

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, June 18, 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. Members from the public present were: Tim Sauerer, Mary Sauerer, Tom Sauerer, Kathleen Eickhoff, Maria Yurczyk, Intern Albany Police Department, Troy Jansky, Kati Jansky, Nate Watson, and Sean Artley.

After due discussion, a motion was made by John R. Harlander and seconded by Laurie Dingmann to authorize the payment of the following bills: Check Numbers 64429 to 64459 and 15267 to 15281. 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 4th and hearing none declared them approved.

Mary Sauerer, 34835 Co. Rd. 10, Albany, appeared before the Council to question if the Council had sold the former Albany Antique Center property now owned by the City of Albany at 740 Railroad Avenue to CVS Pharmacy. Ms. Sauerer questioned if this business is a good thing for the City being there is already a local pharmacy on mainstreet. Ms. Sauerer also questioned if there will be public meetings. Mayor Daron Gersch noted that the City has been provided a non-binding letter of intent in the sale amount of \$350,000 from Velmeir Companies, a developer acting on behalf of CVS Pharmacy, but has not executed a purchase agreement. Mayor Daron Gersch noted that the 2014 estimated market value of the property is \$99,000 and that any variations from the zoning ordinance in the development of the property will require a public hearing in which members from the public may attend those meetings before the City's Planning Commission.

Dave Waletzko and Taylor Waletzko, Community Technology Center, Albany, were present for the meeting to set up the new tablets for the Council members and answer questions.

Marcia Hallermann, owner of Marcia's All-Aboard Bar and Grill, 411 Railroad Avenue, presented to the Council a renewal application for an on-sale liquor license, cigarette license, and a 2AM license for the license period between July 1, 2014 and June 30, 2015. Mr. Schneider informed the Council that the applications were complete and recommended approval. After due discussion, a motion was made by John R. Harlander and seconded by Tom Kasner to approve the aforesaid license renewals contingent upon verifications that the first half of 2014 property taxes were paid. All voted for the motion and it carried.

Members from the public present were: Ron Dickhaus, Katrina Dickhaus, Ashley Christen, Matt VanBeck, Paul Wellenstein, Stan Tschida, Cynthia Erickson, and Faye Heille.

Pursuant to due notice, Mayor Daron Gersch called the public hearing into session at 6:40 PM to consider the construction of the following 2014 Church Avenue Improvements (5<sup>th</sup> to 8<sup>th</sup> Street): street, curb/gutter, and water main. Mr. Mathiasen presented to the Council and public the proposed Preliminary Engineering Report which outlined the scope of work to be done, design considerations, cost estimates, and methodology used to calculate individual assessments for individual properties. Mr. Mathiasen noted that the improvements are estimated to cost \$404,091 which construction estimated to be six weeks may begin after September 1st. Ms. Dickhaus questioned if they would have limited access to their homes during construction and questioned if the improvements would be affected by cold weather. Ms. Christen questioned why they are being assessed to repair a water main break and it's difficult to financially prepare for assessment payments in 2015 when the street was proposed to be reconstructed in the year 2020. Mr.

Kasner informed the Council that he is not in favor of the proposed improvements when the residents were expecting the improvements to begin in the year 2020 which gives them little or no time to financially plan for an assessment. Mr. Mathiasen noted that the estimated cost for reconstruction from 5<sup>th</sup> Street to 7<sup>th</sup> Street is \$283,189. Mr. Harlander noted that the assessments to be calculated based on actual bids for the properties will be consistent with what other properties in the City had been assessed for improvements. Mayor Daron Gersch closed the public hearing at 7:15 pm. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION NO. 2014-12  
ORDERING IMPROVEMENTS  
AND DIRECTING PREPARATION OF  
PLANS AND SPECIFICATIONS  
2014 CHURCH AVENUE IMPROVEMENTS  
(5<sup>th</sup> Street to 8<sup>th</sup> 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 abstained 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.

Mr. Schneider presented to the Council a proposed resolution to authorize the preparation of a preliminary engineering report for the reconstruction of the sanitary sewer main through the Albany Golf Course which also serves the properties on Church Avenue. Mr. Mathiasen noted that the calculation of assessments would be similar to the Church Avenue Improvements and is unique being there are few properties served by the sanitary sewer main. Mr. Mathiasen also noted that there are two sections of storm sewer pipe that are in need of repair in different locations in the City and the replacement will be added to this project, but not assessed to the properties. After due discussion, a motion was made by John Greer who introduced the following resolution and moved its adoption:

RESOLUTION NO. 2014-13  
RESOLUTION ORDERING PREPARATION OF  
PRELIMINARY ENGINEERING REPORT ON IMPROVEMENT

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.

Mr. Mathiasen noted that the test results have been analyzed and reviewed by MnDOT representatives; whereby there have been no specific reasons for the flaking and scaling of the roadway surface on Railroad Avenue (Phase II) based on the core samples taken in the roadway. Mr. Greer questioned what the response had been from MnDOT for other projects in 2014 that experienced similar issues with the roadway surface. Mr. Mathiasen noted that he had been told no other tests were done on other projects being they are quite expensive and time consuming in generating the lab results. Mr. Greer noted that it's of his opinion that the roadway surface issues could not have been weather related. Mr. Mathiasen informed the Council that he will prepare a letter to the contractor outlining the final work to be done on the roadway surface, curb/gutter, and sidewalk areas.

Pursuant to due notice, Mayor Daron Gersch called the public hearing into session at 7:40 PM to consider and possibly adopt the proposed assessment for unpaid legal costs incurred in relation to a hazardous building action. Mr. Schneider informed the Council that the legal costs are \$4,507 and if not paid by the property owner at 820 Railroad Avenue, the amount can be certified to the Stearns County

Auditor as a special assessment payable in the year 2015. Mr. Schneider noted that the property owner did contact him earlier and mentioned that they would be mailing a check for payment of the City's legal fees. Mayor Daron Gersch closed the public hearing at 7:41 PM. After due discussion, a motion was made by Mayor Daron Gersch and seconded by John Greer to certify as a special assessment the amount of \$4,507 to the Stearns County Auditor if the property owner does not pay to be collected in the year 2015. All voted for the motion and it carried.

Diane Notch, SVP/General Manager, Stearns Bank, NA, Equipment Finance Division, and Larry Keenan, Keenan Architectural Group, St. Cloud, MN, were present for the meeting.

Councilor John Greer, Planning Commission Liaison, informed the Council that the Planning Commission held a meeting on June 16<sup>th</sup> on a request by Stearns Bank, Equipment Finance Division, 500 13<sup>th</sup> Street, to consider a variance from Section 80.10, Subdivision 3 (a) of the City's Zoning Ordinance Number 80, to relax the off-street parking space requirement of nine feet (9') in width by at least twenty feet (20') in length to nine feet (9') in width to nineteen feet (19') in length to allow for an expanded parking lot to match to an existing parking lot. After due discussion, and upon the recommendation of the Planning Commission, a motion was made by John Greer and seconded by Mayor Daron Gersch to approve the variance to relax the off-street parking space requirement of nine feet (9') in width by at least twenty feet (20') in length to nine feet (9') in width to nineteen feet (19') in length to allow for an expanded parking lot to match to an existing parking lot as per the following findings:

- The property owner has proposed to use the property in a reasonable manner that is not permitted under the conditions allowed by Ordinance 80.
- The need for the variance is due to circumstances unique to the property not created by the landowner and will not alter the essential character of the locality.
- The variance is not sought solely for reasons of increased financial gain.
- The granting the variance is consistent with the intent and purpose of the zoning ordinance and the comprehensive plan.
- That the condition or situation of the specific piece of property, for which the variance is sought, is not so general or recurrent in nature as to make it reasonably practicable to adopt a general regulation to address the condition or situation, rather than a variance.
- The new off-street parking design proposed 9' x 19' parking stall will match the existing off-street parking stalls created in 1999 when the building was constructed.
- The proposal does not negatively affect the traffic flow within the off-street parking lot.
- The screening, a fence, to be erected along the east property boundary or adjacent to the off-street parking lot was approved by the Planning Commission on May 28, 2014

All voted for the motion and it carried.

Councilor John Greer, Planning Commission Liaison, informed the Council that the Planning Commission held a meeting on June 16<sup>th</sup> on a request by JT Properties, LLC, Albany, 103 County Road 10, to consider an Interim Use Permit (IUP), Section 80.26 of the City's Zoning Ordinance Number 80, to conduct a Child Day Care Center within a C3, Highway I94 Commercial District. Mr. Greer noted that the initial request was for a conditional use permit, but after a review of the Zoning Ordinance, an interim use permit was more applicable. After due discussion, and upon the recommendation of the Planning Commission, a motion was made by John Greer and seconded by John R. Harlander to approve the Child Day Care Center within a C3, Highway I94 Commercial District as per the following findings:

1. The building space will be inspected by the MN Dept. of Human Services licensing division to assure compliance with the provisions of Mn Statutes, Chapter 245A.
2. The proposal does not negatively affect the traffic flow within the off-street parking lot.
3. Play area to be located in the rear of building and fenced accordingly.
4. Business sign(s) shall conform to the City's Zoning Ordinance, Section 80.11.
5. Interim Use Permit (IUP) shall expire June 19, 2016.

All voted for the motion and it carried.

The Council took notice of a Large Gathering Permit application submitted by the Albany Chrysler Center, 34650 225<sup>th</sup> Avenue for their annual car show to be held on Friday, August 1<sup>st</sup>. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Tom Kasner to approve the said application. All voted for the motion and it carried.

The Council took notice of a request by the Albany American Legion Club for a one-day 3.2% Malt (Beer) Liquor License to sell on-sale beer for the annual car show to be held on August 1<sup>st</sup> at the Albany Chrysler Center, 34650 225<sup>th</sup> Avenue. After due discussion, a motion was made by John R. Harlander and seconded by John Greer to approve the said License. All voted for the motion and it carried.

The Council also took notice of a request by the Albany American Legion Club for an off-site MN Lawful Gambling Application for the annual car show to be held on August 1<sup>st</sup> at the Albany Chrysler Center, 34650 225<sup>th</sup> Avenue. After due discussion, a motion was made by Tom Kasner and seconded by John R. Harlander to approve the said license. All voted for the motion and it carried.

The Council also took notice of a request by the Albany Lions Club for a Temporary On-Sale Liquor license for Saturday, August 2nd (Heritage Day), at 400 Railroad Avenue. After due discussion, a motion was made by Tom Kasner and seconded by John Greer to approve the said License. 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, July, 2 2014 and adjourned the meeting at 8:00 PM.

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Tom Schneider  
Clerk/Adm.