

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 18, 2022, 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., Joe Mergen, Public Works Supervisor, Jeremy Mathiasen, City Engineer with Stantec, Inc., St. Cloud, MN, Police Chief Ozzie Carbajal, and Ellarry Prentice, Staff Writer, the Star Post. Members from the public present for the meeting were: Jean Pundsack, Shirley Bauer, Joe Nett, Bonnie Nett, Dennis Mareck, Stephen Posch, Jack Evens, and Dan Sorenson.

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 John R. Harlander to approve/authorize payroll, electronic payments, transfers, and the payment of the following bills: Check Numbers 71820 to 71850. 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 May 4th and hearing none declared them approved.

Open forum/public comments: none

Dan Franklin, owner of Franklin Signs, Clearwater, MN, appeared before the council to request a minor subdivision of Lot 1, Block 1, (12.5+/- acres) Albany Business and Industrial Park, according to the recorded plat thereof, Stearns County, Minnesota. Mr. Franklin informed the council he will be selling the property that lies west of the South Two River Rivers to Bryan D. Schiffler, owner of the Albany Chrysler Center/Tani Division, whose property lies adjacent to the aforesaid lot. Mr. Franklin noted the property to be sold is unbuildable due to wetlands, but he will retain a 100' easement to access his billboard. Mr. Schneider noted a certificate of survey was received and reviewed for accuracy by the city engineer. After due discussion and careful review, a motion was made by Keith Heitzman and seconded by Adam Rushmeyer to approve a Certificate of Compliance on the request by Franklin Signs, Clearwater, MN, for a minor subdivision of Lot 1, Block 1, Albany Business and Industrial Park as shown on the certificate of survey as Tract A and Tract B. All voted for the motion and it carried.

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 of sanitary sewer, water main, storm sewer, sanitary services, water services, and roadways for the 2022 Capital Improvements (Midland Avenue (from 1st Street to 6th Street), 2nd Street, 3rd Street, 4th Street, 5th Street (each between Railroad Avenue and Midland Avenue), and adjacent alleys. Mr. Mathiasen informed the public of the following: project improvements, construction schedule, proposed special assessments, methodology of calculating assessments, and turf restoration. Mr. Mathiasen noted the total estimated project cost is \$2,488,981 (construction/administration/engineering), estimated assessment proceeds are \$543,085 or 22% and the city paying 78%. Mr. Mathiasen also noted special assessments can be paid in full without interest until June 18th and if not paid by this date, interest will begin to accrue at the time of the adoption of the resolution for the final assessments calculated over a period of 15-years at 3.75% interest. The following individuals appeared before the council:

Jean Pundsack, 211 Railroad Avenue, questioned the following: deferred assessment lanauge, damage to her personal belongings in her home, vibration of equipment, and payment/cost of assessments. Mayor Tom Kasner noted reconstruction projects are necessary to upgrade infrastructure and deferred assessments can be paid at a later date including interest upon verification of a hardship or an individual's age, but not waived. Mayor Tom Kasner also noted property owners are encouraged to remove personal

belonging from their interior walls if they feel they might get damage due to vibration and/or use of heavy equipment. Mayor Tom Kasner also noted the council strives to keep special assessments at or near 20% for property owners and understands payment may be difficult in some circumstances.

Mr. Posch, 211 5th Street, on behalf of the Albany American Legion, 371 Railroad Avenue, questioned how assessments are calculated on frontage or rear property boundary. Mr. Mathiasen noted the front only.

Jack Evens, 431 Railroad Avenue, questioned if he can obtain a quote from the contractor to pave the parking lot in the rear of his building. Mr. Mathiasen noted property owners can upgrade their parking areas outside the right of way in the adjacent alley at their cost. Mr. Mathiasen noted Jarred Stenzel, the project manager/inspector, will call him to schedule a meeting to view the property for additional details.

Shirley Bauer, 131 2nd Street, questioned if the new mail boxes will be installed near her home. Mr. Mathiasen informed the public old mailboxes will be given back to the property owners and the city will install new mailboxes and posts similar to past reconstruction projects in specific cluster locations as per the direction of the local U.S. Post Office.

Mayor Tom Kasner hearing no more questions from the public, closed the public hearing at 7:10 PM. After due discussion, a motion was made by Keith Heitzman who introduced the following resolution and moved its adoption:

RESOLUTION 2022-21
ADOPTING FINAL ASSESSMENT ROLE
2022 Capital Improvements

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, Adam Rushmeyer, 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.

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 40137-40161. Voting for the motion were Councilors Keith Heitzman, John R. Harlander, and Adam Rushmeyer, and none voted against. Mayor Tom Kasner abstained and the motion carried.

Mr. Heitzman also informed the council the club's annual stockholders meeting was held on May 9th; whereby Tim Buerman, Chris Kotzer, and Joe Overman, were elected to the Board of Directors. After due discussion, a motion was made by Keith Heitzman and seconded by John R. Harlander to ratify the annual stockholder's election results for the aforesaid individuals. All voted for the motion and it carried.

Councilor John R. Harlander informed the council he and Mr. Schneider were invited to an Albany Township Planning Commission meeting to discuss the city's Land Use Map for future residential, commercial, and industrial development; whereby the township requested the city to prohibit the construction of solar farms/gardens within designated sections of Albany Township that abut the city. Mr. Schneider noted there are sections in Albany Township that abut the city which can easily be served with municipal water and sewer and a solar farm/garden would prohibit the growth of the city in any of these areas. Mr. Rushmeyer noted the consensus of the Planning Commission was to support the council's decision to create a boundary map to prohibit solar farms/gardens near the city limits. Mayor Tom Kasner, with the consensus of the council, directed the city engineer to draft a proposed boundary map of specific sections in Albany Township that the city would object to the construction of future solar farms/gardens.

Mr. Mergen appeared before the council to inform the council the city received nearly six (6") inches of rain on May 11th-12th which nearly flooded the main sanitary sewer lift station at the Wastewater Treatment Facility. Mr. Mergen noted he discussed options to keep the lift station safe from future large rain events with the city engineer and corrections will be made as soon as possible. Mr. Mergen noted storm sewer drains were cleared of debris the day before the large rain event, but surface flooding occurred on 7th Street North between 1st Avenue and 2nd Avenue, Trails Edge subdivision, and a few other locations in the city. Mr. Mergen noted on May 12th there was a two-hour power outage which resulted in sump pumps failing in many residential basements. Mr. Sorenson appeared before the council to inform the council he resides at 820 Midland Avenue and his basement flooded due to a collapsed drain tile in the right-of-way on Midland Avenue. Mr. Sorenson questioned why the drain tile isn't getting repaired having brought it to the attention of several city employees and contractor who installed the drain tile as part of a city's reconstruction project a few years ago. Mr. Schneider informed the council he spoke to the city engineer who confirmed the drain tile is collapsed and had been told the contractor will repair the drain tile. Mr. Mergen recommended drain tile be televised after reconstruction projects to make sure they are not damaged during construction but many times homeowners or private contractors are at fault when they dig in the right of way and don't inform the city they cut or collapsed the drain tile. Mr. Harlander noted there should be a physical break or an air gap between the sump pump discharge from a home and the drain tile so in the event the drain tile fails, the ground water can be pumped outside the basement. Mayor Tom Kasner directed the city engineer to direct the contractor to repair the drain tile immediately and thanked Mr. Sorenson for bringing his concerns to the council.

The council took notice of a Minnesota Lawful Gambling LG214 Premises Permit application for the New Munich Lions at Rookies Sports Bar, 481 Railroad Avenue. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved their adoption:

RESOLUTION 2022-22
APPROVING MINNESOTA
LAWFUL GAMBLING LG214 PERMIT APPLICATION
(New Munich Lions at Rookies Sports Bar, 481 Railroad Avenue)

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, 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 discussions are underway converting the Banyon Fund Accounting, Utility and Payroll software to Civic Systems. Mr. Schneider noted the utility bills will be printed on an 8" x 11" regular size paper and the smaller postcard size will be discontinued. Mr. Schneider also informed the council he'd like to change the due date for utility bills to the 15th day of a month being the current due date is not consistent which has been confusing for the customers because utility bills are not mailed out on a specific day. Mayor Tom Kasner, with the consensus of the council, directed Mr. Schneider to prepare an ordinance amendment for council to review at a future council meeting changing the due date for utility bills to the 15th day of the month. Mr. Schneider noted the due dates will be printed on the reverse side of the utility bill to assist the customers with timely payment of their utility bills.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o'clock in the evening on Wednesday, June 15, 2022, and adjourned the meeting at 8:05 PM.

Tom Schneider
Clerk/Adm.