

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, December 6, 2017, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Tom Kasner, Al Amdahl, and Keith Heitzman. Councilor John R. Harlander was absent.

Also present were: Tom Schneider, Clerk/Adm., Jeremy Mathiasen, City Engineer, with Stantec, Inc., Joe Mergen, Public Works Supervisor, Andrew Gravdahl, Patrol Officer, Mike Kosik, Editor, Albany Enterprise, Dannielle Zierden, Albany Police Administrative Assistant, and Ozzie Carbajal, Albany Police Chief. Albany High School students present were Miranda Breth and Sammy Schneider.

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 67805 to 67842 and 16751 to 16765. 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 November 15th. Mr. Schneider informed the Council that a resolution, not a motion by the Council, is required for the City's application to the Local Road Improvement Program. Mr. Schneider recommended that the November 15th Council minutes be amended that the motion be replaced with a resolution. After due discussion, a motion was made by Mayor Daron Gersch who introduced the following:

RESOLUTION 2017-13
CALLING FOR AN APPLICATION TO THE LOCAL ROAD IMPROVEMENT
PROGRAM (LRIP) FOR IMPROVEMENTS TO THE TH238/CSAH 54
INTERSECTION (Railroad Avenue & 1st Street)

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 Daron Gersch, Councilors Keith Heitzman, Tom Kasner, and Al Amdahl, and none voted against the same whereupon the said Resolution 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.

After due discussion, a motion was made by Tom Kasner and seconded by Keith Heitzman to approve the November 15th Council minutes as amended. All voted for the motion and it carried.

Open forum/public comment: none

Ron LaFond, Wastewater Engineer, with the firm of Stantec, Inc., St. Paul, MN, appeared before the Council to provide background information relating to the City's Wastewater Treatment Plant National Pollutant Discharge Elimination System (NPDES) permit renewal as regulated by the Minnesota Pollution Control Agency (MPCA). Mr. LaFond noted that the total phosphorus limit of 381 kg/yr was initially proposed for inclusion by the MPCA in the City's NPDES permit in 2010 based on the nutrient (phosphorus) impairments to Two River Lake. Mr. LaFond noted at that time, the City filed a Contested Case petition challenging MPCA's proposal to include the 381 kg/yr limit in the said permit because (1) the proposed limit from MPCA was not based on sound and equitable technical analysis; (2) the City was concerned that consistent and long-term compliance with the limit was not feasible; (3) that the limit could have negative impacts on future economic growth and development and (4) compliance could require potentially costly process changes and/or facility upgrades. Mr. LaFond noted that the City withdrew its contested case petition and accepted an interim phosphorus limit of 525 kg/yr and a final limit of 381 kg/yr. Mr. LaFond also noted that based on documented communications with MPCA staff, the City's understanding was that the 381 kg/yr total phosphorus limit would only become effective if the City had

two exceedances of the 525 kg/yr and that because the City has not had two exceedances, the interim limit of 525 kg/yr should continue to apply, unless and until there are two exceedances of the 525 kg/yr or a Total Maximum Daily Load (TMDL) for Two River Lake has been completed and the limit is based on the TMDL. Mayor Daron Gersch noted that based on MPCA analysis, the wastewater ponds only account for, at most, five percent (5%) of the total phosphorus load that affects Two Rivers Lake; whereas land uses commonly known as non-point sources, between the City and lake, account for ninety-five percent (95%) of the phosphorus load in the said lake. Mayor Daron Gersch noted that the City already reduced its phosphorus loading forty percent (40%) resulting in the removal of two percent (2%) or less of phosphorus entering the lake and any further reduction will not impact the water quality in the lake. Mayor Daron Gersch noted that non-point sources continue to add phosphorus loading to the lake, but remain unregulated by the MPCA. Mr. Kasner noted that the City should not accept the 381 kg/yr limit without first knowing the final results of the TMDL modeling of the lake. Mayor Daron Gersch, with the consensus of the Council, directed Mr. LaFond to prepare a letter informing the MPCA that the City accepted the interim and final limits 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; whereas these conditions never materialized and the City believes it is only fair to maintain the current total phosphorus limit of 525 kg/yr.

Mr. Mathiasen presented to the Council the following project updates:

- 2018 1st Street Reconstruction Improvements: Shop drawings are being finalized and no specific start date has been identified.
- 2018 North Lake Storm Water Improvements: Bids to be opened December 7th and construction to begin in spring of 2018.
- 1st Street/Railroad Avenue Intersection Improvements: An application has been submitted to the MnDOT Local Road Improvement Program. If successful, funding would be used towards the City and County's share of a three-legged roundabout and the related eligible expenses. Award notification would be around March.

Mr. Schneider noted that MnDOT has requested as per the agreement between the City and MnDOT (No. 1028420) that payment be made by the City within the next 30 days estimated to be \$337,036, the City's portion of the expenses for the 1st Street Reconstruction Improvements. Mr. Schneider noted that one-third (1/3) of the costs will be paid from the water fund and the remaining two-thirds (2/3) from the sewer fund. Mr. Schneider also noted that special assessments will be collected from the benefitted properties adjacent to the improvement.

Mr. Mergen presented to the Council a list of property owners who have not paid their utility bill after receiving several past due notices. Mr. Mergen noted that he will make final contact with each, and if no response, the water service will be shut off at the curb stop pursuant to Ordinance 30.

Pursuant to due notice, Mayor Daron Gersch called the public hearing into session at 7:10 PM to consider and possibly adopt a proposed assessment for an unpaid water bill pursuant to Ordinance 30. No members from the public were present and no written comments were received. Mr. Schneider noted that a proper notice was published in the Albany Enterprise, the local newspaper, on November 22nd and mailed notice was given to the property owner. Mr. Schneider noted that the home is vacant and for sale. Mayor Daron Gersch closed the public hearing at 7:11 PM. After due discussion, a motion was made by Tom Kasner and seconded by Al Amdahl to certify the unpaid water bill (\$238.60) to the Stearns County Auditor to be collected as a special assessment in 2018. All voted for the motion and it carried.

Pursuant to due notice, at 7:12 PM, Mayor Daron Gersch called the public hearing into session to consider approving the 2018 Budget and the amount of property taxes being proposed to be collected to pay for the costs of services the City will provide in 2018. Mr. Schneider noted that a notice of the public hearing was published in the Albany Enterprise on November 22nd and 29th. No members from the public were present for the meeting. Mr. Schneider presented to the Council the proposed employee benefits and wages, revenues, capital equipment plan, Albany Golf Club operations, and department operations (water, sewer, park, police, street, administration, library, election, fire, street). Mr. Schneider noted that the 2017 levy was \$772,892 and the proposed 2018 levy is \$819,732, a six percent (6%) increase. Mr. Schneider

informed the Council that the overall expenses increased three percent (3%). Mr. Schneider also noted the total expenditures proposed in 2018 for the departments is \$1,498,968. Mr. Schneider informed the Council that if the proposed 2018 levy is approved, the City's 2018 tax capacity rate will be forty-one percent (41%), a decrease from the previous year forty-two percent (42%). Mayor Daron Gersch closed the public hearing at 7:38 PM. Mr. Schneider informed the Council that final action to approve the 2018 Budget and levy will be held at 6:30 PM or as soon as thereafter at the Council meeting to be held on Wednesday, December 20th at the City Hall.

Mr. Schneider informed the Council that he met with Councilor John R. Harlander, the Police Department Liaison, to discuss a request by Mr. Carbajal to be paid eighty (80) hours accumulated compensation time. Mr. Schneider noted that Mr. Carbajal is a salaried employee, but is providing additional police coverage, attending evening meetings, staff meetings, and other school events requiring more than forty (40) hours per week. Mr. Schneider noted that the presence of a police chief at community functions and being accessible to the public is what the Council required years ago as part of the positions job function and had no objection to the said request. Mr. Kasner noted that he is very pleased with Mr. Carbajal duties and responsibilities as police chief, and the department operations in the community. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Al Amdahl to approve the request by Mr. Carbajal for payment of eighty (80) hours of accumulated compensation time. All voted for the motion and it carried.

Mayor Daron Gersch, Park Board Liaison, informed the Council that the three-year (3) term of Park Board member Scott Daninger expires at the end of the year and upon the recommendation by the Park Board, he be reappointed. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Tom Kasner to reappoint Mr. Daninger to a three-year term on the Park Board. All voted for the motion and it carried.

The Council took notice of a Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division, application and permit for a temporary on-sale liquor license submitted by the Mother of Mercy Foundation, for their annual Wine and Dine event to be held on April 21, 2018, at the Seven Dolors Parish Center. After due discussion, a motion was made by Al Amdahl and seconded by Keith Heitzman to approve the said application and permit. All voted for the motion and it carried.

Mr. Schneider presented to the Council a draft letter to be mailed to the Stearns County Commissioner opposing the proposed "United Rural Manufacturing Ordinance" land use amendment. Mr. Schneider noted that Stearns County will act on this amendment at their December 12th meeting. Mr. Schneider noted several cities are objecting to the amendment having already invested millions of dollars in the development of an industrial park and the amendment would allow loss of agricultural land, spot zoning, structures built with no building code regulations, and it would be extremely difficult to extend municipal water and sewer to large tracts of land in the event of septic or well failure which are not part of a planned development. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Schneider to forward a letter to the Stearns County Commissioners objecting to the aforesaid land use amendment.

The Council took notice of two Minnesota Lawful Gambling Off-site applications submitted by the Albany Lions Club to conduct a raffle on February 9, 2018 in conjunction with their annual Sweetheart Dinner/Show at Shady's Hometown Tavern and Events Center, 461 Railroad Avenue and CHI Health Connect at Home dba CHI Health at Home to conduct a raffle on March 18, 2018 at the Our Savior's Lutheran Church, 840 Lake Avenue. After due discussion, a motion was made by Tom Kasner who introduced the following Resolutions and moved their adoption:

**RESOLUTION 2017-14
APPROVING MINNESOTA
LAWFUL GAMBLING EXEMPT PERMIT APPLICATION
(Albany Lions)**

**RESOLUTION 2017-15
APPROVING MINNESOTA**

**LAWFUL GAMBLING EXEMPT PERMIT APPLICATION
(CHI Health Connect at Home)**

The motion for the foregoing Resolutions 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, Keith Heitzman, and Tom Kasner, and none voted against the same whereupon the said Resolutions were declared duly passed and adopted. The full text of the said Resolutions is on file at the office of the City Clerk/Administrator for public inspection during regular office hours.

Mayor Daron Gersch announced that Ervin Bueckers, former owner of Bueckers City Sanitation, Inc., the City's contracted refuse hauler for residential services, donated \$5,000 to the City in appreciation for the City's support of his business over the years. Mayor Daron Gersch noted that the funds may be used at the City's discretion and was not earmarked for a specific purpose. Mayor Daron Gersch noted that other donations in the same amount were given to the City of Avon and Melrose, both cities previously served by Bueckers City Sanitation. Mayor Daron Gersch and other Council members thanked Mr. Bueckers for his generosity and thoughtfulness.

Mayor Daron Gersch announced the next regular Council meeting for 8:30 o'clock in the evening on Wednesday, December 20, 2017 and adjourned the meeting at 8:10 PM.

Tom Schneider
Clerk/Adm.

UNOFFICIAL