

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 6, 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 Administrator, and the following high school students: Dominick Winkels, Anthony Herkenhoff, Devon Schaeffer, Jazmin Worms, Abby Schmitz, Aliya Imdieke, Grant Wohletz, Hope Aronson, Kaylin Fischer, Olivia Goebel, Bridget Goebel. Also present for the meeting were residents Erin Rosen and Parker Rosen.

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 (3800-3835), electronic payments, transfers, and the payment of the following bills: Check Numbers 72901-72965. 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 16th and hearing none declared them approved.

Open forum/public comments: none.

Jon Stueve, Scott Birr, Liana Birr, and Hannah Birr appeared before the council on behalf of the Joel Birr Memorial Golf Tournament committee, to inform the council their annual golf tournament will be held on September 9th at the Albany Golf Club. Mr. Stueve informed the council proceeds from the tournament would be used to purchase Automated External Defibrillators (AED) to be installed throughout the city. Mr. Stueve noted the committee would like to donate an AED to be installed in North Park. Mr. Stueve noted there is an annual cost of \$600 to replace pads, batteries, and annual service for each unit; whereby installation will be paid for by others. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Keith Heitzman to accept the donation of an AED to be installed in North Park, pay monthly electric charges, and the annual cost of \$600/year. All voted for the motion and it carried. Mayor Tom Kasner on behalf of the council, thanked Mr. Stueve and other family members of Joel Birr for their generosity and consideration of the public's safety and wellbeing. Mayor Tom Kasner also thanked Parker Rosen for her efforts in raising funds towards an AED on Heritage Day.

Mr. Mathiasen presented to the council Payment Voucher No. 4 for the 2023 Capital Improvement Project. Mr. Mathiasen noted the payment voucher includes general roadway construction, paving, sidewalk, topsoil, and seeding. After due discussion and upon recommendation from the city engineer, a motion was made by Al Amdahl and seconded by Adam Rushmeyer to approve Payment Voucher No. 4 to Breitbach Construction Company, Elrosa, MN, in the amount of \$419,023.83. All voted for the motion and it carried.

Mr. Mathiasen presented to the council proposed Change Order No. 1 in the amount of \$9,669.00 for the 2023 Capital Improvement Project. Mr. Mathiasen noted the purpose of the change order is for the addition of a concrete sealant to all new concrete driveways and aprons to help minimize surface deterioration. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to approve Change Order No. 1 in the amount of \$9,669.00. All voted for the motion and it carried.

Mr. Mathiasen presented to the council final Payment Voucher No. 5 for the 1st Street (TH238) and 8th Street (TH238) Sidewalk Improvements. Mr. Mathiasen noted the final payment is the release of the remaining project retainage. Mr. Mathiasen informed the council the Minnesota Department of Transportation (MnDOT) will make final payment to the city for their cost share participation in the

intersection improvements in the amount of \$5,344+/- . After due discussion and upon recommendation from the city engineer, a motion was made by Adam Rushmeyer and seconded by Al Amdahl to approve final Payment Voucher No. 5 to Craig Bardson Excavating, Albany, MN, in the amount of \$16,720.85. All voted for the motion and it carried.

Mr. Mathiasen informed the council several months ago a business owner appeared before the council and questioned if the city would consider the construction of a roundabout at the intersection of County Road 10/41 and State Highway 238/8th Street. Mr. Mathiasen noted he spoke with a county highway representative who advised him that initially if requested by the city, the county would consider installing a traffic count device in the roadway. Mr. Mathiasen also noted he spoke to Police Chief Ozzie Carbajal regarding crash history at the said intersection; whereby the Police Chief could not recall any. Mr. Mergen recommended a right-hand turn lane be installed on TH238/8th Street for traffic traveling westerly to improve traffic movement. Mr. Harlander noted a roundabout should actually be considered at the intersection of Shamrock Lane and State Highway 238/8th Street to alleviate traffic congestion entering and exiting nearby businesses. Mayor Tom Kasner, with the consensus of the council, informed Mr. Mathiasen there is no need for a roundabout at the intersection of County Road 10/41 and State Highway 238/8th Street.

Mr. Mathiasen also informed the council he received a request from Bryan Schiffler, the developer for the High-Pressure Park plat to construct the utilities within the plat as private and not public utilities. Mr. Mathiasen noted there would be cost savings to the developer and if installed properly there shouldn't be any issues. Mr. Schneider noted an amendment will be required to the Developer Agreement if the council were to agree to the said request. Mayor Tom Kasner, with the consensus of the council, directed Mr. Schneider to have the city attorney with the city engineer's assistance prepare an amendment to the Developer Agreement for the council to consider at a future council meeting.

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 John R. Harlander to approve electronic payments, transfers, and the payment of the following checks 40509-40565. All voted for the motion and it carried.

Mayor Tom Kasner, Economic Development Authority (EDA) Liaison, informed the council the EDA held a meeting on August 30th, on a request by Joseph Peterzell, 8th Street Rentals, LLC, to consider approval of a Satisfaction of Mortgage related to a Commercial Rehabilitation Deferred Loan (CRDL) issued May 2, 2019; whereby the city provided financial assistance for demolition of the former Albany Roller Mill building at 730 Church Avenue in the amount of \$24,999 to encourage redevelopment of the property. Mayor Tom Kasner noted a new coffee and sandwich shop which will include a drive-thru is being proposed to be constructed on the site. Mayor Tom Kasner noted the EDA's Commercial Rehabilitation Deferred Loan (CRDL) program term is for a period of seven years and if the property is sold, transferred, or otherwise conveyed prior to the seventh year, a pro-rated amount shall be repaid to the said program fund. Mayor Tom Kasner also noted the amount of repayment to the said program fund is \$18,750 being the property is scheduled to be sold to a new owner prior to the seven-year program requirement. After due discussion and upon the recommendation of the EDA, a motion was made by John R. Harlander and seconded by Keith Heitzman to approve the request by Joseph Peterzell for the execution of a Satisfaction of Mortgage as per the following findings:

- The city's willingness to participate in the funding of the demolition to remove an older building, or blighted property, to facilitate redevelopment of the site to increase tax base, add employment, and improve the entrance of the city on the 8th Street main corridor.
- Due to several economic conditions, COVID-2020-21, and not the fault of Mr. Peterzell, no new building was constructed and no tax increment redevelopment district was created.

- This project was strictly demolition and much different than rehabilitation of older buildings on Railroad Avenue or main street.
- Authorize Mayor Tom Kasner to execute a Satisfaction of Mortgage; whereby the financial assistance in the amount of \$18,750 is to be considered fully paid and satisfied.

All voted for the motion and it carried.

Mayor Tom Kasner also informed the council the city received an application from Rick Christensen, 134 Golf View Drive, to be considered for the vacant position on the EDA board. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Al Amdahl to appoint Rick Christensen to the EDA Board for a term ending December 31, 2024. All voted for the motion and it carried.

Councilor John R. Harlander informed the council he reviewed the proposed 2024 employee wages that was included in the preliminary 2024 budget and recommended the positions of Heather Cruz, Administration/Police Assistant, Molly Hoppe, part-time Administration Assistant, and Kurt Beuning, Laborer-Public Works Department receive a slight hourly wage increase in addition to the proposed eight (8%) percent increase. Mr. Harlander noted employers are struggling to retain good employees due to economic factors and it's becoming more and more challenging for employers and municipalities. Mayor Tom Kasner noted retaining quality employees is very important to maintain consistent and effective government services and would support the proposed increases. Mr. Heitzman informed the council the proposed eight (8%) percent wage increase is adequate and questioned if additional increases should be considered. Mr. Rushmeyer noted he would support Mr. Harlander's recommendation for the aforesaid three positions. Mr. Schneider noted the loss of an employee(s) and a search to find a replacement(s) takes several months and expensive in the interim. Mr. Schneider informed the council adjustments can be addressed in the preliminary 2024 budget for discussion at the next council meeting.

Police Chief Ozzie Carbajal appeared before the council to inform the council Patrol Officer JoAnna Bigler satisfactorily completed her one-year probationary period and recommended approval to full-time employment status. After due discussion, a motion was made by John R. Harlander and seconded by Adam Rushmeyer to approve Patrol Officer JoAnna Bigler as full-time status. All voted for the motion and it carried.

Police Chief Ozzie Carbajal informed the council Stearns County passed the following Ordinance 654:

- No person shall use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or place of accommodation such as but not limited to public parks or trail, public street, or sidewalk, any enclosed indoor area used by the general public.
- No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consume products in any location where the smoke, aerosol, or vapor would be inhaled by a minor.

Police Chief Ozzie Carbajal noted the aforementioned county ordinance is applicable within the legal boundaries of Stearns County which includes the city of Albany; whereby no action is required by the council.

Police Chief Ozzie Carbajal also noted new state law imposes prohibitions on the use of force in schools, banning certain physical holds by a School Resource Officer (SRO) limiting the ability of an SRO to de-escalate a potentially dangerous situation, ultimately undermining the SRO's ability to provide a safe learning environment for all students and staff throughout the state which has lead to several police departments pulling their SRO's out of schools. Police Chief Ozzie Carbajal informed the council he and Sergeant Matt Gannon, the SRO officer assigned to the Albany Area School District, discussed the new law and both agreed not to remove the SRO position in the school at this time.

The council took notice of a request, after the fact, by the Albany Area Gymnastics Association to consider approval of a Minnesota Lawful Gambling LG220 application for exempt permit to conduct a raffle on October 29, 2023. Mr. Schneider noted the application had been executed prior to the council meeting and submitted to the state due to time constraints with printing the raffle tickets, permit approval, and date of raffle. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Al Amdahl to approve the Minnesota Lawful Gambling LG220 application for exempt permit submitted by the Albany Area Gymnastics Association for the said raffle. All voted for the motion and it carried.

Mr. Schneider presented to the council a proposed amendment to Ordinance 71, Animal, that would require dog owners to leash their dog while on public property. Mr. Schneider noted the current language in the ordinance is ambiguous and the city has received complaints about dogs not being leashed in North Park. After due discussion, a motion was made by Al Amdahl who introduced the following and moved its adoption:

**CITY OF ALBANY
AMENDMENT TO ORDINANCE NO. 71 - ANIMALS**

The City Council for the City of Albany, HEREBY ORDAINS that Ordinance 71 Animals shall be amended as follows:

1. That Section 71.11 is adopted and shall read as follows:

“Section 17.11. DOGS ON PUBLIC PROPERTY: Dogs must either be on leash under the control of a suitable person at all times on public property. Public property includes, but is not limited to public parks, except in designated off-leash areas, and public streets, sidewalks, and trails and other publicly owned or controlled property. Dog owners are responsible for keeping their dog(s) a reasonable distance from other persons or animals.”

This Ordinance Amendment shall be effective upon publication.

This Ordinance was approved by the majority of the City Council of Albany on the 6th day of September 2023.

Tom Kasner, Mayor

Tom Schneider, Interim City Administrator

(S E A L)

The motion for the foregoing ordinance amendment 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, Al Amdahl, John R. Harlander, and Keith Heitzman, and none voted against the same; whereupon the said amendment was declared duly passed and adopted.

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 presented a general levy increase of 6.61%. Mr. Schneider noted the preliminary 2024 city tax capacity rate is estimated to be 45.72%, an increase of 0.53%. Councilor John R. Harlander questioned how the city’s tax capacity rate would be impacted if the city were to undertake another \$2- or \$3 million-dollar reconstruction improvement west of 9th Street. Mr. Schneider noted he had contacted Jason Murray, the city’s financial consultant, regarding financing future large reconstruction improvements; whereby it may be prudent to consider approving a deferred street maintenance improvement to various streets in the Highlands, Country Estates, and Stonebrooke subdivisions. Mr. Schneider informed the council Mr. Murray will attend the next council meeting to discuss alternatives to finance future street improvements. Mr. Schneider provided the council with the following highlights of the preliminary 2024 budget:

- Levy increase proposed is 6.61% or \$87,277.
 - 2023 levy: \$1,320,424
 - 2024 levy: \$1,407,701
- Local Government Aid (LGA) increase \$757,619 to \$837,049 or \$79,430.
- 2024 employee PEIP Health Insurance unavailable.
- Employee hourly wage increase: 8%.
- Park Budget - \$15,000 included for future maintenance city parks.
- Civic Systems final payment \$16,633. (Software support \$7,600 annually)
- Debt Service levy increase (\$29,645 or 7%) to fund existing debt for CIP Improvements.
- LMCIT insurance increase: buildings, property, contents increase.
- Administrative office remodel: \$15,000+/-
- XTONA (IT support) - \$20,064 or \$1,672/month.
- Schlenner Wenner Co. - \$225/pay period or \$5,850 annually for payroll.
- Beginning Jan. 1, 2024: 4% increase water and sewer rates.
- 2024 Election expenses added for March, August, and November elections.
- Budget includes 4th Patrol Officer
- Budget does not include any additional EDA Commercial Rehabilitation Funds.
- 2022 Audit is not completed. Tentative date on or before September 20th.
- Final certification of levy to Stearns County: Sept. 20th council meeting.

Mr. Schneider informed the council twenty-three (23) property owners have not paid West Central Sanitation refuse fees; whereby pursuant to Section 7, Subd. 7.2 of the Refuse Contract, the city shall certify to the county any unpaid refuse fees to be collected the following year's property tax payment. Mr. Schneider noted a public hearing will be held at 6:30 PM or as soon as possible on Wednesday, October 4th at City Hall for the purpose to possibly adopt the proposed assessment for unpaid refuse fees.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o'clock or as soon as thereafter on Wednesday, September 20th and adjourned the meeting at 7:50 PM.

Tom Schneider, Interim Administrator