

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 20, 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 Police Chief Ozzie Carbajal, Joseph Mergen, Supervisor, Public Works Department, Jeremy Mathiasen, the city engineer with the firm Stantec, Inc., St. Cloud, Tim Hennagir, Staff Writer, the Star Post, Tom Schneider, Interim City Administrator, and the following residents: Berleen Hollenkamp, Bruce Winter.

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 (3836-3852), electronic payments, transfers, and the payment of the following bills: Check Numbers 72966-73000. 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 September 6th and hearing none declared them approved.

Open forum/public comments: none.

Mr. Mathiasen appeared before the council to inform the council Stearns County Highway Department hired an engineering company to prepare the construction design for the proposed 2024 County Road 157 reconstruction Improvements or Railroad Avenue west of 8th Street. Mr. Mathiasen noted the city will participate in funding to construct a new sidewalk on the north side of Railroad Avenue, utility relocation and/or storm sewer improvements. Mr. Mathiasen noted the county will conduct a public informational meeting to be held on October 17th at the Albany City Hall.

Mr. Mathiasen presented to the council preliminary cost estimates to mill and overlay several streets in need of immediate repairs having evaluated or inspected each with Mr. Mergen in the following subdivisions: The Highlands, Country Estates, Hall's Highview, Sterling Heights, Stonebrooke, and Shamrock Lane east of 8th Street. Councilor John R. Harlander questioned if curb and gutter is considered on Shamrock Lane and/or storm sewer/sanitary sewer manhole rehabilitation. Mr. Mathiasen noted he estimates another \$100,000 would be adequate to cover the concerns noted by Mr. Harlander, which would increase the estimated total for all street repair improvements to \$1.6 million. Mr. Murray appeared before the council to discuss funding options and financial implications how to successfully manage the city's overall debt for existing and future reconstruction improvements including any potential deferred street maintenance improvements. Mr. Schneider informed the council the proposed 2024 budget includes a \$1 million dollar project for street repairs to be funded by an interfund loan from the water/sewer fund or \$100,000 annual payment for a period of 10 years, but that does not include all the street repairs. Mr. Schneider noted if the council were to approve all the street repair improvements at a cost of \$1.6 million, an additional \$60,000 payment is required increasing the 2023 levy nearly seventeen (17%) percent. Mr. Harlander noted that to reduce the impact of the street repair improvements there are other areas in the preliminary 2024 budget that may be cut and reminded everyone that the proposed levy can be reduced at the public hearing in December but not increased. Mr. Murray informed the council he will have additional information for the

council to review when the 2022 comprehensive financial audit is completed by the city auditor. Mr. Schneider noted the said audit is due on or before September 30th. After due discussion, a motion was made by John R. Harlander and seconded by Al Amdahl to consider a potential \$1.6 million street repair improvement in 2024 and to re-visit the funding options with Mr. Murray after the completion of the aforesaid audit. All voted for the motion and it carried.

Mr. Schneider presented to the Council the preliminary 2024 Budget which included the following departments: Administration, Police, Fire, Street, Park, Library, and Elections. Mr. Schneider noted the proposed budget includes the following: potential \$1.6 million street repair improvement (interfund loan water/sewer), 2023 levy of \$1,542,701 (16.83%), estimated city tax capacity rate 50.11%, an increase of 4.91%. Mayor Tom Kasner noted the council may reduce the levy, but not increase. After due discussion, a motion was made by John R. Harlander and seconded by Adam Rushmeyer to direct Mr. Schneider to forward to the Stearns County Auditor the proposed 2023 property tax levy of \$1,542,701 and to set the initial public hearing meeting at 6:30 PM, or as soon as thereafter on Wednesday, December 6th, and the final adoption meeting of the said levy at 6:30 PM, or as soon as thereafter, on Wednesday, December 20th at City Hall, 400 Railroad Avenue. All voted for the motion and it carried.

Councilor Al Amdahl stepped down as a council member.

Councilor Adam Rushmeyer, Planning Commission Liaison, informed the council the Planning Commission held a meeting on September 13th on a request by Alan and Dana Amdahl, 250 6th Street, for a variance to relax the corner side yard requirement from twenty (25) feet (Section 80.15, Subd 6(d.2) to allow for the construction of a 24' x 28' detached garage. Mr. Rushmeyer noted the purpose of the request is to demolish an older detached garage originally constructed on the property and replace it with a new larger garage similar to what other properties have constructed in the neighborhood. Mr. Rushmeyer noted the new garage will be farther off the alley and Forest Avenue right of way without blocking the sidewalk on Forest Avenue. Mr. Rushmeyer also noted the new garage will improve site lines in the alley for vehicles that access Forest Avenue. After due discussion and upon the recommendation by the Planning Commission, a motion was made by Adam Rushmeyer and seconded by Keith Heitzman to recommend to the council the request by Alan and Dana Amdahl, 250 6th Street, for a variance to relax the corner side yard requirement from twenty (25) feet (Section 80.15, Subd 6(d.2) to allow for the construction of a 24' x 28' detached garage be approved as per the following findings:

- The garage door will face Forest Avenue. Vehicles parked in front of the garage doors will not block the sidewalk on Forest Avenue.
- The variance request is consistent with the comprehensive plan in that it encourages new construction, removal of non-conforming structures, and increased property tax base.
- The variance will not be detrimental to the public welfare.
- The variance will allow homeowner additional storage.
- Approve residential exterior material for garage similar in color to home.
- As per Section 80.10, Subd. 3(b-iii) driveway shall be hard surface (concrete, or bituminous).
- The request is similar to characteristics and square footage of other properties in the neighborhood and not unusual.
- Many properties in the neighborhood also have detached garages in the rear yard due to small lot sizes.
- The variance is not sought solely for reasons of increased financial gain.

- The site line or visibility for motorists driving north in the alley to access Forest Avenue will be improved.
- Approve the variance request to relax the corner side yard requirement from twenty-five (25) feet to sixteen (16) feet.

All voted for the motion and it carried.

Councilor Al Amdahl resumed his position as a council member.

Mr. Mergen presented to the Council a two-year Agreement for Snow Removal Services between the City of Albany and Custom Waste Irrigation, Albany, MN, to provide snow removal services at general locations along Railroad Avenue (main street). Mr. Mergen noted the agreement is similar to previous agreements which outline costs per hour for labor and equipment to remove snow within a designated area. Mr. Mergen also noted the Minnesota Department of Transportation or MnDOT will reimburse the city for snow removal expenses within their right-of-way on State HWY #238 or Railroad Avenue. Mr. Heitzman informed the council the contractor does an excellent job in assisting the city with snow removal and recommended approval of the agreement. After due discussion, a motion was made by Al Amdahl and seconded by John R. Harlander to authorize Mayor Tom Kasner on behalf of the city to execute the said Agreement. All voted for the motion and it carried.

The council took notice of Ordinance 2023-01, a Cable Television Franchise Agreement, between the city and Albany Mutual Telephone. Mr. Schneider noted the agreement is a renewal and a 10-year term. Mr. Schneider also noted there are no changes to the five percent (5%) franchise fee collected by the city from the annual gross revenues. After due discussion, a motion was made by Mayor Tom Kasner who introduced the following ordinance and moved its adoption:

**CITY OF ALBANY
ORDINANCE NO. 2023-01**

The motion for the foregoing ordinance was seconded by Keith Heitzman 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, Al Amdahl, John R. Harlander, and Keith Heitzman, and none voted against the same; whereupon Ordinance 2023-01 was declared duly passed and adopted. The full text of the said ordinance is on file at city hall for public inspection during regular business hours.

Mr. Schneider informed the council the deadline to submit an employment application for the position of City Administrator/Clerk/Treasurer was Monday, September 18th; whereby eight (8) applications were received. Mr. Schneider questioned if the council would consider interviewing each individual or a limited number. Mayor Tom Kasner, with the consensus of the council, informed Mr. Schneider the council will interview all eight (8) candidates. Mr. Schneider noted the following individuals will be interviewed: Rebecca Sai, Jon Stueve, Renee Eckerly, Angela Jacobson, Jessica Ruprecht, Erica Mattice, Gary Winkels, and Jackie Bauer. Mr. Schneider also informed the council the tentative date for the council to approve a conditional job offer will be at the October 18th or November 1st council meeting. Mayor Tom Kasner noted the interview committee members will be himself, councilor Keith Heitzman, Police Chief Ozzie Carbajal, Sue Dege, the city attorney, and Mr. Schneider.

The council took notice of a MN Lawful Gambling LG220 Exempt Permit application (raffle) and an application for a 1-to-4-day Temporary On-sale Liquor License submitted by Holy Family School, 160 2nd Street South, for an event to be held on January 20, 2024. After due discussion, a motion was made by Al Amdahl who introduced the following resolution and moved its adoption including the Temporary 1-4 day On-sale Liquor License:

RESOLUTION 2023-24
APPROVING MINNESOTA
LAWFUL GAMBLING EXEMPT PERMIT APPLICATION

The motion for the foregoing resolution and Temporary 1-4 day On-sale Liquor License was seconded by Keith Heitzman 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 and license was declared duly passed and adopted. The full text of the said resolution and license is on file at City Hall for public inspection during regular office hours.

Mayor Tom Kasner announced he attended a formal groundbreaking ceremony on behalf of the city held at 5PM on Wednesday, September 20th for the new Albany Area Schools (AHS) Early Childhood Learning Center, 300 3rd Avenue, the former hospital/clinic.

Mayor Tom Kasner also announced he and Mr. Schneider were invited to a meeting with Oliver Kelly, president, and CEO of Kerry North America, formerly Kraft Foods, and other representatives from Kerry for the company's \$10,000 donation to the Albany Area Schools Parent Teachers Organization (PTO) to kick off their fundraising campaign for new playground equipment.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o'clock or as soon as thereafter on Wednesday, October 4th and adjourned the meeting at 7:45 PM.

Tom Schneider
Interim City Administrator