

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, March 15, 2023, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were councilors Keith Heitzman, John R. Harlander, Adam Rushmeyer, and Al Amdahl. None were absent for the meeting.

Other's present were Tom Schneider, Clerk/Adm., Joseph Mergen, Supervisor, Public Works Department, Jeremy Mathiasen, the city Engineer with the firm Stantec, Inc., St. Cloud, MN, Tim Hennagir, Staff Writer, the Star Post, and Robert Havard. Albany Boy Scouts Troop 30 members present were Landon Wolbeck and Conner Gannon.

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 Al Amdahl and seconded by Keith Heitzman to approve/authorize payroll (3599-3613), electronic payments, transfers, and the payment of the following bills: Check Numbers 72535 to 72569. 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 March 1st and hearing none declared them approved.

Open forum/public comments: none

Pursuant to due notice, Tom Kasner called the public hearing into session at 6:32 o'clock in the evening relating to the (a) the proposed establishment of Tax Increment Financing (TIF) District No.17 within Municipal Development District No. 1, and (b) the adoption of the Tax Increment Financing Plan relating thereto, (c) the proposed modification of Tax Increment Financing District No. 16, and (d) the adoption of the modified tax increment financing plan relating thereto, all pursuant to and in accordance with Minnesota Statutes, Sections 469.174 to 469.1794, inclusive, as amended (the "Act"). The public hearing notice was published in the Star Post on March 1st and no written comments were received. Mr. Murray appeared before the council to inform the council RS Tooling, Inc., a local manufacturing business, will be constructing a new manufacturing building at 499 Huskie Drive in the Albany Business and Industrial Park. Mr. Murray noted the city would provide pay-as-you-go TIF assistance equal to 90% of increment generated by the project for nine (9) years or \$92,000 whichever occurs sooner for documented eligible expenses. Mr. Murray noted several parcels would be removed from TIF District No. 16 being the said District is near its termination date and added to TIF District No. 17. Mr. Murray also noted the said business submitted a business subsidy application for financial assistance; whereby an agreement is required to be executed to include developer and city requirements during the duration of the TIF district. Mayor Tom Kasner closed the public hearing at 6:40 PM. After due discussion and upon the recommendation of the Albany Economic Development Authority (EDA), a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

**RESOLUTION 2023-11
RESOLUTION AMENDING THE BOUNDARIES OF
TAX INCREMENT FINANCING DISTRICT No. 16**

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, Al Amdahl, John R. Harlander, 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.

After due discussion and upon the recommendation of the Albany Economic Development Authority (EDA), a motion was made by Al Amdahl who introduced the following resolution and moved its adoption:

RESOLUTION 2023-12
APPROVING THE MODIFICATION OF TAX INCREMENT FINANCING DISTRICT
NO. 16, MODIFICATION OF THE TAX INCREMENT FINANCING PLAN RELATING THERETO;
THE ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT NO. 17
WITHIN MUNICIPAL DEVELOPMENT DISTRICT NO 1, AND
ADOPTION OF THE TAX INCREMENT FINANCING PLAN RELATING THERETO

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 Adam Rushmeyer, Al Amdahl, John R. Harlander, 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.

After due discussion and upon the recommendation of the Albany Economic Development Authority (EDA), a motion was made by Mayor Tom Kasner and seconded by John R. Harlander to authorize the city attorney to prepare a business subsidy agreement to be executed between the city and RS Tooling, LLC, 499 Huskie Drive, to include commitments of each for the development of a new manufacturing building. All voted for the motion and it carried.

Councilor Al Amdahl, Park Board Liaison, informed the council the Park Board held a meeting on March 8th to review information prepared by the city engineer related to the proposed North Lake Pedestrian Trail Improvement and potential to develop a Master Park Plan for North Park. Mr. Amdahl informed the council the Park Board authorized the city engineer to evaluate design alternatives for the pedestrian trail such as the use of retaining walls, railings, sections of floating or elevated boardwalk, and guardrail to construct a pedestrian walk/bike path along the eastern boundary of North Lake abutting State Hwy 238 (TH238) connecting North Park to an existing sidewalk at the intersection of Lake Avenue and 1st Street (TH238) at an estimated cost of up to \$8,000. Mr. Amdahl also noted the Park Board reviewed several examples of Master Park Plans and agreed that a plan would be beneficial; whereby a workshop meeting should be scheduled to identify estimated construction costs, maintenance costs, and phasing plans for improvements in North Park. Mr. Harlander informed the council the Park Board and council approved the site of a new pickleball court east of the skateboard ramps in North Park and requested approval to complete the project using existing park funds donated to the city including the 2005 park dedication fee submitted by Unique Properties, LLC, (Paul Eisenschenk), the developer, for the Whispering Oaks at Two River subdivision. Mr. Heitzman noted the Whispering Oaks at Two River Homeowners Association requested the park fee from the developer be used to purchase additional swings and toddler equipment in the neighborhood park platted in the Country Estates subdivision. Mayor Tom Kasner informed the council any park improvements to be constructed will be approved by the Park Board and council. After due discussion, a motion was made by John R. Harlander and seconded by Al Amdahl to authorize Mr. Harlander to complete the construction of the pickleball court east of the skateboard ramps in North Park and authorized the use of park funds donated to the city to complete the project. Voting for the motion were Mayor Tom Kasner, Councilors Al Amdahl, John R. Harlander, and Adam Rushmeyer. Councilor Keith Heitzman voted against and the motion carried. Mayor Tom Kasner noted he and Bryan Schiffler's group, who have been planning improvements in North Park, will be attending a workshop at city hall on March 20th to discuss and identify what amenities should be considered in a proposed phased improvement Master Park Plan. Mr. Harlander recommended to the council soil borings be conducted prior to the engineer preparing a report to evaluate design alternatives to construct a pedestrian trail improvement; whereby if the results from the soil borings don't allow certain types of construction, there is no need include them in a design. Mr. Heitzman questioned how the project would be bid and/or a contractor selected, to construct the pedestrian trail. Mr. Mathiasen noted the project would be publicly bid, a contract executed, and verify references from a low bidder they are qualified to complete the work. Mayor Tom Kasner, with the consensus of the council, directed Mr. Mathiasen to solicit bids from companies to

conduct soil borings along the eastern boundary of North Lake abutting State Hwy 238 (TH238) connecting North Park, for a proposed pedestrian trail, to an existing sidewalk at the intersection of Lake Avenue and 1st Street (TH238) and in North Park where potential amenities may be added in the future to assure proper placement in the park. Mayor Tom Kasner noted no action by the council will be taken on an engineering report to prepare design alternatives for the said trail until soil borings are conducted and reviewed or investigated.

Joseph Peternell appeared before the council on behalf of the Albany Mutual Telephone Association and introduced Jared Johnson as the new Manager of the said Association. Mr. Johnson informed the council he has been in the communication industry several years and excited to begin working for the association.

Pursuant to due notice, Mayor Tom Kasner called the public hearing into session at 7:20 o'clock in the evening on a request by request by Imdieke Properties, LLC, 549 Freedom Lane, Albany, MN, to vacate the drainage and utility easement as dedicated in the Albany Business and Industrial Park plat, according to the recorded plat thereof, Stearns County, Minnesota, bounded as follows:

LEGAL DESCRIPTION FOR VACATING DRAINAGE
AND UTILITY EASEMENTS
ALBANY BUSINESS AND INDUSTRIAL PARK
(Easement description on file)

Mr. Schneider noted a public notice was published in the Star Post on March 1st and March 8th and no written comments were received. Mr. Schneider informed the Council utility companies were given notice and no utilities are located within the proposed described easement to be vacated. Mr. Schneider also noted the purpose of the request is to construct storage garages. Mayor Tom Kasner closed the public hearing at 7:23 PM. After due discussion, a motion was made by John R. Harlander and seconded by Adam Rushmeyer to approve the following: 1) vacate the public drainage and utility easement as per the aforesaid legal description, 2) authorize Mayor Tom Kasner to execute a Notice of Completion of the said vacation, and 3) approve certificate of compliance to combine both aforesaid lots into one lot. All voted for the motion and it carried.

Councilor Keith Heitzman, Albany Golf Club Liaison, informed the council Toptracer driving range is open for business and several teams are signed up for spring league. Mr. Heitzman noted the clubhouse and restaurant are open and the course will open as soon as the snow melts and course dries out.

Mayor Tom Kasner, Economic Development Authority (EDA) Liaison, informed the council the EDA held a meeting on March 13th, on a request by Brad Andvik, AB Andvik, LLC, 411 Railroad Avenue, to consider a Commercial Rehabilitation Deferred Loan/grant (CRDL) for the following building improvements exterior siding, windows, and doors (1st & 2nd floor) at an estimated cost of \$36,000+/- . Mayor Tom Kasner presented to the council a storefront sketch and noted the 1st floor will be business offices and the 2nd floor an apartment. After due discussion, and upon recommendation from the EDA, a motion was made by Mayor Tom Kasner and seconded by Al Amdahl, to approve the CRDL application submitted by Mr. Andvik as follows:

- The total of the improvements if \$36,000+/- or the EDA's share to be \$18,000, the maximum.
- Request meets the city's 2014 Criteria for Business Subsidy.
- 1st floor to be used for office rental and 2nd floor to be one (1) apartment.
- Improvements related to, but not limited to, increase tax base, large capital investment, new windows on 2nd floor installed within old large window openings, two (2) new windows installed on 2nd floor facing westerly, three (3) new front entrance doors and windows on 1st floor. LP smart siding to be installed west side of main entrance door to offices, between the two other doors, and up to bottom of brick. East of the main entrance door to office will be windows. (Dark bronze framing)

- If a business sign is to be installed, said sign shall comply with the sign regulations and permit application to be submitted. There is no application required for window signs.
- Upon completion of improvements, evidence of payment to contractor(s) shall be submitted to the city prior to the city releasing EDA funds.
- 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 AB Andvik, LLC. This agreement will be recorded at the Stearns County Recorder’s office.
- A 1099 will be issued by the city to the applicant upon the termination of the DLP loan Agreement and satisfaction of mortgage executed.

All voted for the motion and it carried.

Mr. Mergen informed the council the city participated in the Mn Department of Health (MDH) statewide Perfluoroalkyl Substances (PFAS) Monitoring Project; whereby samples were taken at each municipal well on February 2nd and was informed no PFAS compounds were detected in the samples and no additional action is needed at this time. Mr. Mergen noted the project was made possible through funding from the Clean Water Fund and the U.S. Environmental Protection Agency (EPA).

Mr. Mergen also informed the council there have been several vehicles that remain on streets during snow removal which has caused additional time and labor to plow a second time not to mention the hazards of driving around parked vehicles with large equipment. Mr. Mergen recommended the council consider increasing the parking fine during the winter season, November 1st through April 15th. Mr. Schneider recommended the city’s schedule of fees and charges (Appendix A) be amended to increase the parking finds from \$25 to \$50 for the 1st offense, 2nd offense \$75, and the 3rd offense vehicle tow. Mayor Tom Kasner, with the consensus of the council and upon the recommendation from Mr. Mergen, directed Mr. Schneider to instruct the city attorney to draft an amendment to increase the parking fees during the winter season as stated above for council action at the next council meeting.

The council took notice of a Minnesota Lawful Gambling application submitted by the Albany Lions for the purpose of conducting a raffle on August 5th at the Albany American Legion Park, 400 Railroad Avenue. After due discussion, a motion was made by Mayor Tom Kasner who introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-13
APPROVING MINNESOTA
OFF-SITE LAWFUL GAMBLING APPLICATION
(August 5, 2023)

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, 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.

The council also took notice of a resolution for the city to be included in Stearns County All-Hazard Mitigation Plan for the purpose of participating cities in Stearns County to be eligible to receive

FEMA hazard mitigation assistance grants. After due discussion, a motion was made by Adam Rushmeyer who introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-14
CITY OF ALBANY
ADOPTION OF THE
STEARNS COUNTY ALL-HAZARD MITGATION PLAN

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 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.

Mr. Schneider informed the council the Albany Legion Club members held a meeting on March 1st to discuss a proposed location in the Albany American Legion Park, 400 Railroad Avenue, for an electric vehicle (EV) charging station as recommended by Xcel Energy. Mr. Schneider noted the membership informed him they do not want the EV charging station in the said park.

Mr. Schneider informed the council he received a request from a group of individuals who support and encourage cities across the State of Minnesota to pass a resolution proclaiming “No Mow May” which would prohibit the city from issuing violation notices for long grass and weeds to allow all residents to voluntarily delay lawn care/mowing until June to allow pollinator species to emerge and early flowering non grassy “herbaceous” plants to establish. Mr. Schneider noted the habitat for insects, especially bees, serve a significant and critical role as pollinators of plants and ideal pollinator friendly habitat has been on a decline the past several years. Mr. Schneider noted violation notices are mailed in mid-May, but there should be ample time for the pollinators to do their thing prior to mowing. Mayor Tom Kasner, with the consensus of the council, informed Mr. Schneider the council supports the purpose of the group and if property owners want to participate in the program they may do so voluntarily.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o’clock or as soon as thereafter on Wednesday, April 5, 2023, and adjourned the meeting at 7:45 PM.

Tom Schneider
Clerk/Adm.