

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 7:00 o'clock in the evening on Wednesday, April 18, 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., Ozzie Carbajal, Albany Police Chief, Mike Kosik, Editor, Albany Enterprise, Gary Winkels, Fire Chief, Andrew Gravdahl, Patrol Officer, and Joseph Mergen, Public Works Supervisor.

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 68136 to 68168 and 16932 to 16945. 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 4th and hearing none declared them approved.

Open forum/public comment: none

Lieutenant Bob Dickhaus of the Stearns County Sheriff's Department appeared before the Council to introduce himself to the Council and announce his candidacy for Stearns County Sheriff. Mr. Dickhaus informed the Council that he began his employment at the Sheriff's Department in 1993 as a Correctional Officer in the Stearns County Jail, promoted to Senior Patrol Deputy in 1995, Patrol Sergeant, Detective, Detective-Deputy Medical Examiner and in 2012 promoted to Lieutenant. Mr. Dickhaus noted that he served on many other administrative functions and appointments in the department over the years, which has given him valuable experience in supervision, budgeting, leadership, training, etc. Mayor Daron Gersch thanked Mr. Dickhaus for attending the meeting and providing information to the Council about his law enforcement experience.

Mayor Daron Gersch called the hearing into session for an alleged violation of Ordinance 60, Liquor; whereby an individual under the age of 21 was allowed to purchase liquor on April 6th at the Albany Bowl, 1450 Railroad Avenue during the annual liquor compliance check conducted by the Albany Police Department. Mr. Schneider informed the Council that Steve Bates, the owner of the business, was mailed a notice of the meeting and invited to attend the hearing to provide testimony on his behalf of the alleged violation of the incident. Mr. Carbajal noted his department conducted an annual compliance check on April 6th with an individual who was less than 21 years of age at each licensed liquor establishment in the City and the Albany Bowl failed; whereby the individual was served liquor which is a violation of the said Ordinance. Mr. Schneider noted that this is the second violation of the Albany Bowl within a three-year period and the ordinance requires at least three consecutive days suspension in addition to any criminal or civil penalties. Mr. Carbajal noted that Mr. Bates was given a citation for the violation. After due discussion, a motion was made by Keith Heitzman and seconded by Al Amdahl to suspend the liquor license at the Albany Bowl on May 3rd, May 4th, and May 5th pursuant to the said Ordinance. All voted for the motion and it carried.

Jason Bergmann, Executive Director Mother of Mercy Foundation, Albany, MN, appeared before the Council to present a Fireworks Permit application for Rock the Prairie, a music event to be held on September 8th at the Albany Amphitheater at 21470 Co. Road 54. Mr. Bergmann noted that licensed firework operators hired by HairBall, the final band or headliner, will discharge pyrotechnics during their performance. Mr. Winkels informed the Council that he contacted other Fire Chiefs about safety concerns or precautions that should be considered with the use of pyrotechnics and has no objection to the application. After due discussion, a motion was made by Mayor Daron Gersch and seconded by John R. Harlander to approve the said application. All voted for the motion and it carried.

Mr. Bergmann also recommended that the Council approve an amendment to the Large Gathering Permit application for Rock the Prairie music event to allow overnight primitive camping for authorized vehicles only and a self-contained fire pit. Mr. Bergmann noted no running water or electrical hookups will be available at the camp sites, but porta pots (toilets), security lights, dumpsters and security staff will be provided throughout the evening to allow everyone to have a safe and memorial experience at the event. Mr. Bergmann noted that self-contained metal fire pits will be provided to each camp site and strict rules will be adhered to by all campers. Mr. Carbajal noted that he met with Mr. Bergmann to discuss security at the event and will meet again sometime in August to finalize plans. Mr. Winkels informed the Council that he had no objections to the metal fire pits proposed for the camping area. After due discussion, a motion was made by Tom Kasner and seconded by John R. Harlander to approve the amendment to the Large Gathering Permit application for Rock the Prairie to allow overnight primitive camping and a fire pit provided by the Mother of Mercy foundation. All voted for the motion and it carried.

Mr. Mathiasen informed the Council that the contractor for the 2018 North Lake Storm Water Improvements may begin work to remove trees and other vegetation within the construction area on Monday.

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 John R. Harlander to approve of the check register as presented (38662-38730). Voting for the motion was Mayor Daron Gersch, Councilors Keith Heitzman, Al Amdahl, and John R. Harlander, and none voted against. Councilor Tom Kasner abstained and the motion carried.

Mr. Schneider presented to the Council a proposed Professional Services Agreement between the Stearns County Human Services Board and City of Albany for the purpose to purchase and install Rapid Flash Beacon Crosswalk LED Warning Systems at three (3) intersections relating to the bicycle and pedestrian master plan as part of the Statewide Health Improvement Partnership (SHIP). Mr. Schneider noted that the County has agreed to reimburse the City for the said crosswalk systems in an amount up to \$9,764. Mr. Schneider noted that the cost for the three crosswalk signals is \$32,000+/-; whereby adequate funds have been donated to the City to move forward with the purchase. After due discussion, a motion was made by Tom Kasner 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.

The Council took notice of a proposed amendment to Ordinance 52.12, Motorized Golf Carts. Mr. Schneider noted that the proposed amendment replaces language that required individuals to obtain a permit from Stearns County and an electric golf cart was added to the said Ordinance. After due discussion, a motion was made by Mayor Daron Gersch who introduced the following ordinance amendment:

**AMENDMENT TO ORDINANCE SECTION 52.12
MOTORIZED GOLF CARTS**

The City Council for the City of Albany, HEREBY ORDAINS that Section 52.12 of Ordinance 52 regarding use of motorized golf carts is hereby amended as follows:

1. Section 52.12, Subd. 2, the definition of “motorized golf cart” is hereby amended to read as follows:

“Motorized Golf Cart: Any passenger conveyance, being driven with three or four low pressure tires, that is limited to engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds. Motorized Golf Cart shall also include an electrically powered motor vehicle that has four wheels and has a speed attainable in one mile of at least 20 miles per hour, but not more than 25 miles per hour, on a paved level service, also known as a “neighborhood electric vehicle”.”

2. Section 52.12, Subd. 4 (b) is hereby amended to read as follows:

“b) A permit for the use of such motorized golf carts has been obtained from the City of Albany, as provided in Subd. 5.”

3. Section 52.12, Subd. 5 first paragraph is hereby amended to read as follows:

“Subd. 5: Permit Required. It shall be unlawful for any person to operate a motorized golf cart on streets under the jurisdiction of the City of Albany except when the vehicle is traveling on a designated street and is prominently displaying a valid permit obtained from the City of Albany.”

4. Section 52.12, Subd. 6 (d) is hereby amended to read as follows:

“d) On a public sidewalk or trail provided for pedestrian travel.”

5. This Amendment shall be effective upon publication.

This Amendment was approved by the majority of the City Council of Albany on the 18th day of April, 2018.

Daron Gersch, Mayor

Tom Schneider, Clerk/Administrator

(S E A L)

The motion for the foregoing ordinance amendment 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 Tom Kasner, John R. Harlander, Keith Heitzman, and Al Amdahl, and none voted against the same whereupon the said amendment was declared duly passed and adopted.

Mr. Schneider informed the Council that Stearns County agreed to reduce the price of Lot 20, Block 1, in the Whispering Oaks at Two River subdivision, a forfeited vacant lot, from \$12,500 to \$6,000 which will be available to the public at the County auction in June 2018. Mr. Schneider noted that the vacant lot was forfeited to the State of Minnesota in the year 2015 and the unpaid special assessment remained on the lot in the amount of \$23,761. Mr. Schneider recommended that the Council reduce the unpaid special assessment to \$18,591, a reduction of \$5,170, the same amount and payment terms that the Council had approved for similar priced vacant lots owned by the State of Minnesota in February, 2016 in the same residential subdivision. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to reduce the special assessment for the said Lot from \$23,761 to \$18,591.44. All voted for the motion and it carried.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o’clock in the evening on Wednesday, May 2, 2018 and adjourned the meeting at 8:25 PM.

Tom Schneider, Clerk/Adm.