

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, November 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, Al Amdahl, and Adam Rushmeyer. Other's present were Joseph Mergen, Supervisor, Public Works Department, Jeremy Mathiasen, city engineer with the firm Stantec, Inc., St. Cloud, MN, Police Chief Ozzie Carbajal, Tom Schneider, Interim City Administrator, Gary Winkels, Public Works Department Assistant, Jodi Teich, Engineer with Stearns County Highway Department, Jason Murray, City Financial Consultant with the firm of David Drown Associates, and business owners Jai Barker and Sharon Barker.

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 John R. Harlander and seconded by Al Amdahl to approve/authorize payroll (3903-3918), electronic payments, transfers, and the payment of the following bills: Check Numbers 73091-73126. 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 November 1st and hearing none declared them approved.

Open forum/public comments: none.

Ms. Teich appeared before the council to discuss the proposed 2024 County Road 157/Railroad Avenue Reconstruction Improvements. Ms. Teich appeared before the council to remind the council there are a couple of funding options for the city to consider, which are the Local Road Improvement Program (LRIP) and the Active Transportation Program. Ms. Teich noted the city's portion of the improvement (\$663,720+/-) other than utilities would be covered if the LRIP application is approved in addition the Active Transportation Program application would fund the new sidewalk if approved. Ms. Teich also noted the county is considering the demolition of the wooden bridge formerly used by the Soo Line Railroad west of 14th Street which has structural flaws, but uncertain when the demolition would occur or future replacement. Mayor Tom Kasner informed the council he would recommend the city submit both applications and delay the project until the year 2025 until funding can be secured. Mayor Tom Kasner also noted it would allow the county additional time to address the future of the wooden bridge. Ms. Teich noted it's not unusual for projects to be delayed which has been requested by other cities. Mr. Murray presented to the council a master bond summary report depicting existing debt payments/revenues and a water/sewer rate analysis to determine if the city can finance the aforementioned improvement. Mayor Tom Kasner, with the consensus of the council, directed Ms. Tech to submit the said LRIP and Active Transportation applications on behalf of the city and to authorize the county to delay the aforesaid improvement for construction to begin in the year 2025. After due discussion, a motion was made by Keith Heitzman who introduced the following resolution and moved its adoption:

RESOLUTION 2023-26
SUPPORTING PURSUIT OF 2023 LOCAL IMPROVEMENT PROGRAM FUNDING
FROM THE MN DEPARTMENT OF TRANSPORTATION (MNDOT).
Railroad Avenue/CR157 from 8th Street to 14th Street

(Street and Utility Reconstruction 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 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 administration office for public inspection during regular office hours.

Mr. Mathiasen presented to the council Payment Voucher No. 6 for the 2023 Capital Improvement Project. Mr. Mathiasen noted the payment voucher releases half of the project retainage to the contractor, as substantial completion has been reached and the project remains in good standing. After due discussion and upon recommendation from the city engineer, a motion was made by Adam Rushmeyer and seconded by Al Amdahl to approve Payment Voucher No. 6 to Breitbach Construction Company, Elrosa, MN, in the amount of \$78,266.70. All voted for the motion and it carried.

Mr. Mathiasen presented to the council the final Payment Voucher No. 9 for the 2022 Capital Improvement Project. Mr. Mathiasen noted the payment voucher includes the final restoration work, other final work items, and the release of the remaining project retainage. After due discussion and upon recommendation from the city engineer, a motion was made by Keith Heitzman and seconded by Al Amdahl to approve the final Payment Voucher No. 9 to Breitbach Construction Company, Elrosa, MN, in the amount of \$65,071.09. All voted for the motion and it carried.

Councilor Adam Rushmeyer, Planning Commission Liaison, informed the council the Planning Commission held a public hearing on November 13th on a request by Barkers Holdings, LLC, 151 7th Street, Albany, MN, for the following:

- a. Amend Comprehensive Plan Land Use Map from commercial to residential designation.
- b. Rezone property at 151 7th 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.
- c. Conditional Use Permit (CUP), Section 80.15, Subd. 3 (a), to allow a two-family dwelling in an R1-Low Density Residential District.

Mr. Rushmeyer noted the request is very similar to a request filed by S. William Property Management, 150 4th Street, the former Larson Dental office, which was approved earlier this year. Mr. Rushmeyer noted the building has been vacant for many years and difficult to sell due to poor visibility being one block north of Railroad Avenue, the main business corridor in the city. Mr. Rushmeyer also noted the Barkers informed the Planning Commission the main floor would be renovated as a two-family dwelling or duplex and the basement used for storage purposes. After due discussion and upon the recommendation of the Planning Commission, a motion was made by Adam Rushmeyer and seconded by John R. Harlander to approve the request by Barkers Holdings, LLC, 151 7th Street, Albany, MN, to amend Comprehensive Plan Land Use Map from commercial to residential designation, rezone property at 151 7th 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 a Conditional Use Permit (CUP), Section 80.15, Subd. 3 (a), to allow a two-family dwelling in an R1-Low Density Residential District as per the following findings:

- The request is not considered “spot” zoning being abutting property north and east is already designated as a residential zone in the Zoning Map and Land Use Map in the Comprehensive Plan which would be contiguous.
- The property owner shall submit a certificate of survey.
- The site plan sketch provided in the application depicts four-off street parking spaces which are adequate for a two-family dwelling (Section 80.10, Subd. 4). Parking lot be hard surfaced either concrete or bituminous and striped accordingly. Any parking lot expansion to be hard surfaced with the same material.
- Any outside lighting shall be downcast.
- An enclosure shall be built for a dumpster. No refuse carts shall be used.
- NO sleeping quarters shall be allowed in the basement without first providing proper exit as per the State Building Code.
- Property shall not include more than two family dwelling units.
- The owner shall purchase a Knox Box mounted on the outside of building which is a rapid emergency access system for responders as per the Ordinance.
- Comply with State Building Code requirements.

All voted for the motion and it carried.

Mr. Rushmeyer also informed the council that Todd Horton’s one-year board term expires on December 31, 2023, and will step down on the board being he will no longer be residing within the city limits. Mr. Rushmeyer noted a notice for the board vacancy will be published in the local newspaper seeking a motivated individual to serve on the board for a five-year term. Mr. Rushmeyer thanked Mr. Horton for serving as a board member.

Pursuant to due notice, Mayor Tom Kasner called the public hearing into session at 7:28 PM to consider and possibly adopt the proposed assessment for unpaid water usage charges incurred in relation to Ordinance 30. No members from the public were present for the public hearing and a notice was published in the Star Post on October 25th. Mr. Schneider noted attempts to collect the unpaid amount have been unsuccessful and recommended the council certify the amount to the county auditor. Mayor Tom Kasner closed the public hearing at 7:53 PM. After due discussion, a motion was made by Keith Heitzman and seconded by Al Amdahl to certify the unpaid water bill at 1101 Forest Avenue in the amount of \$273.04 to the Stearns County Auditor to be collected as a special assessment in the year 2024. All voted for the motion and it carried.

Mr. Mergen presented to the council the following bids received for a new skid steer:

• Kubota	\$62,471	St. Martin, MN
• Manitou	\$63,485	Lake Henry, MN
• John Deere	\$63,574	Sauk Rapids, MN
• CAT	\$79,050	St. Augusta, MN

Mr. Mergen noted the aforementioned bids included the following attachments: snow blower and two buckets. Mr. Mergen also noted the city’s capital equipment fund will pay for the new skid steer and recommended to approve the low bid received from Arnold’s of St. Martin, St. Martin, MN. After due discussion, a motion was made by Mayor Tom Kasner and seconded by John R. Harlander to purchase the Kubota skid steer with attachments from Arnold’s of St. Martin in the amount of \$62,471. All voted for the motion and it carried.

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 40599-40631. All voted for the motion and it carried. Mr. Heitzman informed the council that the interior demolition has started for the clubhouse improvements.

The council took notice of a contract for services between Premier Pyrotechnics and the city of Albany, the buyer, and the Albany Chamber of Commerce, the sponsor, for 2024 Heritage Day community celebration to be held on August 3, 2024. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Adam Rushmeyer to approve the one-year contract for service. All voted for the motion and it carried. Mr. Schneider noted the cost of the fireworks is \$5,000; whereby the Albany Jaycees and Albany Lions reimburse the city for the fireworks.

The council also took notice of a LG220 Minnesota Lawful Gambling application submitted by the Albany Sportsmen Club, Inc. for the purpose of conducting a raffle at Shady’s Hometown Tavern and Event Center, 451 Railroad Avenue. After due discussion, a motion was made by Mayor Tom Kasner who introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-27
APPROVING MINNESOTA
LAWFUL GAMBLING EXEMPT PERMIT APPLICATION
(Albany Sportsmen Club, Inc. - January 7, 2025)

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.

Mayor Tom Kasner informed the council he received a request from Marvin Meyer, a property owner from Meire Grove, MN, soliciting the city’s support to sign a petition for a trail connection or loop which includes twenty-six (26) cities, several townships, and counties: Mr. Schneider noted the following existing trails would be included in the loop: Lake Wobegon Trail, Glacial Lakes Trail, and Dairyland Trail. Mr. Schneider also informed the council the Stearns County Parks and Trails board is in the final stages of a year-long process to develop a master plan for the county parks, trails, and recreation system to guide future investments and initiatives over the next 10-20 years. After due discussion, a motion was made by John R. Harlander and seconded by Al Amdahl to authorize Mayor Tom Kasner to execute the said petition on behalf of the city. All voted for the motion and it carried.

Mayor Tom Kasner announced the next regular council meeting for 6:30 PM or as soon as thereafter on Wednesday, December 6th and adjourned the meeting at 7:50 PM.

Tom Schneider
Interim City Administrator