along the north side of Shamrock Lane west of 8th Street/TH238 and also the right of way adjacent to 710 Church Avenue which needs to be corrected as discovered during the 2014 Church Avenue Improvements. Mayor Tom Kasner, with the consensus of the council, directed Mr. Mathiasen to correct the right of way boundary issues.

Mr. Mergen updated the council on the progress of the Phase I improvements which are near completion. Mr. Mergen presented a sketch of the proposed parking lot expansion adjacent to or east of the Jaycee shelter and pickleball courts which would include a concrete curb as a border. Mayor Tom Kasner noted the parking lot expansion does not have to happen this year and may be considered in the future. Mr. Rushmeyer noted the parking in the area can be monitored this summer and/or the next to determine the appropriate size of a parking lot rather than constructing too small of an area. Mr. Mergen also presented to the council the proposed design and location of a boardwalk and bituminous pavement to be added adjacent to the JC shelter. Mayor Tom Kasner noted the main focus is to continue to wrap up the Phase I improvements. After due discussion, Mayor Tom Kasner, with the consensus of the council, informed Mr. Mergen no final decisions have been made on the following:

- Water feature in pond west of Jaycee shelter.
- Phase II improvements – soccer, splash pad, etc.
- Phase III improvements – soil borings, etc.
- Parking lot improvements (expansion/curbing)

- Concession stand demolition by softball field.
- Watermain extension from Jaycee Shelter to softball field.

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 Adam Rushmeyer to approve electronic payments, transfers, and the payment of the following checks 40441-40478. All voted for the motion and it carried.

Mr. Schneider informed the council a new law enacted at the end of the 2023 legislative session legalizes adult-use cannabis in Minnesota and establishes a regulatory framework over the cannabis industry. Mr. Schneider noted the new law legalizes the possession, use, manufacturing, and sale of certain cannabis projects and establishes the Office of Cannabis Management which will enforce the regulations for the cannabis and the hemp consumer industry. Mr. Schneider recommended a public hearing be scheduled to consider an interim ordinance prohibiting the establishment of new uses or the expansion of existing uses related to the retail sale of edible cannabis products and lower potency hemp edibles. Police Chief Ozzie Carbajal informed the council he would support an interim ordinance. After due discussion, a motion was made by John R. Harlander and seconded by Adam Rushmeyer to schedule a public hearing at 6:30 PM o'clock in the evening or as soon thereafter, on Wednesday, July 19th in the council room at 400 Railroad Avenue. All voted for the motion and it carried.

The council took notice of a proposed lease agreement between the Minnesota Department of Transportation (MnDOT) and the city of Albany for vacant State Rail Bank land directly behind city hall (landscaping-sidewalk) and the public parking lot directly west of city hall. Mr. Schneider noted the lease payment is \$199 annually for a five (5) year term. Mr. Schneider also noted the city and MnDOT has signed leases for many years for the area described. 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 lease on behalf of the city of Albany. All voted for the motion and it carried.

The council took notice of a request by the Church of Seven Dolors, 151 2nd St. South, to consider approval of an application for a Large Gathering Permit and a Temporary 1-to-4-day Liquor license for their annual church bazaar to be held on Sunday, August 13th. Mr. Schneider noted the activities will be the same as in prior years and recommended approval. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Adam Rushmeyer to approve the aforesaid applications. All voted for the motion and it carried.

The council took notice of a request by the Holy Family School, 160 2nd St. South, to consider an application for a Temporary 1-to-4-day Liquor license for their annual Fall Festival to be held on October 14th. After due discussion, a motion was made by Adam Rushmeyer and seconded by John R. Harlander to approve the said license. All voted for the motion and it carried.

The Council took notice of an application for MN Lawful Gambling LG220 submitted by the Albany Chamber of Commerce to conduct a raffle at Heritage Day, August 5th. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Keith Heitzman to approve the said application. All voted for the motion and it carried.

Mr. Schneider informed the council the city attorney recommended Heather Cruz, the Administrative Assistant, be appointed as the Deputy Clerk beginning July 1st due to the absence of a city Administrator. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to appoint Heather Cruz as the Deputy Clerk beginning July 1st. All voted for the motion and it carried.

The council took notice of a proposed job description for the position of city Administrator/Clerk/Treasurer. Mr. Schneider informed the council he and with the assistance of the city attorney prepared the draft and recommended approval. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Keith Heitzman to approve the job description for the said position. All voted for the motion and it carried.

Mr. Schneider informed the council he recommends a job opening notice be published in the local newspaper for the position of city Administrator/Clerk/Treasurer to accept applications for a period ending at 3:00 PM on Thursday, July 17th. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Adam Rushmeyer to post the job opening as recommended. All voted for the motion and it carried.

Mr. Schneider also recommended the council approve the payment of his accrued personal time off (PTO) in the amount of 1,217.53 hours. Mr. Schneider noted the maximum accrued PTO per the city's Personnel Policy is 1,150 hours and in the past due to unique circumstances and job responsibilities payment in excess has been paid out. After due discussion, a motion was made by John R. Harlander and seconded by Adam Rushmeyer to pay out Mr. Schneider's accrued PTO in the amount of 1,217.53. All voted for the motion and it carried.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o'clock or as soon as thereafter on Wednesday, July 5th and adjourned the meeting at 8:25 PM.

Tom Schneider
Clerk/Adm.