

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, January 4, 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., Jeremy Mathiasen, City Engineer with Stantec, Inc., Joe Mergen, Public Works Supervisor, Andrew Gravdahl, Police Patrol Officer, Dannielle Zierden, Police Administrative Assistant, and Mike Kosik, Editor, Albany Enterprise. Students present were Tiffany Ritter and Paige Wolf.

The Council recited the Pledge of Allegiance.

Mr. Schneider administered the Oath of Office to Mayor Daron Gersch and Councilor John R. Harlander and Councilor Keith Heitzman.

After due discussion, a motion was made by Tom Kasner and seconded by John Greer to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 66969 to 66987 and 16385 to 16399. All voted for the motion and it carried.

Mayor Daron Gersch called for any corrections or additions to the minutes of the regular Council meeting held on December 21st and hearing none declared them approved.

Mr. Mathiasen informed the Council that Intersection Control Evaluation (ICE) Report for the intersection of 1<sup>st</sup> Street and Railroad Avenue is well underway with traffic information to be gathered next week.

Mr. Mergen informed the Council that in September 2016 the City provided a comment to the Minnesota Pollution Control Agency (MPCA) regarding the draft Minnesota Impaired Waters List focusing on River Eutrophication Standards (RES) Criteria Impairment for the South Two Rivers River from Schwinghammer Lake to Two Rivers Lake. Mr. Mergen noted that an impaired listing for this segment could significantly affect the City of Albany Wastewater Treatment Facility because of its downstream proximity to the outlet structure of the said facility. Mr. Mergen noted that one sample taken in 2010 for chlorophyll-*a* data was extremely high compared to other samples which was not representative of the others; whereby the City recommended to the MPCA it be removed from the analysis. Mr. Mergen noted that on December 27<sup>th</sup> the City received a response from the MPCA informing the City that the listing or high reading for chlorophyll-*a* data was erroneous; whereby the MPCA will conduct testing on the South Two Rivers River in 2017 and additional data to be collected to characterize the stream and the reach will be re-assessed in the spring 2018. Mr. Mergen also noted that the MPCA will remove the reach from the 2016 Impaired Waters List due to the uncertainty around the chlorophyll-*a* data.

Councilor John Greer presented to the Council a proposed Professional Services Terms and Conditions Agreement for the 2017 Water Based Infiltration and Wetland Restoration Improvements in North Park. Mr. Greer noted that it is a standard agreement and did not see any issues with the proposal. Mr. Schneider informed the Council that the City Attorney had no additional comments or concerns. After due discussion, a motion was made by John Greer and seconded by John R. Harlander 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 an amendment to Ordinance 64, Tobacco. Mr. Schneider informed the Council that the purpose of the amendment is to outline minimum periods that a liquor license may be suspended or revoked by the Council for violations. After due discussion, a motion was made by Mayor Daron Gersch who introduced the following amendment to Ordinance 64, Tobacco:

CITY OF ALBANY  
AMENDMENT TO ORDINANCE 64  
TOBACCO ORDINANCE

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

Mr. Schneider informed the Council that the Interim Use Permit (IUP) for property owned by the Mother of Mercy (MOM) Campus of Care at 540 Church Avenue is to be reviewed by the City and MOM one-year after the date of ownership. Mr. Schneider noted that MOM acquired the property on December 22, 2015. Mr. Schneider also noted that there have been no issues with the City regarding the property and recommended renewal of the IUP for an additional year. After due discussion, a motion was made by Tom Kasner and seconded by Keith Heitzman to extend the IUP for an additional year, ending December 22, 2017. All voted for the motion and it carried.

Mr. Schneider presented a Petition to Vacate of Drainage and Utility Easement in the Whispering Oaks at Two River subdivision from Jason and Erin Selix, 106 Whispering Oaks Lane for the purpose of constructing a future garage addition. Mr. Schneider noted that the Council already approved a minor subdivision of Lot 15, Block 3; whereby Mr. Selix is the owner of the westerly half of Lot 15, Block 3 and the proposed vacation lies between easterly Lot 14, Block 3 and westerly Lot 15, Block 3. Mr. Schneider recommended to the Council that a public hearing be scheduled to vacate a drainage and utility easement in the said subdivision. After due discussion, a motion was made by John R. Harlander and seconded by John Greer to set a public hearing for at 6:30 o'clock or as soon thereafter on Wednesday, February 1st at the Albany City Hall. All voted for the motion and it carried.

Mr. Schneider informed the Council that the Albany Jaycees donated funds to purchase new Pond Hockey Boards and Brackets to be set up on North Lake for the hockey enthusiasts during the winter season. Mr. Schneider noted that the rink size will be 64' x 128' with 18" hockey boards to keep the puck within a designated area. Mayor Daron Gersch with the consensus of the Council thanked the Albany Jaycees for their generous donation for the youth in the community. Mr. Mergen noted that the Warming House should be open next week for the winter skating season.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, January 18, 2017 and adjourned the meeting at 6:55 PM.

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Tom Schneider  
Clerk/Adm.