

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 18, 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., Ryan Breitbach, CEO Breitbach Construction Co., Gary Winkels, Fire Chief and Public Works Department Assistant, and Joe Mergen, Public Works Department Supervisor.

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 Adam Rushmeyer and seconded by Keith Heitzman to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 69775 to 69814 and 17799 to 17814. 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 4th and hearing none declared them approved.

Open forum/public comments: none.

Mayor Tom Kasner informed the Council and others the City has received information from the Centers for Disease Control (CDC) and Minnesota Department of Health about the current situation of a new illness called Coronavirus or COVID-19, a world-wide pandemic; whereas the City has been sharing guidance documents from the CDC and local emergency agencies to provide assistance in making important decisions to keep ourselves, our workers and communities safe. Mayor Tom Kasner noted Minnesota Governor Tim Walz enacted an Emergency Executive Order 20-04 providing for temporary closure of bars, restaurants, and other places of public accommodation beginning March 17<sup>th</sup> at 5:00 PM and continuing until March 27<sup>th</sup> at 5:00 PM. Mayor Tom Kasner noted it is recommended events where ten (10) people or more would gather be postponed or cancelled or other venues that do not allow social distancing of six (6) feet per person where a majority of participants are at higher risk for severe illness from COVID-19. Mr. Winkels appeared before the Council to update the Council on how the fire department personnel responds to medical calls due to COVID-19. Mr. Winkels noted personal protective equipment will be used and efforts taken to reduce patient contact to comply with social distancing guidelines. Mr. Schneider informed the Council he had discussions with the City Attorney and other area City administrators; whereby many events have been cancelled in cities, county, state, and country due to COVID-19 which has sickened and killed many individuals in the country and world. Mr. Schneider presented to the Council a resolution declaring a local emergency in the City of Albany. After due discussion, a motion was made by Al Amdahl who introduced the following resolution and moved its adoption:

**CITY OF ALBANY, MINNESOTA  
RESOLUTION NO. 2020-11  
DECLARING A LOCAL EMERGENCY**

WHEREAS, the City Council of the City of Albany finds that the following local emergency ("Emergency") exists in the City of Albany, Minnesota ("City"):

1. On March 11, 2020, the World Health Organization determined that the COVID-19 outbreak constitutes a pandemic. On March 13, 2020, President Trump declared a national state of emergency as a result of the pandemic.

2. On March 13, 2020, Governor Tim Walz issued Emergency Executive Order 20-01 declaring a state of peacetime emergency to address the COVID-19 pandemic in Minnesota. The Governor's Executive Order triggered activation of the City's emergency management plan and enabled the City to exercise its emergency powers.
3. The spread of COVID-19 in the United States and Minnesota has raised serious public health concerns and resulted in a great deal of uncertainty. Much remains unknown about the virus and how it spreads.

WHEREAS, Minnesota Statutes Section 12.29 authorizes the City to declare the existence of the Emergency, to invoke necessary portions of the Emergency Operations Plans and the Pandemic Response Plan, and to authorize aid and services in accordance with interjurisdictional agreements; and

WHEREAS, Minnesota Statutes Section 12.37 authorizes the City, acting through its governing body, to: (1) enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and by providing emergency assistance to the victims of the disaster; and (2) exercise the powers vested by that section in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities otherwise prescribed by law; and

WHEREAS, the City finds that the Emergency is sudden and could not have been anticipated; and

WHEREAS, the City finds that this situation threatens the health, safety, and welfare of the residents of the community and threatens the provision and delivery of city services as a result of the Emergency; and

WHEREAS, the City finds that the Emergency poses the risk of and may cause catastrophic loss of public health, safety, and welfare if not immediately addressed; and

**NOW, THEREFORE, BE IT RESOLVED BY THE ALBANY CITY COUNCIL** as follows:

1. There is declared a local emergency which will continue in effect until further action of the City Council.
2. City staff is authorized to limit access to City Hall and implement actions relative to the local emergency to protect the health, safety and welfare of the City and the community.
3. This declaration of a local emergency will invoke the City's Emergency Management Plans. The portions that are necessary for response to and recovery from the Emergency are authorized, including but not limited to all appropriate community containment and mitigation strategies. To the extent normal state laws and city policies and procedures impede an efficient response or compliance with federal and state directives and recommendations, the City Administrator, Emergency Manager, and their designees are authorized to suspend compliance with those laws, policies, and procedures and to take those actions necessary to protect the public health, safety, and welfare.
4. The Mayor, City Administrator, City staff, City attorney, and City consultants are authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this resolution.

Dated: March 18, 2020.

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Tom Kasner, Mayor

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Tom Schneider, City Clerk/Administrator

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, Keith Heitzman, and Al Amdahl, and none voted against the same whereupon the said Resolution was declared duly passed and adopted.

Mr. Mathiasen presented to the Council the following bids for the 2020 8<sup>th</sup> Street Reconstruction Improvements that were publicly opened at 11:00 AM, on Thursday, March 5<sup>th</sup>, at City Hall:

<u>Contactor</u>	<u>Bid Amount</u>
Breitbach Construction Co.	\$1,364,781.28
Larson Excavating Contractors	\$1,425,501.39
C & L Excavating, Inc.	\$1,475,487.66
Kuechle Underground, Inc.	\$1,479,803.40
RL Larson Excavating, Inc.	\$1,858,157.93
J.R. Freche, Inc.	\$1,932,163.57

Mr. Mathiasen informed the Council the low bidder is Breitbach Construction Company, Elrosa, MN, that includes the following: 1) base bid, 2) Alternate No. 1 (Alley Improvements), and 3) Alternate No. 2 (Albany Avenue Improvements) in the amount of \$1,364,781.28. Mr. Mathiasen noted the low bid amount is 12.7% lower than the engineer’s estimate of \$1,564,467. Mr. Mathiasen also noted Alternate No. 3 (Sidewalk Improvements along Shamrock Lane/8<sup>th</sup> St.) is not included in the low bid due to additional construction requirements by the Minnesota Department of Transportation (MnDOT) being 8<sup>th</sup> Street is designated State Highway #238. Mr. Mathiasen noted two property owners about the new sidewalk and will be given notice of the improvement which can be constructed by Breitbach Construction Company. After due discussion and upon the recommendation by the City Engineer, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION 2020-09  
RECEIVING BIDS AND AWARDING CONTRACT  
2020 CAPITAL IMPROVEMENTS PROJECT  
(Street and Utility Improvements)  
(Breitbach Construction Co. - \$1,364,781.28)

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.

Mr. Mathiasen informed the Council he and the water meter committee members of Councilor John R. Harlander, Councilor Keith Heitzman, Mr. Mergen, Mr. Winkels, and Mr. Schneider, met with two water meter vendors on March 9<sup>th</sup> who submitted their proposal for a new Advanced Metering Infrastructure (AMI) system for the purpose of discussing each proposal in greater detail. Mr. Mathiasen presented the following final cost comparisons:

<u>Proposal</u>	<u>Annual Host cost in 2020</u>	<u>Annual Cost thru-2039 Agreement</u>	<u>Total 2% est. increase</u>	<u>Total estimated Lifecycle Cost</u>
<b>AMR Read System (only)</b>				
Dakota Supply Group	\$304,558.65	\$1,895.00	\$46,043.52	\$350,602.17
*Dual band Migrate AMI	\$332,852.65	\$1,895.00	\$46,043.52	\$378,896.17
Ferguson Mech. Meter	\$329,585.64	\$3,500.00	\$85,040.79	\$414,626.43
Ferguson Ultrasonic	\$346,305.64	\$3,500.00	\$85,040.79	\$431,346.43
<b>Full AMI Read System</b>				
Dakota Supply Group	\$379,352.65	\$4,500.00	\$109,338.16	\$488,690.81
Ferguson Mech. Meter	\$375,850.47	\$5,000.00	\$121,486.85	\$497,337.32
Ferguson Ultrasonic	\$392,570.47	\$5,000.00	\$121,486.85	\$514,057.32

\*To convert the Dakota Supply Group AMR system to AMI in the future would require \$40,000-\$50,000 for equipment and installation, plus an annual cost increase of \$2,600 (increasing 2.5% per year).

Mr. Mergen informed the Council it was his opinion there was no need for an AMI system and recommend the Council consider an Automated Meter Reading (AMR) system submitted by Dakota Supply Group which has worked well for other communities. Mr. Mergen noted an AMI system has many meter alerts that may not be necessary and would rather use funds to inspect sump pumps and commercial cross-connections. Mr. Heitzman noted the AMI system is useful to the City; whereby it provides daily reads and alerts to detect any irregularities at the property. Mr. Mergen noted he would consider an AMR dual band meter that would allow the City to migrate to the AMI system at a later date. Mr. Mergen also noted the AMR system does have alerts to detect irregularities; whereby periodically checks with individual meters can easily be done prior to bi-monthly readings. Mr. Heitzman recommended installation of the new meters in homes and businesses be delayed until more information is known about the COVID-19. Mayor Tom Kasner, with the consensus of the Council, and upon the recommendation by Mr. Mergen, informed Mr. Mathiasen to contact Dakota Supply Group to instruct them to inspect sump pumps and commercial cross-connections when the new meters are installed. After due discussion, a motion was made by Keith Heitzman who introduced the following resolution and moved its adoption:

RESOLUTION 2020-10  
 RECEIVING PROPOSALS AND AWARDED CONTRACT  
 2020 CITY WATER METER REPLACEMENT PROJECT  
 (Dakota Supply Group - \$347,852 – includes estimate for inspections)  
 (AMR-Dual Band migratable to AMI)

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.

The Council took notice of a Professional Service Agreement between the City and Stantec, Inc., for the 2020 8<sup>th</sup> Street Reconstruction Improvements. Mr. Schneider noted the City Attorney reviewed the agreement and recommended a minimal text change to a paragraph which Stantec agreed to the change. After due discussion, a motion was made by Al Amdahl 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.

Mr. Mergen presented to the Council the following bids that were received at 3:00 o'clock in the afternoon on March 18<sup>th</sup> for the 1994 Ford snowplow truck (surplus property):

Herdering, Inc.	\$9,750
Kotzer Excavating	\$3,619
Anthony Socker	\$3,550
Timothy Royce	\$3,200

Mr. Schneider noted a public notice for the sale of the truck was published on February 26th in the Albany Enterprise. After due discussion, and upon the recommendation by Mr. Mergen, a motion was made by John R. Harlander and seconded by Al Amdahl to accept the bid from Herdering, Inc., for the 1994 Ford, in the amount of \$9,750. All voted for the motion and it carried.

Mr. Amdahl reported all activities at the Blattner Energy and Arts Theatre (BEAT) and Blattner Energy Community Center (BECC) on the Albany Area High School campus have been cancelled due to COVID-19. Mr. Amdahl noted some activities have been rescheduled, but if the virus continues to shutter businesses and activities, the new dates may be cancelled as well.

Councilor Keith Heitzman, Albany Golf Club Liaison, informed the Council of the following golf club activities: 1) 145+/- memberships received, 2) advertising for restaurant cook, 3) by-laws amendment, 4) updated employee handbook, 5) driving range improvements, and 6) tentative date to open first week in April weather permitting. Mayor Tom Kasner informed the Council if the governor extends the closure of bars and restaurants beyond March 27<sup>th</sup>, the golf course the bar and restaurant will remain closed in April, but the golf course may be open.

Mr. John R. Harlander reported that the Stearns County Planning Commission will hold a public hearing for the following two requests: 1) George A. and Carol J. Reber Trust, 23247 350<sup>th</sup> Street, Albany, to construct a 1MW solar garden, and 2) Wm D. Scepaniak, Inc., Holdingford, MN, on behalf of Viking Co., Albany, northwest of 330<sup>th</sup> St and west of CR#156 to extend mining operations an additional 10-years. Mr. Harlander noted if the Reber request is approved it would be the second 1MW solar garden on his property. Mr. Schneider noted that the public hearings for each may be cancelled due to COVID-19. No action was taken by the Council on each request.

Mayor Tom Kasner, Fire Department Liaison, reported to the Council the department's Farm Safety Exercise at the Blattner Energy Arts Theatre (BEAT) and outdoor live demonstrations in the school parking lot scheduled for Saturday, March 21<sup>st</sup> has been postponed due to COVID-19.

Mr. Schneider informed the Council the United States Census 2020 mailed an invitation to property owners in the City instructing them to respond to the 2020 Census using a 12-digit Census identification code. Mr. Schneider noted if residents do not respond, the City's Census Count Committee (CCC) will go to residential homes seeking completion of the survey, but with COVID-19, this may not occur until later in the year.

The Council took notice of a Minnesota lawful gambling LG230 exempt permit application submitted by the Albany Lions to conduct a raffle on August 1, 2020 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 2020-08  
 APPROVING MINNESOTA  
 OFF-SITE LAWFUL GAMBLING  
 (Albany Lions – August 1, 2020)

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, 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, April 1, 2020 and adjourned the meeting at 7:40 PM.

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Tom Schneider  
Clerk/Adm.