

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 Thursday, July 5, 2018, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Jack Evens, John R. Harlander, Al Amdahl, 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.

Mr. Schneider administered the Oath of Office for the position of Mayor to Tom Kasner. Mr. Schneider also administered the Oath of Office for the position of Councilor to Jack Evens.

After due discussion, a motion was made by John R. Harlander and seconded by Al Amdahl to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 68317 to 68348 and 17003 to 17018. 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 June 20th and hearing none declared them approved.

Open forum/public comment: none

Shannon Bertram, President, and Dean Goebel, CFO, BB Wheels, Albany, were present for the meeting.

Councilor Al Amdahl, Planning Commission Liaison, informed the Council that the Planning Commission held a public hearing on June 28th to consider a request by Shanberly Acres, LLC dba BB Wheels for a Conditional Use Permit (Section 80.20A, Subd. 2, Subp. c) to construct a warehouse distribution facility at 420 Huskie Drive, a C3 Highway I-94 Commercial District. Mr. Amdahl noted that a new 6,000 +/- sq. ft. warehouse and office building will be constructed in the Albany Business and Industrial Park. Councilor Jack Evens thanked the business owners for selecting Albany for their business expansion and wished them success in the future. After due discussion, a motion was made by John R. Harlander and seconded by Jack Evens to approve the request by Shanberly Acres, LLC dba BB Wheels, for a Conditional Use Permit, contingent per the following:

1. Verify parking lot/driveway drainage pattern is connected to the existing storm sewer service.
2. Water and Sewer hookup fee to be paid.
3. Water meter supplied by City and paid by property owner.
4. Install a KnoxBox fire department rapid entry system.
5. Exterior lighting on building shall be "downcast".
6. Signage on property and/or building to meet sign regulations.
7. Warehouse/office Parking: One (1) space for each 200sf of office and One (1) space for each 1,000sf of warehouse. Minimum parking: office-12 and warehouse-4 or 16 total.
8. Asphalt or concrete apron from driveway shall extend into property 30'.
9. Obtain Commercial Building application and permit.
10. The Building Official may provide additional comments than those listed above.

All voted for the motion and it carried.

Councilor Al Amdahl, Planning Commission Liaison, also informed the Council that the Planning Commission held a public hearing on June 28th on a request by Albany Planning Commission to consider an amendment to Ordinance 80 as follows:

- 80.15, R-1 Zone District Subd. 3, Subp. k
- 80.16, R-2 Zone District Subd. 3, Subp. o
- 80.17, R-3 Zone District Subd. 3, Subp. o
- 80.17, R-3 Zone District, addition of Subd. 9
- 80.22, M-1 Zone District, Subd. 9
- 80.23, M-2 Zone District, Subd. 8

Mr. Amdahl informed the Council that the proposed amendment is to remove language that was difficult to interpret by the public and staff; whereby the City Attorney concurred and recommended that the language be removed from the ordinance. After due discussion, a motion was made by Keith Heitzman and seconded by John R. Harlander to approve the said amendment to Zoning Ordinance 80 amending certain provisions in the R-1, R-2, R-3, M-1, and M-2 Districts. All voted for the motion and it carried. The full text of the said amendment is on file at the office of the City Clerk/Administrator for public inspection during regular office hours.

Lenore Lemke, CentraCare Health Construction Project Manager, Thomas Mathews, Attorney, on behalf of CentraCare Health, law firm of Gray Plant Moody, St. Cloud, MN, and Jason Murray, Tax Increment Financing consultant, David Drown Associates, were present for the meeting.

Pursuant to due notice, Tom Kasner called the public hearing into session at 6:37 o'clock in the evening relating to the (a) the proposed establishment of Tax Increment Financing (TIF) District No.15 within Municipal Development District No. 1, and (b) the adoption of the Tax Increment Financing Plan relating thereto, all pursuant to and in accordance with Minnesota Statutes, Sections 469.174 to 469.1794, inclusive, as amended (the "Act"). The public hearing notice was published in the Albany Enterprise on June 20th and no written comments were received. Mr. Murray noted that Albany Clinic Properties, LLC., dba CentraCare will be constructing a new 18,000 +/- sq.ft. medical clinic at 30 Railroad Avenue, formerly MasterMark Plastics. Mr. Murray noted the new TIF Redevelopment District No. 15 is for a duration of twenty-six (26) years and includes the development property and additional street right of way for future street improvements at the intersection of 1st Street (State HWY #238) and Railroad Avenue (Co. Rd. #54). Mr. Murray also noted the City would provide Pay-as-you-go TIF assistance equal to 90% of increment generated by the project for a ten (10) years or \$700,000 whichever occurs sooner for documented eligible expenses. Mr. Evens questioned if there were additional parcels included within the boundaries of TIF 15. Mr. Murray noted no other parcels were included, but in the future if a qualified project is identified, a district may be easily created. Mr. Murray informed the Council that the Planning Commission at their May 31st meeting reaffirmed the boundaries of Municipal Development District No. 1 that included all properties within the City of Albany corporate limits including any street or utility easements or rights-of-way upon or adjacent to the parcels. Mayor Tom Kasner closed the public hearing at 6:48 PM. After due discussion and upon the recommendation of the Albany Economic Development Authority and Planning Commission, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION 2018-14
 APPROVING THE CREATION OF TAX INCREMENT FINANCING DISTRICT NO. 15
 WITHIN MUNICIPAL DEVELOPMENT DISTRICT NO. 1 AND ADOPTION OF THE
 TAX INCREMENT FINANCING PLAN RELATING THERETO

The motion for the foregoing Resolution was seconded by Al Amdahl and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Jack Evens, John R. Harlander, 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.

Pursuant to due notice, Tom Kasner called the public hearing into session at 6:49 o'clock in the evening relating to the (a) the proposed establishment of Tax Increment Financing District No.16 within Municipal Development District No. 1, (b) the adoption of the Tax Increment Financing (TIF) Plan relating thereto (c) the proposed modification of Tax Increment Financing District No. 13, and (d) the adoption of the modified Tax Increment Financing Plan relating thereto, all pursuant to and in accordance with Minnesota Statutes, Sections 469.174 to 469.1794, inclusive, as amended (the "Act"). The public hearing notice was published in the Albany Enterprise on June 20th and no written comments were received. Mr. Murray noted that Shanberly Acres, LLC dba BB Wheels, 420 Huskie Drive, Albany, MN will construct a warehouse distribution facility in the Albany Business and Industrial Park. Mr. Murray informed the Council that a new TIF Economic District No. 16 (18 parcels) would be established to assist the BB Wheels project. Mr. Murray noted the City will reimburse the developer 90% of the tax increments generated by the project, up to \$60,000, over the nine (9) year district life for documented eligible expenses. Mr. Murray also noted that the City will provide tax increment financing assistance on a "pay-as-you-go" basis; whereas the developer will pay all upfront costs, with the City reimbursing a portion of the increment for the eligible project costs. Mayor Tom Kasner closed the public hearing at 6:51 PM. After due discussion and upon the recommendation of the Albany Economic Development Authority and Planning Commission, a motion was made by Mayor Tom Kasner who introduced the following resolution and moved its adoption:

**RESOLUTION 2018-15
APPROVING THE MODIFICATION OF TAX INCREMENT FINANCING DISTRICT
NO. 13, MODIFICATION OF THE TAX INCREMENT FINANCING PLAN RELATING THERETO;
THE ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT NO. 16
WITHIN MUNICIPAL DEVELOPMENT DISTRICT NO 1, AND
ADOPTION OF THE TAX INCREMENT FINANCING PLAN RELATING THERETO**

The motion for the foregoing Resolution was seconded by Jack Evens and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Jack Evens, John R. Harlander, 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.

Jean Pundsack, 211 Railroad Avenue, appeared before the Council to inform the Council that the bituminous (tar) is damaged on 2nd Street where a semi-truck/trailer has been allowed to park overnight. Ms. Pundsack noted that language in Ordinance 51 related to semi-truck parking in the commercial area is outdated and needs to be amended. Ms. Pundsack noted that the current ordinance provides overnight parking of vehicles on a street for a period of 48 hours which is too long and the time period should be reduced. Ms. Pundsack questioned if a Council member could speak to the owner of the commercial building at 201 Railroad Avenue regarding any concerns he may have regarding the semi-truck parked on 2nd Street. Mayor Tom Kasner directed Mr. Harlander to contact the owner of the building at 201 Railroad Avenue. Ms. Pundsack also noted the following traffic concerns should be addressed by the Council on Railroad Avenue: vehicle and farm equipment speeds, loud vehicle noises, and pedestrian safety. Mayor Tom Kasner, with the consensus of the Council, informed Ms. Pundsack that no amendment will be considered at this time to Ordinance 51.

Pursuant to due notice, Mayor Tom Kasner called the public hearing into session at 7:20 o'clock in the evening to vacate a 5.00 foot drainage and utility easement over, under and across the southerly 5.00 feet of Lot 15, Block 1, WHISPERING OAKS AT TWO RIVER, according to the recorded plat thereof Stearns County, Minnesota, as measured perpendicular to, contiguous and parallel with the southerly line of said Lot 15 and the northerly 5.00 feet of Lot 16, said Block 1, as measured perpendicular to, contiguous and parallel with the northerly line of said Lot 16, less and except the easterly 10.00 feet of said Lots 15 and 16, as measured perpendicular to, contiguous and parallel with the easterly lines of said Lots 15 and 16 and the westerly 5.00 feet of said Lots 15 and 16 being as measured perpendicular to, contiguous and parallel with the westerly line of said Lots 15 and 16 as requested by Richard and Sharon Gaebel, 105 Whispering Oaks Drive. A public notice was published in the Albany Enterprise on June 13th and June 20th. No written comments were received. Mayor Tom Kasner closed the public hearing at 7:21 PM. Mr.

Schneider noted that the purpose of the request is to construct a new home in the future on the property and informed the Council that no utilities exist within the proposed easement to be vacated. After due discussion, a motion was made by Al Amdahl and seconded by John R. Harlander to vacate the public drainage and utility easement as per aforesaid legal description. All voted for the motion and it carried.

Mr. Mathiasen presented to the Council pay application number two for the 2018 North Lake Storm Water Improvements. Mr. Mathiasen noted the said request includes the remainder of the filter trenches, plantings, restoration work, and other miscellaneous items. After due discussion and upon the recommendation from the City Engineer, a motion was made by John R. Harlander and seconded by Keith Heitzman to approve payment number two to Craig Bardson Excavating, Inc., Albany, MN, in the amount of \$81,148.05 for the said Improvements. All voted for the motion and it carried.

Mr. Mergen informed the Council that there are several pallets of concrete retaining wall block (8" x 18") in storage at the Public Works building and recommended that the material be sold as surplus property. Mayor Tom Kasner noted that the Albany Golf Club has no use for the material and had no objection if sold. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Al Amdahl to direct Mr. Schneider to publish a notice in the Albany Enterprise seeking bids for the surplus concrete retaining wall block. All voted for the motion and it carried.

Mr. Carbajal informed the Council that an application for employment was received by Joseph Walz, Albany, MN, for part-time Patrol duties in the Police Department. Mr. Carbajal noted that all the background investigation has been successfully completed and recommended he be approved for employment. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to hire Joseph Walz as a part-time Patrol Officer. All voted for the motion and it carried.

Mr. Carbajal also informed the Council that his department received \$32,000 in donations from local organizations and businesses to purchase for training an Interactive Firearms and Force Options Simulator. Mr. Carbajal noted that the estimated cost is \$35,000; whereby the shortfall will be paid with capital equipment funds. Mr. Carbajal also noted that a second vendor quote was received for the same training equipment which was much higher. Mayor Tom Kasner, with the consensus of the Council, authorized Mr. Carbajal to proceed to purchase the said Simulator.

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 Al Amdahl to approve of the check register as presented (38721-38863). Voting for the motion was Councilors Keith Heitzman, Al Amdahl, Jack Evens, and John R. Harlander, and none voted against. Mayor Tom Kasner abstained and the motion carried.

Mr. Mergen informed the Council that the Minnesota Pollution Control Agency (MPCA) denied the City's request to remove the new monitoring requirements for salty discharge parameters and mercury monitoring in the pre-draft National Pollutant Discharge Elimination System (NPDES) permit for the City's Wastewater Treatment Facility.

The Council took notice of a request by the Church of Seven Dolores for a Temporary On-Sale Liquor license for Sunday, August 5th (Church Bazaar), at 151 2nd St. South. After due discussion, a motion was made by Jack Evens and seconded by Keith Heitzman to approve the said License. All voted for the motion and it carried.

Mr. Schneider informed the Council the Minnesota Department of Health (MDH) forwarded a letter to the City confirming that the drinking water samples taken from 2013 to 2015 met Safe Drinking Water Act (SDWA) Standards Act and no further action is required. Mayor Tom Kasner noted that reliable drinking water is a top priority for the City.

Mr. Schneider presented to the Council a public notice the City received from the Stearns County Planning Commission regarding a request by H & L Partnership, to rezone a parcel of property located at 35536 County Road 10, Albany. No action was taken by the Council.

Mr. Schneider questioned if the Council had any objection if the City were to purchase excess Minnesota Department of Transportation (MnDOT) railbank property which lies south of the former Gas Service business, 21837 Co. Rd. #54, east of Countryside Lane located in Albany Township. Mr. Schneider noted that railbank property may not be sold to private individuals. Mr. Schneider noted that the property owner has indicated he would annex the property to the City and fund the installation of a public sidewalk along the northern boundary of his property. Mayor Tom Kasner, with the consensus of the Council, directed Mr. Schneider to continue discussion with MnDOT on the acquisition of the railbank property.

Mr. Schneider also informed the Council that the City is listed on Stearns County's five-year Capital Improvement Plan for funding in the year 2023 for the construction of a roundabout at the intersection of 1st Street (State HWY #238) and Railroad Avenue (Co. Rd. #54). Mr. Schneider noted that State Aid funds will be available for eligible expenses up to \$250,000. Mr. Schneider also noted that if the intersection improvement begins prior to the year 2023, the City would need to finance the project until Stearns County receives their funding.

Mayor Tom Kasner announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, July 18, 2018 and adjourned the meeting at 7:55 PM.

Tom Schneider, Clerk/Adm.