

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, May 3, 2017, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors John Greer, Tom Kasner, Keith Heitzman, and John R. Harlander. None were absent. Also present were: Tom Schneider, Clerk/Adm., Andrew Gravidahl, Patrol Officer, Joe Mergen, Public Works Supervisor, Jeremy Mathiasen, City Engineer, with Stantec, Inc., and Mike Kosik, Editor, Albany Enterprise.

Members from the public present for the meeting were: Simon Meer, Joyce Thull, Matthew Chapin, Steve Bates, Herb Binsfield, Sheri Thill, and Chad Schmidt.

The Council recited the Pledge of Allegiance.

After due discussion, a motion was made by Tom Kasner and seconded by Keith Heitzman to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 67283 to 67313 and 16514 to 16526. 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 April 19th and hearing none declared them approved.

Mayor Daron Gersch called for any corrections or additions to the minutes of the Board of Review and Equalization meeting held on April 19th and hearing none declared them approved.

Mayor Daron Gersch called the hearing into session to determine whether the Albany Bowl, 1450 Railroad Avenue, is in violation of Ordinance 60 (Liquor) and to consider suspension of their liquor license. Steve Bates, owner of the Albany Bowl, appeared before the Council and confirmed that one of his employees had served alcohol to an underage individual, failing the Albany Police Department Compliance Check. Mr. Bates noted that he does annual employee training on alcohol laws and driver's license review, but will increase the number of times trainings are held to prevent future violations. Mr. Schneider informed the Council that pursuant to Ordinance 60, the licensee is responsible for the conduct of the employees which includes the sale of alcoholic beverages who shall be liable for all penalties in the ordinance and the law equally with the employee. Mr. Schneider noted that the Police Chief informed him that there have been no violations in the past at Albany Bowl. Mr. Schneider also noted that pursuant to Section 60.23, Subdivision 1, the Council shall either suspend the establishment's license for a period not to exceed 60 days or revoke the liquor license upon finding that the licensee has failed to comply with any provision of Ordinance 60. Mr. Greer thanked Mr. Bates for informing the Council that he will increase training for his employees to prevent a similar violation in the future. After due discussion, a motion was made by Tom Kasner and seconded by John R. Harlander to suspend the liquor license for May 9th, one-day, pursuant to Section 60.23, Subd. 1, of Ordinance 60. All voted for the motion and it carried.

Pursuant to due notice, at 6:38 pm, Mayor Daron Gersch called the public hearing into session on a request by Andrew and Katherine Gravidahl, 816 2nd Avenue, to vacate a 5.00 foot drainage and utility easement over, under and across the southeasterly 5.00 feet of Lot 15, Block 1, TRAILS EDGE, according to the recorded plat thereof, Stearns County, Minnesota, being contiguous and parallel with the southeasterly line of said Lot 15 and the northwesterly 5.00 feet of Lot 14, said Block 1, being contiguous and parallel with the northwesterly line of said Lot 14, less and except the easterly 10.00 feet of said Lots 14 and 15, being contiguous and parallel with the easterly lines of said Lots 14 and 15 and less and except those parts of said Lots 14 and 15 lying southwesterly of the following described line: Commencing at the northwest corner of said Lot 15; thence South 80 degrees 43 minutes 51 seconds East, plat bearing, along the northerly line of said Lot 15, a distance of 122.00 feet, to the point of beginning of the line to be described; thence South 30 degrees 59 minutes 44 seconds East, a distance of 115.46 feet to the northwesterly line of said Lot 14; thence South 37 degrees 54 minutes 47 seconds East, a distance of 83.79 feet to the southeasterly line of said Lot 14 and said line there terminating. Mr. Schneider noted that proper petition was received by the property owners and a notice published in the Albany Enterprise on April 12th

and April 19th. Mr. Schneider also noted that there are no utilities between the two lots as per confirmation received from area utility companies. Mayor Daron Gersch closed the public hearing at 6:45 pm. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to officially vacate the drainage and utility easement legally described above and to direct Mayor Daron Gersch to execute the Notice of Completion of said vacation. All voted for the motion and it carried.

Mr. Schneider presented proposed Ordinance 68, regulating the placement and use of portable storage units within the City. Mr. Schneider noted that recently he received several requests from property owners to use portable storage containers and after discussing the matter with Councilor John Greer, it makes sense to adopt regulations. Mr. Greer noted that storage containers will be regulated by a permit issued by the City for a limited amount of time or temporary in all zoning districts and in the M2 Industrial District, a maximum of two (2) on the same property at one time will be allowed. Mr. Schneider noted the permit fee is \$30. After due discussion, a motion was made by John R. Harlander and seconded by Tom Kasner to approve Ordinance 68 and to direct the City Administrator to publish the said Ordinance in the Albany Enterprise. All voted for the motion and it carried.

The Council took notice of a Minnesota Lawful Gambling Off-site application submitted by the Albany Sportsman Club, Albany, to conduct a raffle on January 5, 2018 at Shady's Hometown Tavern, 451 Railroad Avenue. After due discussion, a motion was made by Mayor Daron Gersch who introduced the following Resolution and moved its adoption:

RESOLUTION 2017-05
APPROVING MINNESOTA
OFF-SITE GAMBLING

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 John Greer, Tom Kasner, Keith Heitzman, and John R. Harlander, 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 appeared before the Council to inform the Council that the Project Manager for the Minnesota Department of Transportation (MnDOT) for the 2018 1st Street Reconstruction Improvements would like to know if the City is still considering extending ornamental street lights/poles on Railroad Avenue to 1st Street, north of Railroad Avenue, a cost that the City would pay. Mr. Mathiasen noted that he contacted XCEL Energy and found that any underground and/or relocating overhead electric wires may cost \$50,000+ which does not include new services to residential homes, and Charter Communications relocation expenses. Mayor Daron Gersch noted that he cannot support the relocation of the overhead electric wires due to the cost. Mr. Greer noted that there are other areas within the City that are in need of repairs that would be a higher priority. Mr. Mathiasen noted that he will contact XCEL Energy to inform them that the City is not interested in purchasing ornamental street lights/poles for the said Improvements.

Mr. Harlander questioned if the Council should authorize the City Engineer to prepare plans or design a roundabout for the intersection of 1st Street and Railroad Avenue, which may allow the City to construct the intersection improvements in 2018. Mr. Greer questioned if a full-size roundabout would be easier for semi-trucks to maneuver. Mr. Schneider noted that there are many designs for roundabouts, but two are under construction in the City of St. James that the Council can view upon completion this fall and witness semi-truck traffic patterns. Mr. Kasner noted that he does not want any large semi-trucks traveling on the side streets to avoid a roundabout. Ms. Thull recommended that the Council meet with local trucking companies to discuss the pros and cons regarding roundabouts. Mayor Daron Gersch informed the Council that when the new roundabouts are completed in the City of St. James, additional information will be obtained and presented to the Council at that time.

The Council took notice of proposed amendment to Ordinance 60, Liquor, to allow outdoor patio and decks. Ms. Thill appeared before the Council to inform the Council that she has no objection to the

proposed regulations other than an outdoor patio should be open until 2 AM and not be required to close at 10:00 PM. Ms. Thill noted that there have been no issues or complaints made from adjacent properties about her existing outside speakers and does not think that there will be any issues if an outside patio can be open until 2 AM. Herb Binsfeld, 201 5th Street, appeared before the Council to inform the Council that he can't hear the outside speakers at Rookies Sports Bar, but allowing more individuals to be outside in a designated area will be disruptive to the neighborhood. Mr. Kasner noted that individuals on an outside patio will make more noise than outside speakers and recommended that an outside patio or deck be permitted to open until 12:00 AM or midnight. After due discussion, a motion was made by Tom Kasner and seconded by Keith Heitzman to approve the amendment to Ordinance 60, Liquor, which includes allowing an outdoor patio or deck to be open only from 10 AM to 12 AM. Voting for the motion was Mayor Daron Gersch, Councilors Tom Kasner and Keith Heitzman. Voting against were Councilors John R. Harlander and John Greer whereby the motion carried.

Ms. Thill also appeared before the Council to request permission to allow the consumption of alcohol in her rear parking area under a tent staffed with two employees from 11 AM until 8 PM on Sunday, May 21st for the purpose of a benefit for an employee who had a house fire a few weeks ago. Ms. Thill noted that she will erect barricades for a border which will allow patrons to walk on the public sidewalk to and from her west building entrance on 5th Street to the rear parking lot (tent). Mr. Greer noted that the Police Chief is opposed to allowing patrons with alcohol to use the public sidewalk. After due discussion, a motion was made by Tom Kasner and seconded by Keith Heitzman to grant permission to allow consumption of alcohol in her rear parking lot including approval for patrons with an alcoholic beverage to walk on the public sidewalk to and from her west building entrance on 5th Street to the rear parking lot (tent) on the said date. Voting for the motion were Mayor Daron Gersch, Councilors Tom Kasner, Keith Heitzman, and John R. Harlander. Councilor John Greer voted against and the motion carried.

Councilor Keith Heitzman, Albany Golf Club Liaison, presented to the Council the said Club's checkbook register for review and consideration. After due discussion, a motion was made by Keith Heitzman and seconded by Mayor Daron Gersch to approve of the check register as presented (38176-38267). Voting for the motion were Mayor Daron Gersch, Councilors Keith Heitzman, John Greer, and John R. Harlander, and none voted against. Councilor Tom Kasner abstained and the motion carried.

Mr. Heitzman informed the Council that the Club held their annual Stockholder's meeting on May 1st; whereby Steven Gretsche, Craig Baggenstoss, and Gary Johnson, were elected for a three-year term to the Board of Directors. After due discussion, a motion was made by Keith Heitzman and seconded by John R. Harlander to ratify the annual stockholder's election results for the aforesaid individuals. Voting for the motion were Mayor Daron Gersch, Councilors Keith Heitzman, John Greer, and John R. Harlander, and none voted against. Councilor Tom Kasner abstained and the motion carried.

Mr. Heitzman also noted that the Golf Board approved a Promissory Note between the City and Albany Golf Club in the amount of \$62,236, (5-years @ 1% interest). Mr. Heitzman noted the funds are needed to purchase a new mower and 30 new Yamaha golf carts. After due discussion, a motion was made by Keith Heitzman and seconded by Mayor Daron Gersch to approve the Promissory Note and terms. Voting for the motion were Mayor Daron Gersch, Councilors Keith Heitzman, John Greer, and John R. Harlander, and none voted against. Councilor Tom Kasner abstained and the motion carried. Mr. Heitzman informed the Council that the Golf Board thanked the Council for their continued support of the operations of the Albany Golf Club.

Mr. Schneider informed the Council that he and Councilor John R. Harlander met with several representatives from solar development companies over the past three-years who developed solar gardens, each having different proposals for the City to consider. Mr. Schneider noted that the purchase power or subscriber agreements are for a 25-year period, a long-term hedge that creates significant savings to the City over the course of the agreement, but there are many variables that can alter those savings and actually cost the City to participate in the said agreement. Mr. Schneider noted that there is no guarantee that the City will save money and many assumptions that is too great of a risk to City tax payers. Mr. Harlander noted that if the agreements were a shorter term, it might be beneficial, but not knowing future technology

advances in solar, the future of XCEL Energy's rate increase/decrease or any developer's sustainability, he would not recommend the City sign a 25-year agreement at this time. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Schneider not to engage in further discussions with solar developers at this time.

Mr. Schneider noted that he contacted Representative Paul Anderson regarding a bill presented by a colleague that would place a moratorium on the Minnesota Pollution Control Agency (MPCA) to order wastewater sewage treatment plant upgrades until there has been time to study how much they would actually improve water quality. Mr. Schneider noted that Mr. Anderson said the bill was rolled into the omnibus environment bill which the Governor may veto, but environmental lobbyists has stated the legislature are the ones destroying all protections and the moratorium is a bad bill. Mr. Schneider noted that the MPCA is forcing cities to spend millions of dollars to lower the limits of phosphorus, mercury and other pollutants, but only a very small percentage is coming from wastewater sewage treatment plants and more emphasis should be directed at non-point polluters.

Mr. Schneider also informed the Council that Stearns County will meet with three manufacturers of election equipment in hopes to procure new election equipment for the 2018 elections. Mr. Schneider noted that the current election equipment (M100/Automark) is over 10-years old and the estimated cost for new equipment statewide is \$6.8 million; whereas the cost for Stearns County is estimated to be \$1.2 million. Mr. Schneider noted that the estimated cost for new election equipment for the City precinct is \$13,000+/- and the City may be responsible for 25% of the costs or \$3,250+/-.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, May 17, 2017 and adjourned the meeting at 8:00 PM.

Tom Schneider
Clerk/Adm.