

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 Daron Gersch at 6:30 o'clock in the evening on Wednesday, February 21, 2018, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Tom Kasner, Al Amdahl, 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, Albany Police Chief.

The Council recited the Pledge of Allegiance.

After due discussion, a motion was made by Tom Kasner and seconded by Al Amdahl to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 68003 to 68032 and 16875 to 16888. All voted for the motion and it carried.

Mayor Daron Gersch called for any corrections or additions to the minutes of the regular meeting of the Council held on February 7<sup>th</sup> and hearing none declared them approved.

Open forum/public comment: none

Deb Haus, Appraiser, for the Stearns County Assessor's Office, appeared before the Council to present information pertaining to the 2018 Assessment, payable in the year 2019. Ms. Haus noted that the 2018 valuations are based on sales from October 1, 2016 and September 30, 2017. Ms. Haus noted the acceptable assessment is achieved when the overall sales ratio that measures the relationship between sale prices and the assessor's estimated market values is between 90% and 105%. Ms. Haus noted that there were forty-one (41) improved open market sales between the aforementioned time period and adjustments were made in the range of a seven (7%) to four-teen (14%) percent increase that resulted in a City's ratio of 93.7%, which is acceptable. Mr. Harlander requested that Ms. Haus provide the Council with each certificate of real estate value (CRV) during the time period that was used to calculate the proposed increase. Mr. Harlander also noted that it's difficult for property owners to challenge their estimated market value at a Board of Review meeting due to limited access to computers or property sales information; whereby County assessors have unlimited access to statistical information for multiple properties within several jurisdictions making it difficult for the property owner to challenge their value. Ms. Haus noted increases will be seen county wide and much is due to limited houses on the market, income growth, low interest rates, and lower unemployment rates. Ms. Haus also noted that several sales ratios are below the required assessment level which means property values must change to reflect the current activity in the area. Ms. Haus also noted that prior to the City's Board of Review/equalization meeting, an informational meeting will be held at City Hall to allow property owners to meet individually with the assessor in a private setting rather than a public meeting. Mayor Daron Gersch thanked Ms. Haus for attending the meeting and directed her to provide the Council with additional information related to her calculation on the proposed increases. The 2018 Notices of Valuation will be mailed to property owners in March and the City's Local Board of Appeal and Equalization meeting will be held on Wednesday, April 18<sup>th</sup> at City Hall.

Mr. Mathiasen appeared before the Council to present Resolution 2018-03, a resolution declaring cost to be assessed, ordering preparation of proposed assessment, and calling for a public hearing on assessments for the 2018 1<sup>st</sup> Street (HWY#238) Utility Improvements. Mr. Mathiasen noted that the proposed assessment for each property will be mailed including a notice of the date and time of the public hearing (March 21<sup>st</sup>). Mr. Mathiasen also noted that MnDOT will hold a preconstruction meeting in early May as well as an open house at City Hall for the residents to ask additional questions. Mr. Mergen informed the Council that he will meet with the Albany branch of the United States Post Office to cluster mail boxes at specific locations and recommended that the City pay for the mail boxes and posts as was done for the 2016 5<sup>th</sup> Street Improvements. Mr. Harlander informed the Council that he would not object to cluster mail box locations which makes it easier for plowing snow during the winter months and a cluster

of similar mail boxes is more attractive than individual mail boxes. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Mergen to obtain a cost estimate for the City to supply mail boxes and posts for the said project to be installed in a cluster. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION 2018-03  
DECLARING COST TO BE ASSESSED; ORDERING PREPARATION OF  
PROPOSED ASSESSMENT; AND CALLING FOR PUBLIC HEARING  
ON ASSESSMENTS

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 Daron Gersch, Councilors Al Amdahl, John R. Harlander, Tom Kasner, 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 Minnesota Pollution Control Agency (MPCA) informed the City in a letter dated February 8<sup>th</sup> that they will not change their position on the final 381 kg/yr. phosphorus effluent limit at the wastewater treatment plant that was initially proposed for inclusion in the City's National Pollutant Discharge Elimination System (NPDES) permit in 2010. Mr. Mathiasen noted that the MPCA will incorporate phosphorus reductions achieved through water quality trading upstream of Two Rivers lake in future permit reissuances or modifications, but no reductions would be considered with the North Lake Water Conservation improvements proposed in 2018. Mr. Mathiasen noted that Daniel Marx, an attorney with Flaherty & Hood, St. Paul, MN, provided the City with the following estimated costs if the City contests the proposed phosphorus effluent limit (381 kg/yr.): 1) draft and file a petition and comment letter to the MPCA for \$5K-\$10K depending on the case and the amount of technical and engineering analysis needed, 2) negotiate with the MPCA between \$5K-\$15K, and, 3) if the case goes to trial, the estimated cost ranges from \$50K-\$100K. Mayor Daron Gersch informed the Council that he and City staff met with the MPCA representatives in 2017 reiterating to them that as a condition of withdrawing the City's contested case petition in 2011, the City accepted the interim and final limit for total phosphorus in the current permit based on MPCA's interpretation that the final limit of 381 kg/yr. would not be imposed except under certain conditions and those conditions never materialized. Mayor Daron Gersch noted that per the MPCA water quality based effluent limit (WQBEL) analysis dated 2010, the analysis showed that the City's contribution of phosphorus in Two Rivers Lake is 5% or less; whereby the other 95% is land use practices outside the City unrelated by the MPCA. Mr. Mergen informed the Council that there are many variables to consider when discharging a wastewater pond such as, but not limited to, weather temperatures, wind, and chemical applications. Mr. Harlander noted that the City has been negotiating with the MPCA for several years and has not been given any indication from correspondence going back and forth between the City engineer and the MPCA that the proposed phosphorus effluent limit may be changed in the City's favor. Mayor Daron Gersch noted that a contested case hearing will be challenging and expensive with no guarantees that the City would be successful at the hearing. Mayor Daron Gersch, with the consensus of the Council, noted that the City will not submit a petition to request a contested case hearing and directed Mr. Mathiasen to draft a letter to the MPCA requesting that language be included in the City's NPDES permit that would allow the City the option of incorporating water quality trading (WQT) or credits through future storm water treatment projects that would result in sufficient phosphorus reduction to offset some of the City's phosphorus load.

Mr. Mathiasen noted that the City received a letter dated February 16<sup>th</sup> from the Minnesota Department of Transportation (MnDOT) stating that the City's 1<sup>st</sup> Street and Railroad Avenue (TH 238) intersection improvements was not selected for the 2017 Local Road Improvement Program (LRIP) funding. Mr. Mathiasen noted that the program is extremely competitive and thirty-six (36) projects were approved of the two-hundred seventeen (217) applications received. Mr. Mathiasen informed the Council that if the Council wishes to move forward with a roundabout, the City will need to contact Stearns County to be added to their Capital Improvement Plan (CIP) for road improvements and authorize his firm to

prepare a preliminary engineering report or feasibility study. Mayor Daron Gersch noted that the best option to improve the intersection is a 120' radius roundabout shifted northwest of the present intersection, but a mini-roundabout is not an option. Mr. Mergen noted that the Council should consider constructing a roundabout in the center of the present intersection, but additional property or right-of-way would need to be purchased. Mr. Mergen also noted that the remaining property owned by the City west of the said intersection could be sold for commercial development. Mr. Schneider noted that MnDOT informed the City that a roundabout would be acceptable for the intersection improvement and verbally committed a portion of the funding. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Schneider to contact the property owner adjacent to the said intersection to discuss the proposed improvements. The Council took no action at the meeting to authorize the preparation of a preliminary engineering report.

Councilor Keith Heitzman, Albany Golf Club Liaison, informed the Council that the golf board held a meeting to discuss the upcoming season. Mr. Heitzman noted that Paul Wellenstein, Manager, informed the Board that he will retire at the end of the season. Mr. Heitzman also noted the Board reviewed the 2018 Tournament schedule and only minor improvements to the course are being considered this year. Mr. Kasner noted that the cart paths will be improved this summer.

Councilor Tom Kasner, Albany Area Fire Board Liaison, informed the Council that the Board met on February 15<sup>th</sup> to discuss the 2017 Albany Fire Department, Inc., operations, proposed 2018 Capital Equipment Fund, 2017 number of calls, and other activities of the department. Mr. Kasner noted that fireman James Czajkowski recently retired and served on the department for twenty-two (22) years. Mayor Daron Gersch, with the consensus of the Council, thanked Mr. Czajkowski for his unselfish commitment and dedication to serving the community and surrounding area and will be honored at the annual firemen's banquet in March at the Albany Golf Club.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, March 7, 2018 and adjourned the meeting at 8:05 PM.

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Tom Schneider  
Clerk/Adm.