

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, May 17, 2023, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were councilors Keith Heitzman, Adam Rushmeyer, and Al Amdahl. John R. Harlander 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, and Nick Schiffler, on behalf of Lucky of Albany, LLC.

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 Al Amdahl to approve/authorize payroll (3672-3689), electronic payments, transfers, and the payment of the following bills: Check Numbers 726660 to 72692. 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 May 3rd and hearing none declared them approved.

Open forum/public comments: none

Councilor Adam Rushmeyer, Planning Commission Liaison, informed the council the Planning Commission held a meeting on May 10<sup>th</sup> on a request by Bryan Schiffler, 34596 225<sup>th</sup> Avenue, Albany, MN, to approve a preliminary and final plat named High Pressure Park and an amendment to Ordinance 80, Zoning Map, designation of annexed property in August 2022 to be C3, Highway Commercial District. Mr. Rushmeyer noted the city engineer reviewed and provided comments on the preliminary plat, final plat, development agreement, and preliminary plans for sanitary sewer, watermain, storm sewer and private street. Mr. Rushmeyer noted the improvements will be constructed privately; whereby the ownership and maintenance of the roadway named High Pressure Drive to be constructed within an easement, will be the responsibility of the developer and the city will become the owner of the water and sewer mains. Mayor Tom Kasner questioned if the street will ever be extended to the east. Mr. Mathiasen informed the council there will be a cul-de-sac and the street will be designated as a dead end. Mr. Mathiasen also noted he has no further comments and supports the improvement. Mr. Schneider noted the city's engineering firm will provide on-site inspection to be paid for by the developer and other related fees outlined in the developer agreement between the city of Albany and Lucky of Albany, LLC. Mr. Rushmeyer also noted the Mn Supreme Court is ruling whether or not a city may charge a park dedication fee for new commercial, or industrial plats because there is really no direct need for a park like residential developments; whereby if no park fee can be charged the developer will be reimbursed at that time. Mr. Rushmeyer commended the Planning Commission members for a thorough review and participation in the aforementioned request. After due discussion, a motion was made by Adam Rushmeyer and seconded by Al Amdahl to approve the request by Bryan Schiffler, 34596 225<sup>th</sup> Avenue, Albany, MN, the developer, for a preliminary and final plat named High Pressure Park and an amendment to Ordinance 80, Zoning Map, designation of annexed property in August 2022 to be C3, Highway Commercial District, as follows:

- Preliminary and Final plat named High Pressure Park and City Engineer comments.
- Developer's Agreement between the city of Albany and Lucky of Albany, LLC
- The property shall be zoned C-3, Highway Commercial District as per the Orderly Annexation Agreement between the city of Albany and Albany Township dated August 1, 2022.

All voted for the motion and it carried.

Mr. Mergen informed the council the city received an application for the part-time seasonal laborer in the Public Works Department and recommended Lucas Gaebel, 317 Golf View Drive, be hired

for the said position. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Al Amdahl to hire Mr. Hanson for the part-time seasonal lawn mowing position in the Public Works Department. All voted for the motion and it carried.

Mr. Mergen also informed the council he received a bid in the amount of \$7,700 from Hanson Paving, Sauk Rapids, MN, to pave the driveway and other areas between the alley and the maintenance shop located at 231 4<sup>th</sup> Street. Mr. Mergen noted the alley will be reconstructed and paved with the 2023 Capital Improvement Project and it makes sense to replace the gravel surface adjacent to the maintenance shop. Mayor Tom Kasner, with the consensus of the council, directed Mr. Mergen to hire Hanson Paving to complete the bituminous improvement.

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 40324-40440. All voted for the motion and it carried. Mr. Heitzman informed the council Jon Herges and Mara Stroeing were elected to the board of directors at the May 8<sup>th</sup> annual stockholders meeting for the Albany Golf Club, Inc.

The council took notice of the following requests:

- Albany Area Community Education submitted a MnDOT Special Event permit application to conduct the annual Purple Pride 5K to be held on August 5, Heritage Day.
- Albany Lions request for a Temporary On-sale 1-4 Day liquor license application to dispense beverages on August 5<sup>th</sup>, Heritage Day
- Albany Chamber of Commerce request for a Large Gathering permit application for Heritage Day to be held on August 5<sup>th</sup>.
- Holy Family School request for a MN Lawful Gambling LG220 application to conduct a raffle (Resolution 2023-20) and application for a Temporary On-sale 1-4 Day liquor license on October 7<sup>th</sup> for their fall festival.
- Church of Seven Dolors for a MN Lawful Gambling LG220 application to conduct a raffle, pull-tabs, bingo, and paddlewheels (Resolution 2023-21) for the annual bazaar to be held on August 13<sup>th</sup>.

After due discussion, a motion was made by Keith Heitzman and seconded by Adam Rushmeyer to approve the aforementioned applications and resolutions. All voted for the motion and it carried. The complete text of the aforesaid resolutions is on file for public inspection during regular business hours.

The council also took notice of a proposed ordinance, a cable television franchise agreement, between the city of Albany and Spectrum Mid-America, LLC locally known as Charter Communications. Mr. Schneider informed the council the previous agreement expired and the new agreement is for a 10-year term which may automatically renew for an additional five years if there is no objection by either party. Mr. Schneider also noted the agreement was reviewed and minor changes were made to the agreement agreed to by the city attorney and representatives from Charter Communications. After due discussion and upon the recommendation of the city attorney, a motion was made by Mayor Tom Kasner and seconded by Al Amdahl to approve Ordinance 2023-01, a cable television franchise agreement, between the city of Albany and Spectrum Mid-America, LLC locally known as Charter Communications. All voted for the motion and it carried. The complete text of the said ordinance is on file for public inspection during regular business hours.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o'clock or as soon as thereafter on Wednesday, June 7<sup>th</sup> and adjourned the meeting at 7:00 PM.

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Tom Schneider  
Clerk/Adm.