

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, October 17, 2018, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Jack Evens, John R. Harlander, and Keith Heitzman. Councilor Al Amdahl was absent.

Also, others present were: Tom Schneider, Clerk/Adm., Jeremy Mathiasen, City Engineer, with Stantec, Inc., Joe Mergen, Public Works Supervisor, Ozzie Carbajal, Police Chief, Andrew Gravidahl, Albany Police Patrol Officer, Adam Rushmeyer, Miles Vogel, Bernie Forster, Angie Gienger, Mike Gienger, Verna Arnold, Pat Timp, Sharon Timp, Don Stiller, Eric Kohorst, Robin Mergen, Josh Hellmann, Karen Hellmann, Steven Mader, Ryan Gaebel, Grant Mayers, and Mike Mayers.

The Council recited the Pledge of Allegiance.

After due discussion, a motion was made by John R. Harlander and seconded by Jack Evens to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 68601 to 68647 and 17132 to 17146. 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 October 3rd and hearing none declared them approved.

Open forum/public comments: none.

Don Stiller, 131 Whispering Oaks Drive, appeared before the Council to request payment from the City in the amount of \$1,600 for the installation of his private drain tile he connected to the City's drain tile adjacent to the curb within the right-of-way. Mr. Stiller noted that when his connection was made it became apparent that the City's drain tile was plugged and when repaired by a contractor hired by the City it was found that a fiber cable installed in 2005 or shortly thereafter by a private contractor severed the City's drain tile. Mr. Mergen noted that the City had no idea the drain tile was ever damaged years ago or not working properly, but was repaired as soon as it was brought to his attention east or downstream of the Stiller residence. Mr. Schneider noted the purpose of drain tile beneath the curb is to remove ground water beneath the street and not installed to dewater or drain adjacent properties. Mr. Stiller noted that the City's drain tile is now working properly and his sump pump is pumping less ground water than before. Mr. Stiller also noted with the repairs made to the City's drain tile everyone has benefited by his findings; whereby he should be reimbursed. Mayor Tom Kasner informed Mr. Stiller that the City's insurance adjuster will contact him to investigate his request to determine if the City was in fact negligent.

Steve Soyka, a candidate for Stearns County Sheriff and current Sergeant, appeared before the Council to provide background information on his career and experiences in law enforcement. Mr. Soyka noted that he'd like to see increased communication and interaction with businesses, residents, and local law enforcement from the deputies and department heads of the Sheriff's Department. Mayor Tom Kasner thanked Mr. Soyka for attending the meeting.

Pursuant to due notice, Mayor Tom Kasner called the public hearing into session at 6:55 PM to consider full street and utility reconstruction of 8th Street from Railroad Avenue to Midland Avenue, 7th Street from Railroad Avenue to Aliva Avenue, Midland Avenue from 6th Street to 8th Street, Forest Avenue from 6th Street to 7th Street and Lake Avenue from 6th Street to 7th Street. A notice of the public hearing was published in the Albany Enterprise October 3rd and October 10th. Mr. Mathiasen informed the public that the streets had been identified to be reconstructed in the City's Capital Improvement Plan and the estimated cost of the improvements is nearly \$2.1 million dollars. Mr. Mathiasen noted construction will include new streets, sidewalks, water main, sewer main, water and sewer services, curb, and storm sewer. Mr. Mathiasen provided information to the methodology the City intends to use to calculate individual assessments for affected properties. Mr. Heitzman questioned if trees that have been planted too close to the street will be removed due to the construction. Mr. Mathiasen noted that trees will be removed and the

City will replace each at a distance when mature will not damage any utilities, sidewalk, street, or curb. Mr. Mader questioned if new services to a home should be considered now or when would be the best time to replace the old services. Mr. Mathiasen noted that it would be best at this point in time and not in the future. Mr. Mathiasen informed the public that he will be available after the meeting to answer any other questions individuals may have who wish to discuss their questions in private. Mayor Tom Kasner closed the public hearing at 7:20 PM. After due discussion, a motion was made by Jack Evens who introduced the following Resolution and moved its adoption:

**RESOLUTION 2018-18
ORDERING IMPROVEMENT
2019 Capital Improvements
(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 Jack Evens, 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, a motion was made by Keith Heitzman who introduced the following Resolution and moved its adoption:

**RESOLUTION 2018-19
DIRECTING PREPARATION OF
FINAL PLANS AND SPECIFICATIONS
2019 Capital Improvements
(Street and Utility Reconstruction Improvements)**

The motion for the foregoing Resolution was seconded by Jack Evens and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Jack Evens, 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. Mathiasen informed the Council that the punch list should be completed in the next two weeks for the 2018 North Lake Storm Water Improvements. Mr. Mathiasen also noted that MnDOT is reviewing the roundabout geometric layout for the 1st Street and Railroad Avenue Improvements proposed in the year 2020 and will provide comments in the upcoming weeks.

Mr. Mathiasen informed the Council that Minnesota Department of Transportation (MnDOT) released its annual submittal for Transportation Alternatives Program funding for the year 2023. Mr. Mathiasen noted that this program provides funding for Safe Routes to School program improvements. Mr. Mathiasen noted that the reconstruction of Forest Avenue has been identified as a safe route to school in the City's Master Bicycle and Pedestrian Plan and recommended that the City submit a letter of intent which is due October 31st. Mayor Tom Kasner, with the consensus of the Council, directed Mr. Mathiasen to complete a letter of intent and forward to MnDOT on behalf of the City.

Councilor Keith Heitzman, Albany Golf Club Liaison, informed the Council that next week the Club will interview two individuals for the position of General Manager. Mr. Heitzman also provided information related to the financial operations of the course.

Mr. Schneider informed the Council that Charter Communications is simplifying its operating structure by reducing the number of operating entities and subsidiaries, and by aligning its cable operations into regional entities. Mr. Schneider noted that Charter Communications is the cable franchise in the City

and will change by merging into another subsidiary of Charter called Spectrum Mid-America, LLC and will assign the cable franchise to this entity. Mr. Schneider noted that if the Council believes that the City's consent is necessary, a resolution can be approved or if no action, consent will be deemed granted upon the expiration of the 120-day review period. After due discussion, a motion was made by Mayor Tom Kasner who introduced the following Resolution and moved its adoption:

**RESOLUTION 2018-20
CONSENT TO ASSIGNMENT OF FRANCHISE**

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 Jack Evens, 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 also informed the Council that the City of St. Cloud, MN will be issuing revenue bonds on behalf of CentraCare Health System to finance certain improvements, some of which are located in the Albany City Limits. Mr. Schneider noted that CentraCare Health Systems is constructing a new medical clinic at 30 Railroad Avenue which will be open in the summer of 2019. Mr. Schneider also noted that the City will not be issuing the bonds and not responsible for any debt service payments. Mr. Schneider noted that a public hearing is scheduled at 6:30 o'clock in the evening or as soon as thereafter on Wednesday, November 7th at the City Hall, 400 Railroad Avenue. After due discussion, a motion was made by Keith Heitzman who introduced the following Resolution and moved its adoption:

**RESOLUTION 2018-21
CALLING FOR A PUBLIC HEARING
ON AN ISSUE OF REVENUE BONDS
BY THE CITY OF ST. CLOUD, MINNESOTA, ON BEHALF OF
CENTRACARE HEALTH SYSTEM**

The motion for the foregoing Resolution was seconded by Jack Evens and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Jack Evens, 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.

Mayor Tom Kasner informed the Council that the City received a request from a property owner on 7th Street North that "Stop" signs be installed at the intersection of 2nd Avenue and 7th Street or 3rd Avenue and 7th Street. Mayor Tom Kasner noted that the concern is traffic has increased over the years from the development of new homes in the Trails Edge subdivision which has caused the intersections to be more dangerous than in the past. Mr. Carbajal informed the Council that he will have his Patrol Officers observe traffic at each intersection and report back to the Council at a future meeting.

Mr. Schneider informed the Council that the Albany Roller Mill, 730 Church Avenue, is being sold to a local business owner for redevelopment purposes; whereby after a certificate of survey and title review was completed, it was determined that a portion (2,663 +/- sq.ft.) of the mill property appeared to be owned by 303, LLC, 121 8th Street South, a business located west of the mill or across State HWY #238 (8th Street). Mr. Schneider noted that the property at 121 8th Street South was sold to 303, LLC, a few years ago to be redeveloped as a Subway/A&W restaurant and at that time the aforementioned land (2,663 +/- sq.ft.) never was problematic in the sale. Mr. Schneider informed the Council that when Interstate 94 was constructed in Albany in the 1970's which included an interchange, many properties near the interchange had been purchased by the Minnesota Department of Transportation (MnDOT), but ownership and legal descriptions of the excess property has always been an issue when properties are sold near the interchange. Mr. Schneider noted that the properties adjacent to the interchange are described by a meets

and bounds legal description and if platted after the construction of the interchange, there would be no issues with boundaries. Mr. Schneider informed the Council that all necessary documents have been executed to resolve the property in question adjacent to the mill.

Mayor Tom Kasner announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, November 7, 2018 and adjourned the meeting at 7:45 PM.

Tom Schneider, Clerk/Adm.