

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, September 5, 2018, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Al Amdahl, Jack Evens, John R. Harlander, and Keith Heitzman. None were absent.

Also present were: Tom Schneider, Clerk/Adm., Jeremy Mathiasen, City Engineer, with Stantec, Inc., Joe Mergen, Public Works Supervisor, Mike Kosik, Editor, Albany Enterprise, and Ozzie Carbajal, Police Chief. Albany High School students present for the meeting: Hunter Butkowski, Jared Bromenschenkel, Nick Sowada, Nolan Sand, Clare Lamb, Zoe Friederichs, Cassidy McGaughy, Cole Kramer, Gabe Zierden, and Alexa Lehn. *Jean Pundsack, a resident, was also present for the meeting. (correction 9/19/18)*

The Council recited the Pledge of Allegiance.

After due discussion, a motion was made by Keith Heitzman and seconded by Al Amdahl to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 68464 to 68527 and 17066 to 17099. 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 August 15th and hearing none declared them approved.

Open forum/public comments: none.

Pursuant to due notice, at 6:33 PM, Mayor Tom Kasner called the public hearing into session to consider input on amending (Ordinance 41.01) the requirement for the removal of snow and/or ice of less than 1 ½ "on a public sidewalk within the "Designated Area", and enforcement options related thereto. Mr. Schneider informed the Council that a proper notice was published in the Albany Enterprise on August 22nd and the property owners, mainly businesses, within the designated area were given a mailed notice of the public hearing. No business owners were present for the meeting. Jean Pundsack, 211 Railroad Avenue, appeared before the Council to question whether or not a property owner would be charged by the City for cleaning a sidewalk if they would be absent or visiting siblings. Mayor Tom Kasner noted that the City would charge the property owner and informed Ms. Pundsack arrangements should be made for someone to clean their sidewalk if absent from their property for a period of time. Mr. Schneider informed the Council that during a winter season there are up to five property owners who violate the ordinance; whereby he will authorize the Public Works Department to sweep the sidewalk and then invoice the property owner a \$1.00 per lineal foot. Mayor Tom Kasner noted that the Council may consider the following options: 1) no change to the Ordinance 41, Section 41.01, Subd. 1, 2) charge property owners \$0.15 to \$0.25/lineal foot for each snow event the City sweeps the sidewalk, or 3) the City sweeps the sidewalks at no charge to the property owners. Mayor Tom Kasner read aloud a letter the City received from Joyce Winter, 331 Railroad Avenue, requesting that the City pay for cleaning the sidewalk being the City already cleans the sidewalk along 1st Street at no charge to the abutting property owners. Mr. Harlander informed the Council that he would support the City sweeping the sidewalks and charging property owners being businesses outside of the designated area have to pay for snow removal services. Mr. Schneider noted if the City were to sweep the sidewalk at no charge to the property owners, the estimated annual cost to the City for labor and equipment is \$2,500+/- . Mr. Heitzman noted that the majority property owners should not be penalized for the few that violate the ordinance each year and recommended stronger language, encouraging that sidewalks be cleaned and paid in a timely manner, be included in the letter mailed to the property owners in October. Mr. Schneider also noted that the City may levy to the Stearns County Auditor/Treasurer unpaid snow removal services as a special assessment, but there is a publication cost to the City for the public hearing notice. Mayor Tom Kasner closed the public hearing at 7:00 PM. Mayor Tom Kasner, with the consensus of the Council, noted no changes to the Ordinance at this time and the issue will be reviewed at the end of the 2018-19 winter season.

Mr. Mathiasen appeared before the Council to update the Council on the construction progress for the 2018 1st Street Reconstruction Improvements. Mr. Mathiasen noted the street should be open for traffic within a week weather permitting. Mr. Mathiasen also noted that change order number three was signed by the City Clerk/Administrator in the amount of \$5,020.12; whereby the purpose of the change order was to revise the quantities in alley east of 1st Street and north of Railroad Avenue to be a City cost and not the Minnesota Department of Transportation. Mayor Tom Kasner, with the consensus of the Council, had no objection to the change order.

Mr. Mergen presented to the Council a proposed Wastewater Discharge Permit between the City of Albany and Kraft-Heinz, Albany, MN. Mr. Mergen noted that the said Permit is a renewal and would be effective from January 1, 2019 to December 31, 2021. After due discussion, a motion was made by John R. Harlander and seconded by Jack Evens to approve the said Permit. All voted for the motion and it carried.

Mr. Carbajal presented to the Council a proposed Criminal Prosecution Contract for 2019-2020 between the City of Albany and the Stearns County Attorney. Mr. Carbajal noted that the contract is a renewal; whereby the Albany Police Department uses the services of the Attorney's office to prosecute petty misdemeanor, misdemeanor, and gross misdemeanor criminal, traffic offenses, including criminal and traffic state law violations and criminal and traffic probation violations that arise under state law which occur within the City. Mr. Carbajal also noted that the flat rate is \$11,750 for the year 2019 and \$13,500 for 2020; which rates are based on a review of the historical number of prosecution files, population of the City, size of the police department, personnel and administrative costs to County's office, and comparison to other contracts for cities of comparable size in Stearns County they prosecute. After due discussion, a motion was made by Al Amdahl and seconded by John R. Harlander to authorize Mayor Tom Kasner to execute the said Contract on behalf of the City. All voted for the motion and it carried.

The Council took notice of a petition signed by the majority of property owners for vacation of one-hundred (100) feet South Soo Road east of 14th Street in the Albany Industries Plat. Mr. Schneider informed the Council that one-hundred (100) foot right-of-way (South Soo Road) west of 14th Street was vacated in the year 2004. Mr. Schneider noted that there is no municipal water or sewer mains located in the undeveloped street, but recommended that a fifteen (15) foot utility easement be retained similar to the easement west of 14th Street. Mr. Schneider noted that a public hearing is required. After due discussion, a motion was made by Jack Evens and seconded by Al Amdahl to schedule a public hearing at 6:30 o'clock or as soon as thereafter on Wednesday, September 19th, at City Hall. Voting for the motion were Mayor Tom Kasner, Jack Evens, Keith Heitzman, and Al Amdahl and none voted against. Councilor John R. Harlander abstained and the motion carried. Mr. Schneider noted that the notice of the public hearing is published on September 5th and 12th in the Albany Enterprise.

Mr. Schneider presented to the Council the proposed 2019 Budget which includes the following departments: Administration, Police, Fire, Street, Park, Library, Water, and Sewer. Mr. Schneider noted that the City's monthly health insurance premium for family and single coverage increased eleven (11%) percent or a staggering sixty (60%) percent the past two years. Mr. Schneider noted the preliminary 2018 property tax levy for payable 2019 can be approved at the September 19th Council meeting which will be forwarded to Stearns County on or before September 30th. Mr. Schneider presented a proposed levy increase of 8.9% or \$72,964, but noted that the City's tax capacity rate of forty-one (41%) percent would not increase for those properties that did not see a market value increase. Mr. Schneider noted that there are additional funds in the budget that may be set aside for the future 2020 roundabout or the levy may be lowered accordingly. Mayor Tom Kasner informed the Council that the preliminary 2018 property tax levy for payable 2019 will be considered at the next Council meeting and a public hearing will be held December 5th.

The Council took notice of a request by Richard and Sharon Gaebel, 107 Whispering Oaks Drive, for a minor subdivision for the purpose of constructing a new house in the future and allowing an adjoining

neighbor to increase the square footage of their lot. Mr. Schneider informed the Council the proposed subdivision does not create a non-conforming lot and recommended approval. After due discussion, a motion was made by John R. Harlander and seconded by Jack Event to approve the minor subdivision and authorize Mayor Tom Kasner to execute the Certificate of Compliance 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 o'clock in the evening on Wednesday, September 19, 2018 and adjourned the meeting at 7:45 PM.

Tom Schneider, Clerk/Adm.