

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, April 5, 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., Dannielle Zierden, Police Administrative Assistant, Andrew Gravidahl, Patrol Officer, Joe Mergen, Public Works Supervisor, Jeremy Mathiasen, City Engineer, with Stantec, Inc., Adam Rushmeyer, Chairman of Planning Commission, Daren Teske, Angela Teske, Wayne Nierenhausen, Carol Nierenhausen, Sheri Thill, Chad Schmidt, and Mike Kosik, Editor, Albany Enterprise.

The Council recited the Pledge of Allegiance.

Mayor Daron Gersch noted the following additions to the agenda: 1) present final purchase agreement Russ and Joyce Wolf, 121 1<sup>st</sup> Street (1<sup>st</sup> St. and Railroad Avenue Improvements-State HWY#238), and 2) petition from Andrew and Katherine Gravidahl, 816 2<sup>nd</sup> Avenue, to vacate drainage and utility easement in the Trails Edge subdivision.

After due discussion, a motion was made by John Greer and seconded by John R. Harlander to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 67197 to 67241 and 16474 to 16500. 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 March 15th and hearing none declared them approved.

John Hannon, Library Services Coordinator, Albany Public Library, appeared before the Council to present an activity report on the 2016 Albany Library operations. Mr. Hannon reported the following:

- 1) Circulation statistics (number of items checked out) in 2016 was 64,791 items, a decrease of 9% from 2015. The decrease is a trend that Great River Regional Library (GRRL) and all public libraries are experiencing. System wide the 32 branches of GRRL indicate a circulation decrease of 7%. However, system wide digital statistics (eBook & audio book) show significant increase of 3.6%.
- 2) Albany held a variety of programs this year that included twenty-seven (27) adult programs, thirty-four (34) programs for children, eleven (11) classroom visits and twenty-nine (29) school visits. The total attendance for these programs was 2,653. This does not include 219 teen-adult participants who participated in the Winter Reading Program or 373 toddler-teen participants in the Summer Reading Program.

Mr. Hannon, on behalf of the Community and the Library staff, thanked the City of Albany for their encouraging support of the library and for library programs. Mayor Daron Gersch thanked Mr. Hannon for sharing the information with the Council and congratulated them for doing a great job with the library operations for the community.

Allison Dudek, Stearns County Public Health, appeared before the Council to update the Council on the progress of preparing a Safe Routes to School Bicycle and Pedestrian Master Plan. Ms. Dudek noted that a meeting was held on March 30<sup>th</sup> with members from Albany Area Schools, City of Albany, Stantec, Inc., the City Engineering Firm, and Stearns County Public Health to discuss community engagement, education, encouragement and project tasks.

Ms. Dudek also presented to the Council the following Blue Cross Blue Shield (BCBS) Active Places Demonstration proposed projects: 1) temporary bicycle/pedestrian path on the east side of 6<sup>th</sup> Street from Linden Avenue to Soo Line Avenue, 2) bicycle/pedestrian path on the south side of Aliva Avenue from 6<sup>th</sup> Street to 8<sup>th</sup> Street, and 3) develop Forest Avenue as a primary bicycle and pedestrian route by

installing 4-way “Stop” signs at specific intersections on Forest Avenue. Ms. Dudek informed the Council that Active Places demonstration projects are low cost temporary projects that help influence long-term community changes which make a community more accessible to any type of physical activity, including walking and biking. Mr. Dudek noted the total budget requested by the City from BCBS for the three (3) projects is \$7,947 and in-kind funding is \$1,370, a total budget of \$9,317. Ms. Dudek noted that the application was submitted April 4<sup>th</sup> and funding will be announced April 25<sup>th</sup>. Mr. Schneider noted that the “Stop” signs installed on Forest Avenue would become permanent upon installation being the Council was supportive of the idea at previous Council meetings. Mr. Schneider also noted that if the grant is approved, properties abutting the proposed projects would be provided mailed notice of the temporary bicycle/pedestrian paths. After due discussion, a motion was made by John Greer and seconded by Mayor Daron Gersch to approve the BCBS Active Places Demonstration Projects application and budget contingent upon grant funding for the projects listed in the application. All voted for the motion and it carried.

Ozzie Carbajal, Albany Police Chief, arrived at the meeting (7:20 PM).

Mr. Mathiasen appeared before the Council to present the preliminary engineering report for the 1<sup>st</sup> Street and Railroad Avenue Intersection Improvements (State HWY #238). Mr. Mathiasen presented average traffic volumes, crash history, mini-roundabout design, and free right turn concept layout/comparisons, estimated project costs, traffic operation analysis, and general conclusions. Mr. Mathiasen noted that there are no special assessments to be considered to be collected from abutting properties for the proposed intersection improvements. Mr. Mathiasen noted that the Minnesota Department of Transportation (MnDOT) would pay for the majority of the improvements being the street is designated as State HWY #238. Mr. Mathiasen also noted that the Intersection Control Evaluation (ICE) report showed a roundabout would provide the highest level of service compared to other “Stop” conditions, both now and for the study year 2037, but southbound semi-truck traffic would be nearly impossible to access the fuel pumps at Albany Oil Company, 110 Railroad Avenue. Mr. Mathiasen also noted that MnDOT is planning to reconstruct State Highway #238 north of this intersection in 2018. Mr. Harlander noted that if the aforesaid intersection can be reconstructed in 2018, the City would receive better bids because the same contractor would more than likely bid both projects. Mr. Schneider noted that MnDOT will not pay for any additional right-of-way for the intersection improvements. A motion was made by Tom Kasner and seconded by John R. Harlander to schedule a public hearing at 6:30 PM or as soon thereafter as possible on Wednesday, April 19<sup>th</sup> at City Hall to consider 1<sup>st</sup> Street and Railroad Avenue Intersection Improvements. Mayor Daron Gersch directed the City Clerk/Adm. forward a notice of the meeting to the abutting property owners and publish a notice in the Albany Enterprise.

Mayor Daron Gersch noted that no action will be considered for the two final purchase agreements between the City, Teske Properties, LLC, 121 Railroad Avenue, and Russ and Joyce Wolf, 121 1<sup>st</sup> Street. Mayor Daron Gersch noted that each will be discussed at the April 19<sup>th</sup> Council meeting.

Ms. Thill, owner of Rookies Sports Bar, Albany, 481 Railroad Avenue, appeared before the Council to inform the Council that she is considering the construction of an outside patio in the rear parking area on her property. Ms. Thill noted that many of her customers would enjoy outside seating which is becoming more and more popular in the area with liquor establishments. Ms. Thill questioned what standards or regulations are required to construct an outside patio. Mr. Schneider informed the Council that there are no standards in Ordinance 60, Liquor, and recommended that standards be included in an amendment. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Schneider to draft an amendment outlining standards to construct an outside patio or deck for liquor establishments to be discussed at the next Council meeting.

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 pursuant to Ordinance 30.

Councilor Tom Kasner, Chairman of the Albany Economic Development Authority (EDA) informed the Council that the EDA held a meeting on March 22<sup>nd</sup> to review a Commercial Rehabilitation

Program application for storefront improvements to the commercial building at 401 Railroad Avenue owned by STS Properties, LLC, Albany. Mr. Kasner noted that new transom windows will be installed, electrical improvements, and soffit lighting added at a cost of \$40,000+/- . After due discussion and upon the recommendation from the EDA, a motion was made by Tom Kasner and seconded by Keith Heitzman to approve the aforesaid application for the proposed storefront improvements at 401 Railroad Avenue with the maximum EDA contribution to be \$10,000.00. All voted for the motion and it carried.

Mr. Kasner also noted that the EDA approved the final payment of \$5,000 to Steve Danzl, owner of Cornerstone Deli and Market, 381 Railroad Avenue upon completion of four (4) new windows on the 2<sup>nd</sup> floor facing Railroad Avenue or main street (full window opening with arch) and removal of five new windows on the 2<sup>nd</sup> floor facing 4<sup>th</sup> Street from the original project.

Mr. Carbajal appeared before the Council to request that the speed on Railroad Avenue (Co. Rd. #54) east of Countryside Lane be reduced from 40 mph to 30 mph ending at the Lake Wobegon Trail crossing on Co. Rd. #54. Mr. Carbajal noted that it makes no sense to have a speed of 40 mph in a location where there is a pedestrian crossing for students and vehicle entrance for the southern driveway to the Albany High School and Elementary. Mr. Carbajal recommended that the Council authorize a speed study to reduce the speed in this area of roadway. After due discussion, a motion was made by Tom Kasner and seconded by John R. Harlander to direct the City Clerk/Administrator to draft a letter to the Stearns County Highway Department requesting a reduction in speed in the aforesaid section of roadway. All voted for the motion and it carried.

Councilor John Greer presented to the Council a proposed Professional Services Agreement between the Stearns County Human Services Board and City of Albany relating to the proposed bicycle and pedestrian master plan as part of the Statewide Health Improvement Partnership (SHIP). Mr. Greer noted that the County has agreed to reimburse the City for the City's Engineering expenses in creating the said Plan in an amount up to \$10,000 for those services. After due discussion, a motion was made by John Greer and seconded by Keith Heitzman to authorize Mayor Daron Gersch to execute the said Agreement on behalf of the City. All voted for the motion and it carried.

Mr. Schneider informed the Council that a family member of Armella Bueckers, 101 Railroad Avenue, informed him that personal items, appliances, and fixtures including windows, doors, chandelier, plumbing fixtures, etc. have been removed from the house owned by the City. Mr. Schneider noted the house is vacant, electric, and gas disconnected. Mr. Schneider recommended that the Council authorize him to obtain quotes from contractors to have the house inspected for materials that may contain asbestos and demolished. Mr. Mathiasen noted that he contacted a contractor for the purpose of conducting an on-site assessment and sampling of suspected materials containing asbestos, sending the samples to a lab for testing, and preparing a final report. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Tom Kasner direct the City Clerk/Administrator to obtain quotes from a couple of contractors to test materials that may contain asbestos and demolition of the structure. All voted for the motion and it carried.

Mr. Schneider also informed the Council that the City received a proposed Service Agreement with Granite Electronics, Inc., St. Cloud, MN, annual inspection of the City's two Outdoor Warning Sirens, both operated with large battery configurations in an amount of \$76.10/month. Mr. Schneider noted that the agreement includes battery replacement which is the largest expense when they fail. Mr. Schneider also noted that the Public Works Department recommended that the Council consider approving the said Agreement. After due discussion, a motion was made by John R. Harlander and seconded by John Greer to execute the Service Agreement with Granite Electronics, Inc. All voted for the motion and it carried.

Mr. Schneider presented to the Council a Petition to Vacate of Drainage and Utility Easement in the Trails Edge subdivision (Lot 14 and 15, Block 1) from Andrew and Katherine Gravdahl, Albany, for the purpose of constructing a new single-family dwelling in the future. After due discussion, a motion was made by Mayor Daron Gersch and seconded by John Greer to set a public hearing for at 6:30 o'clock or as soon thereafter on Wednesday, May 3rd at the Albany City Hall. All voted for the motion and it carried.

The Council took notice of the following Minnesota Lawful gambling applications:

- Albany Lions Club (LG230 Application to conduct off-site gambling-affle)  
440 Railroad Avenue, August 5<sup>th</sup> (2017 Heritage Day)
- Church of Seven Dolors (LG220 Application for Exempt Permit-affle)  
Albany Golf Club, 500 Church Avenue, June 26<sup>th</sup>
- Church of Seven Dolors (LG220 Application for Exempt Permit)  
151 2<sup>nd</sup> Street, (affle, paddlewheels, pull-tabs, bingo)

After due discussion, a motion was made by Tom Kasner who introduced the following resolutions and moved their adoption:

RESOLUTION 2017-02  
APPROVING MINNESOTA OFF-SITE LAWFUL GAMBLING  
(Albany Lions-440 Railroad Avenue)

RESOLUTION 2017-03  
APPROVING MINNESOTA LAWFUL GAMBLING EXEMPT PERMIT  
APPLICATION  
(Church of Seven Dolors-500 Church Avenue)

RESOLUTION 2017-04  
APPROVING MINNESOTA LAWFUL GAMBLING EXEMPT PERMIT  
APPLICATION  
(Church of Seven Dolors-151 2<sup>nd</sup> Street)

The motion for the foregoing Resolutions were seconded by John Greer and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Daron Gersch, Councilors Tom Kasner, John R. Harlander, Keith Heitzman, and John Greer 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.

Mr. Schneider informed the Council that there is legislation proposed by Senator Scott Newman, R-Hutchinson, MN that would place a moratorium on the Minnesota Pollution Control Agency (MPCA) to order municipal wastewater treatment plant upgrades until there has been time to study how much they would improve water quality. Mr. Schneider noted that many cities in Minnesota are being faced with MPCA orders to make significant financial investments in plant upgrades when little or no information has been provided that would show how much is cleaned up and how much is it going to cost in the long run. Mr. Schneider noted that the MPCA efforts are to keep phosphorus out of lakes, but many other pollutants are affecting water quality in lakes, rivers, and streams that are not coming from wastewater treatment plants. Mr. Schneider noted that the MPCA opposes the moratorium because more cities would likely take them to court. Mr. Greer noted that the City should plan for significant future upgrades at the wastewater treatment plant and have adequate reserves set aside to finance the upgrades. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Schneider to forward a letter to Mr. Hutchinson supporting his legislation for a moratorium on the MPCA ordering municipal wastewater treatment plant upgrades.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, April 19, 2017 and adjourned the meeting at 8:10 PM.

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Tom Schneider  
Clerk/Adm.