

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, July 20, 2022, 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. None were absent.

Other's present were: Tom Schneider, Clerk/Adm., Joe Mergen, Public Works Supervisor, Jeremy Mathiasen, City Engineer with Stantec, Inc., St. Cloud, MN, Police Chief Ozzie Carbajal, and Evan Michealson, Staff Writer, the Star Post.

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 Al Amdahl to approve/authorize payroll (3311-3324), electronic payments (900010-900014), transfers, and the payment of the following bills: Check Numbers 71972 to 72000. 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 July 6th and hearing none declared them approved.

Open forum/public comments: none

Bryan Schiffler, owner of the Albany Chrysler Center, 34650 225th Avenue, appeared before the council to inform the council he purchased property at 34596 225th Avenue, (25+/- acres) and presented a petition for orderly annexation for the purpose of platting the property for commercial development. Mr. Schiffler noted in 2005 there is a deferred assessment for trunk utility charges and questioned how the city will calculate the said charges being nearly fifty-percent (50%) of the property is a designated wetland and undevelopable. Mr. Schneider informed the council he will review the ordinance to determine how utility trunk charges are calculated which can be discussed at the time when a preliminary and final plat is submitted to the Planning Commission for review. Mr. Mathiasen noted the Planning Commission will also review the developers' responsibilities extending water and sewer, street, and other public improvements to the site. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION 2022-31
JOINT RESOLUTION FOR ORDERLY ANNEXATION
AGREEMENT BETWEEN THE TOWN OF ALBANY
AND THE CITY OF ALBANY
PURSUANT TO MINNESOTA STATUTES 414.0325

The motion for the foregoing resolution 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 John R. Harlander, Al Amdahl, Adam Rushmeyer, 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 presented to the council Final Payment Voucher No. 6 for the 2021 Capital Improvement Project. Mr. Mathiasen noted the payment voucher includes final wear course paving, striping, final quantity adjustments, and the release of the remaining project retainage. After due discussion and upon recommendation from the city engineer, a motion was made by Al Amdahl and seconded by Adam Rushmeyer to approve Final Payment Voucher No. 6 to Breitbach Construction Company, Elrosa, MN, in the amount of \$113,055.43. All voted for the motion and it carried.

Mr. Mathiasen informed the council Roto Rooter televised nearly 1,400 lineal feet of 4” drain tile installed for the 2020 Capital Improvement Project; whereby there were several areas where the drain tile was either partially or totally crushed. Mr. Mathiasen noted the purpose of the drain tile is to keep ground water out of the subgrade of the roadway and to allow property owners the option to connect their sump pump to the drain tile. Mr. Mathiasen noted drain tile is installed at a depth of two feet below the roadway surface and the damage more than likely was caused by construction equipment during the placement of granular borrow and aggregate base prior to the installation of the curb. Mr. Mathiasen noted for future projects a stronger wall or ridged pipe be considered and televised prior to the installation of curb. Mr. Mathiasen also noted he will provide a map of the areas where the drain tile is damaged and review records to determine if any private sump pumps are connected to avoid any potential backups during rain events.

Mr. Mathiasen also informed the council the cost for a mill and overlay of approximately 690 sq. yards of roadway on Shamrock Lane (125’) west of the intersection of 8th Street (TH 238) and Shamrock Lane is \$24,000. Mr. Mathiasen recommended the city hire a private contractor to complete the mill and overlay to get better pricing. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to authorize the city engineer to solicit additional bids for the aforementioned mill and overlay improvement in an amount not to exceed \$25,000 and if acceptable, move forward with the improvement. 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 Al Amdahl to approve electronic payments, transfers, and the payment of the following: checks 40201-40223. Voting for the motion were Councilors Keith Heitzman, Al Amdahl, John R. Harlander, and Adam Rushmeyer, and none voted against. Mayor Tom Kasner abstained and the motion carried. Mr. Heitzman informed the council there are many ongoing golf course and clubhouse improvements and the following were approved as officers of the board of directors: Tom Blattner, President, Craig Baggenstoss, Vice-President, Nate Ronning, Secretary, and Tim Buerman, Treasurer.

Councilor John R. Harlander informed the board Gary Winkels, Fire Chief, met with him to discuss the department’s request to construct 8-10 off street parking stalls on the south side of the fire hall or Midland Avenue. Mr. Harlander noted the request includes the area surrounding the flag pole which would be eliminated to create a parking stall or two. Mr. Harlander also noted he and the fire chief are in agreement to construct the off-street parking on the south side of the fire hall as per follows: 1) three parking stalls available to the public for daily parking between the hours of 6AM and 6PM with appropriate signs, 2) NO overnight parking, 3) paid for by the Albany Fire Department, and 4) 90-degree parking stalls. Mr. Harlander noted if the revised proposal is acceptable to the council, the city engineer and fire department can work together to complete the new off-street parking stalls. Mayor Tom Kasner noted no objection by any other council members and called for a vote. After due discussion, a motion was made by John R. Harlander and seconded by Adam Rushmeyer to approve the request by the Albany Fire Department contingent upon the stipulations listed above. All voted for the motion and it carried.

At 7:35 PM, Mayor Tom Kasner announced the meeting would be closed to consider private personnel/not public data to discuss the performance evaluation of Patrol Officer Carter Fish at the conclusion of his Introductory Period under Minn. Stat. Section 13D.05, Subd. 3(a). Mayor Tom Kasner informed the Council and those present that the closed meeting would be tape recorded. Patrol Officer Carter Fish was not present. At 7:50 PM, Mayor Tom Kasner re-opened the meeting to the public. A motion was made by Keith Heitzman and seconded by John R. Harlander to terminate the employment of Patrol Officer Carter Fish based upon the information presented in the closed session effective July 21, 2022. All voted for the motion and it carried.

Police Chief Ozzie Carbajal presented to the council a proposed Criminal Prosecution Agreement for the year 2023 and 2024 between the Stearns County Attorney’s office and the city of Albany in the amount of \$14,175 each year. Chief Carbajal noted the contract is a renewal and a 5% increase from prior years. After due discussion and after the recommendation by Police Chief Ozzie Carbajal, a motion was made by Al Amdahl and seconded by Adam Rushmeyer to authorize Mayor Tom Kasner to execute the aforesaid contract on behalf of the City. All voted for the motion and it carried.

The Council took notice of a MN Lawful Gambling LG220 application submitted by the Albany Area Gymnastics Association to conduct a raffle on October 23, 2022. After due discussion, a motion was made by John R. Harlander and seconded by Al Amdahl to approve the said application. All voted for the motion and it carried.

The council also took notice of a request by the American Heritage National Bank, Avon, MN to consider approval of a proposed Subordination Agreement on behalf of the Albany Hotel and Business Center, 441 Railroad Avenue. Mr. Schneider informed the council the city's Economic Development Authority (EDA) recorded a mortgage (\$24,999) a few months ago related to the EDA's Commercial Rehabilitation Deferred Loan Program, a deferred loan that will be forgiven after seven years if the business maintains ownership of the building. Mr. Schneider noted the council has approved similar requests in the past for businesses on Railroad Avenue that have participated in the said Program. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Adam Rushmeyer to approve the Subordination Agreement. All voted for the motion and it carried.

Mr. Schneider informed the council that members from the public have brought it to his attention there are many unlicensed and inoperable motor vehicles being stored on residential properties in the city. Mr. Schneider noted Ordinance 75, Abandoned Motor Vehicles, prohibits any person from parking, storing or leaving an abandoned motor vehicle that lacks vital component parts or is in an inoperable condition on private property within the city. Mayor Tom Kasner with the consensus of the council, directed Mr. Schneider and Police Chief Ozzie Carbajal to enforce the ordinance having received complaints from members of the public. Mr. Schneider informed the council inspections of residential properties will begin in a week or two with the assistance of the police department.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o'clock in the evening on Wednesday, August 3, 2022, and adjourned the meeting at 7:40 PM.

Tom Schneider
Clerk/Adm.