

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, July 2, 2014, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors John R. Harlander, Laurie Dingmann, Tom Kasner and John Greer. None were absent. Also present were: Tom Schneider, Clerk/Adm., Joe Mergen, Public Works Supervisor, Jeremy Mathiasen, City Engineer with Stantec, Inc., and Mike Kosik, Staff Writer, Albany Enterprise.

After due discussion, a motion was made by Tom Kasner and seconded by Laurie Dingmann to authorize the payment of the following bills: Check Numbers 64460 to 64500 and 15282 to 15298. All voted for the motion and it carried. The complete check register is on file at the office of the City Clerk/Adm. for public inspection during regular office hours.

Mayor Daron Gersch called for any corrections or additions to the minutes of the regular Council meeting held on June 18th and hearing none declared them approved.

Robert St. Marie and Jeff Bushman, 331 Lake Avenue, appeared before the Council to question if any further action has been determined to modify the outlet structure in the southwest corner of North Lake. Mr. Bushman informed the Council that he, the City Engineer and other City Staff met with a representative from the Minnesota Department of Natural Resources (DNR) to review the design of the outlet structure to determine if the said structure was functioning properly. Mr. Bushman questioned how the four-inch diameter hole in the structure was being maintained because if blocked by debris or sediment the lake water will not flow into the structure causing a high water elevation on the Lake. Councilor John Greer noted that the high water level of the lake cannot become the normal and additional stormwater retention ponds should be considered north of North Lake. Mr. Bushman noted that if the structure is working properly, the water level is designed to bounce two-feet after large rain events and spring snow melt. Mr. Greer noted that the DNR can be contacted for information as to how volunteers can measure the water level on North Lake. Mayor Daron Gersch directed the City Engineer to review design flow information if the four-inch hole were to be modified and to have their survey crew measure two inverts of the northeast culverts beneath State Highway #238.

John Hoefs, Administrator & C.E.O., Mother of Mercy Campus of Care, Dean McDevitt, Administrator & Assistant C.E.O., Mother of Mercy Campus of Care, and Mike Trossen, Architect, Trossen, Wright, Plutowski, Architects, Minneapolis, MN, were present for the meeting.

Councilor John Greer, Planning Commission Liaison, informed the Council that the Planning Commission held a meeting on June 24th on a request by Mother of Mercy Campus of Care, 230 Church Avenue, to rezone the current 4.4 acre campus from R-2 and R-3 Residential Districts to a Planned Unit Development (PUD) in order to construct a two-story walkout style building that would include twenty-four (24) assisted living units and the lower level a child day-care center. Mr. Greer noted that off-street parking had been a concern but parking agreements between Mother of Mercy Campus of Care and the Church of Seven Dolors are being updated and the Church had no objections to the proposed project. Mr. Greer also noted that there will be a lot split for the new building due to financing requirements by the United States Department of Agriculture (USDA); whereby the appropriate surveys had been submitted with the application. After due discussion, a motion was made by Councilor John Greer who introduced the following Resolution and moved its adoption:

CITY OF ALBANY
COUNTY OF STEARNS
STATE OF MINNESOTA
RESOLUTION NO. 2014-15

RESOLUTION GRANTING REZONING APPROVAL TO
MOTHER OF MERCY CAMPUS OF CARE

The motion for the foregoing Resolution was seconded by Councilor John R. Harlander and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Daron Gersch, Councilors Laurie Dingmann, John R. Harlander, John Greer, and Tom Kasner and none voted against whereupon the said Resolution declared duly passed and adopted. The full text of the said Resolution which outlines the findings is on file at the office of the City Clerk/Administrator for public inspection during regular office hours.

Molly Thompson, CPA with the firm of Schlenner, Wenner and Company, St. Cloud, MN, the City's Auditor, appeared before the Council to present the final 2013 Comprehensive Financial Audit for all City operations including the Albany Golf Club, Inc. Ms. Thompson also presented to the Council an abbreviated audit report on all City operations. After due discussion, a motion was made by John R. Harlander and seconded by John Greer to approve the 2013 Comprehensive Financial Audit and recommended transfers other than water and sewer. All voted for the motion and it carried. The complete audit is on file at the office of the City Clerk/Adm. for public inspection during normal office hours.

Mr. Mathiasen, the City Engineer, appeared before the Council to inform the Council that the mill and overlay street improvements on 8th Street south of Railroad Avenue have been completed. Mr. Mathiasen noted that for contractor scheduling purposes, action should be taken by the Council to consider grinding curb to curb the surface of the roadway for Phase II of the 2013 Railroad Avenue Improvements. Mr. Mathiasen noted that Tim Paul, Project Manager, Minnesota Department of Transportation (MnDOT) recommended that to avoid delays in the completion of the project, the City consider cost share for the total replacement of curb/gutter for Phase II. Mr. Harlander noted that the City has incurred additional expenses due to the concrete problems which should be shared with MnDOT and R.L. Larson Excavating, Inc., the General Contractor. After due discussion, a motion was made by John R. Harlander and seconded by John Greer to direct Mr. Mathiasen to contact Mr. Paul with the following information: 1) Grind Phase II curb to curb; 2) City and MnDOT agree cost share 20% or less; and 3) Improvements completed on or before September 1, 2014. All voted for the motion and it carried.

Mr. Mathiasen presented to the Council the final Plans and Specifications for the 2014 Church Avenue (5th to 8th St.) Improvements. Mr. Mathiasen noted that if approved, bids could be opened on July 31st. After due discussion and upon the recommendation from the City Engineer, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION 2014-16
APPROVING PLANS & SPECIFICATIONS
AND ORDERING ADVERTISEMENT FOR BIDS
2014 CHURCH AVENUE IMPROVEMENT PROJECT
(5th STREET TO 8th STREET)

The motion for the foregoing Resolution 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 Laurie Dingmann, John R. Harlander, and John Greer. Councilor Tom Kasner voted against 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.

Pursuant to due notice, Mayor Daron Gersch called the public hearing into session at 8:25 o'clock in the evening to vacate a drainage and utility easement located between Lot 8 and 9, Block 5 in Trails Edge subdivision for the purpose of constructing a new single-family home. Mr. Schneider noted that proper petition was received by the land owner and a notice was published in the Albany Enterprise on June 11th and 18th. Mayor Daron Gersch closed the public hearing at 8:30 pm. After due discussion, a motion was made by John Greer and seconded by Mayor Daron Gersch to officially vacate a drainage and utility easement legally described as follows:

Vacate existing 5.00 foot drainage and utility easement over, under and across the easterly 5.00 feet of Lot 8, Block 5, TRAILS EDGE, according to the recorded plat thereof, Stearns County,

Minnesota and the westerly 5.00 feet of Lot 9, Block 5, said TRAILS EDGE, Except that part of said Lots 8 and 9 lying 10.00 feet northerly of and parallel with the northerly right of way of 1st Avenue, said TRAILS EDGE and except that part of said Lots 8 and 9 lying northerly of the following described line:

Commencing at the northwest corner of said Lot 9; thence North 89 degrees 15 minutes 00 seconds East, plat bearing, along the north line of said Lot 9, a distance of 93.64 feet, to the northeast corner of said Lot 9; thence South 01 degrees 03 minutes 48 seconds East, along the east line of said Lot 9, to the point of beginning of the line to be described; thence North 78 degrees 33 minutes 10 seconds West, 94.74 feet; thence North 89 degrees 19 minutes 10 seconds West, 80.09 feet, to the west line of said Lot 8 and said line there terminating.

All voted for the motion and it carried.

Councilor Tom Kasner, Equipment Liaison, presented to the Council a cost estimate for a 2004 trailer mounted Sewer Vacuum. Mr. Kasner noted that the equipment can be used to vacuum out sediment from storm sewer and sanitary sewer structures rather than manually. Mr. Mergen noted that monies have been set aside in the Capital Equipment Fund for several years and recommended the Council consider approval. After due discussion, a motion was made by John R. Harlander and seconded by Tom Kasner to authorize the purchase of the said equipment at a cost of \$35,000. All voted for the motion and it carried.

The Council took notice of an application for a Large Gathering Permit from the Chamber of Commerce for Heritage Day, the annual community celebration, to be held on Saturday, August 2nd. Mr. Schneider noted that the event sponsored by the Albany Chamber of Commerce will consist of activities such as but not limited to a beer garden, live music, foods, parade fireworks, children games, etc. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Laurie Dingmann to approve the Large Gathering Permit and Fireworks Permit. All voted for the motion and it carried.

Mr. Schneider presented to the Council a proposed non-binding Letter of Intent between the City of Albany and Velmeir Acquisition Services, LLC, West Bloomfield, MI, for City owned property at 740 Railroad Avenue. Mr. Schneider informed the Council that the City Attorney had reviewed the proposed agreement and had no objection to the request if the City were to move forward with execution. Mr. Schneider noted that the purchase price is \$350,000 and that if a project were to move forward, a purchase agreement with conditions would be presented to the Council. Mr. Greer noted that the project will be presented to the Planning Commission for review and comment. After due discussion, a motion was made by John Greer and seconded by Mayor Daron Gersch to include language providing that the City ensures that the building is a suitable aesthetic entry into the downtown business district, note that the approval process is a matter of public record, and to authorize the City to execute the non-binding Letter of Intent. All voted for the motion and it carried.

Mr. Schneider informed the Council that the City received a Business Subsidy Application from Mother of Mercy Development, LLC, 220 Church Avenue, for tax increment financing assistance. Mr. Schneider noted that if the City proceeds with the project, a public hearing will have to be held to consider a modification of Tax Increment Financing District No. 14. Mr. Schneider noted that the proposed \$3.3 million dollar project includes twenty-four (24) assisted living units and a child day-care. Mr. Schneider also noted that the project will create ten (10) full-time jobs, two (2) part-time jobs and an estimated property tax increase of \$40,000+/- . After due discussion, a motion was made by Tom Kasner who introduced the following resolution and moved its adoption:

RESOLUTION 2014-17
CALLING FOR A PUBLIC HEARING ON
MODIFICATION #2 OF TAX INCREMENT FINANCING DISTRICT NO. 14
AND THE ADOPTION OF MODIFIED TAX INCREMENT FINANCE PLAN RELATING THERETO

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

Daron Gersch, Councilors Laurie Dingmann, John R. Harlander, Tom Kasner and John Greer and none voted against 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. The public hearing will be held at 6:30 PM or as soon thereafter on Wednesday, August 20th.

The Council took notice of a list of names to be approved as Election Judges for the State Primary Election to be held on August 12th and the General Election to be held on November 4th. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Laurie Dingmann to approve the following individuals as Election Judges: Rita Stenlund, Head Judge, Tom Schneider, Lucy Thomas, Richard Goebel, Diane Westgard, Christopher Ramseyer, Rod Gerads, Mary Kay Grabmeier, Carol Tembruell, and Pam Rypkema. All voted for the motion and it carried.

Mr. Schneider informed the Council that the City's Wastewater Treatment Plant has seen a significant increase in the number of gallons of sewerage pumped due to recent and continuous rains over the past few months. Mr. Schneider informed the Council that increase in pumping corresponds to higher inflow that is clear water entering the sanitary system due primarily from downspouts, stormwater structures/pipes, yard drains, manhole covers, and sump pumps, etc. Mr. Schneider noted that if additional ground "clear" water is being pumped into our system, the City loses pond capacity which will become a very costly problem for all taxpayers who cannot afford the costs of a system large enough to collect and treat ground or surface water in addition to sewage. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Mergen to visit property owners asking permission to enter their home to inspect their sump pump to make sure it is not connected to the City's sanitary sewer.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, July16, 2014 and adjourned the meeting at 9:15 PM.

Tom Schneider
Clerk/Adm.