

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 4, 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., Jeremy Mathiasen, City Engineer with Stantec, Inc., and Mike Kosik, Staff Writer, Albany Enterprise. Members from the public present were: Steve Bates, Dennis Sand, Sean Artley, Dennis Mareck, and Kurt Schneider.

Mayor Daron Gersch informed the Council that the following two agenda items were added to the agenda: 1) petition to vacate a drainage and utility easement, and 2) developers request for price range to purchase and development of the former Albany Antique Center site, 740 Railroad Avenue, owned by the City.

After due discussion, a motion was made by John Greer and seconded by Laurie Dingmann to authorize the payment of the following bills: Check Numbers 64388 to 64428 and 15252 to 15266. 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 May 21st and hearing none declared them approved.

Jeff and Kathy Bushman, 341 Lake Avenue, appeared before the Council to inform the Council that the recent large rain events raised the water level on North Lake to a point that is dangerously threatening their home. Mr. Bushman noted that the new outlet structure constructed in 2007 when 6th Street was reconstructed does not allow the City to manually control the elevation of the lake water; whereas in the past the public works department had the ability to remove wooden planks to lower the lake elevation. Mr. Greer noted that there was a court case in the 1950's between the City and a private property owner; whereby the elevation of the lake was set by the court and the outlet structure in the southwest corner of the lake was approved and regulated by the Minnesota Department of Natural Resources (DNR). Mr. Bushman noted that another large rain event may be severely damaged his home. Mr. Bushman questioned if the DNR could meet with City officials to discuss the outlet for the lake to determine if there are any options which would lower the lake level to an elevation that would not threaten their home. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Mergen to contact the DNR to arrange a meeting with the DNR, the City Engineer, and the Bushman's, at City Hall to discuss the aforesaid issues.

Mr. Schneider presented to the Council liquor license renewal applications for the license period between July 1, 2014 and June 30, 2015. After due discussion, a motion was made by Laurie Dingmann and seconded by John R. Harlander to approve the following liquor licenses:

On-Sale: Rookies Sports Bar, Paul's Par-A-Dice, Albany Bowl, Hillcrest Family Restaurant and Stubby's Tavern.

Off-Sale: Freeway Liquors, Rookies Sports Bar, Paul's Par-A-Dice, Albany Bowl, Hillcrest Family Restaurant and Stubby's Tavern.

2AM Sale: Rookies Sports Bar, Paul's Par-A-Dice

Club license: Albany Golf Club, Albany American Legion Club

Cigarette: Paul's Par-A-Dice, Freeway Liquor, Albany Golf Club, Amby's Foods, Holiday, Tesoro, Don's 194.

Voting for the motion were Mayor Daron Gersch, Councilors Laurie Dingmann, John Greer, and John R. Harlander and none voted against. Councilor Tom Kasner abstained and the motion carried.

Diane Notch, SVP/General Manager, Stearns Bank, NA, Equipment Finance Division, Daryn Lecy, VP of Operations, 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 May 28th to review a site plan application submitted by Stearns Bank Equipment Finance Division, to construct a 9,500 square foot building addition and expanded parking lot. Mr. Greer noted that a grading and drainage plan was reviewed by the City Engineer and that the outlet has been designed to discharge at rates which do not exceed predevelopment runoff rates. Mr. Greer noted that a three and one-half foot (3-1/2) vinyl fence will be erected on the eastern property boundary to screen the parking lot from the residential homes in the Sterling Heights Subdivision. Mr. Greer also noted that a variance will be requested by Stearns Bank to decrease the parking stall length from twenty (20) feet to nineteen (19) feet to match evenly with the existing off-street parking lot. 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 site plan application and related City Engineer's comments. All voted for the motion and it carried. Mr. Schneider informed Mr. Kennan to submit to the City a final site plan prior to the start of construction.

Mr. Mathiasen presented to the Council a preliminary engineering report for the 2014 Church Avenue Reconstruction Improvements between 5th and 8th Street pursuant to Minnesota Statutes 429, as some of the costs of the improvements are anticipated to be specially assessed against benefitting properties. Mr. Mathiasen noted that the proposed project includes the installation of new water main, water services, and street reconstruction. Mr. Mathiasen noted that Church Avenue is shown in the City's Capital Improvement Plan for the year 2020, but due to the four-inch water main freezing this winter between 5th and 7th Street and efforts to spot repair the water main was unsuccessful, the reconstruction is being considered in 2014. Mr. Mathiasen noted that the estimated total project cost is \$404,091 and also noted that estimated total project cost between 5th and 7th Street is \$283,189. Mr. Mathiasen also noted that a bid was received to replace the existing water main and patch the street in the amount of \$80,910. Mr. Kasner questioned if the sanitary sewer located in the golf course was being considered for replacement this fall and if so construction should begin after special events at the club. Mr. Harlander noted that the reconstruction of Church Avenue should be treated in the same manner as other reconstruction projects and is not in favor of a patch, but at the minimum, the water main and street be reconstructed between 5th and 7th Street. Mr. Schneider informed the Council that assessments for benefitted properties will be discussed at the public hearing scheduled for June 18th. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION 2014-11
RECEIVING PRELIMINARY ENGINEERING REPORT
2014 CHURCH AVENUE IMPORVEMENT PROJECT
(5th STREET TO 8th STREET)

The motion for the foregoing Resolution was seconded by Mayor Daron Gersch 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 is on file at the office of the City Clerk/Administrator for public inspection during regular office hours.

Mr. Mathiasen presented to the Council pay application number ten (10) submitted by R. L. Larson Excavating, Inc., for the Railroad Avenue Improvements. Mr. Mathiasen informed the Council that the pay application includes some of the sidewalk, curb, and seeding work that was carried over from last fall to this spring. After due discussion, a motion was made by John Greer and seconded by Laurie Dingmann to approve the said pay application for R. L. Larson Excavating, Inc., in the amount of \$18,570.92. All voted for the motion and it carried.

Pursuant to due notice, Mayor Daron Gersch called the public hearing into session at 7:55 o'clock in the evening to vacate a drainage and utility easement located between Lot 7 and 8, Block 1 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 May 14th and May 21st. Mayor Daron Gersch closed the public hearing at 7:58 pm. After due discussion, a motion was made by John Greer and seconded by John R. Harlander to officially vacate a drainage and utility easement legally described as follows:

Vacate an existing 5.00 foot drainage and utility easement over, under and across the northeasterly 5.00 feet of Lot 7, Block 1, TRAILS EDGE, according to the recorded plat thereof, Stearns County, Minnesota and the southwesterly 5.00 feet of Lot 8, Block 1, said TRAILS EDGE, Except that part lying northwesterly of a line 5.00 feet southeasterly of and parallel with the northwesterly line of said Lots 7 and 8 and except that part of said Lots 7 and 8 lying northwesterly 10.00 feet of and parallel with the northwesterly right of way of Augustana Lane, said TRAILS EDGE.

All voted for the motion and it carried.

Mr. Mergen presented to the Council a proposed Sign Retroreflectivity Policy with the assistance of the League of Minnesota Cities (LMC) that will establish how the City will implement a management method to meet the minimum sign Retroreflectivity requirements in the Minnesota Manual on Uniform Traffic Control Devices. Mr. Mergen informed the Council that the goal of this policy is to improve public safety and to prioritize the City's limited resources to replace signs. Mr. Mergen recommended approval of proposed policy. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Laurie Dingmann to approve the said Policy. All voted for the motion and it carried.

Councilor John Greer, Police Department Liaison, informed the Council that applications were received, reviewed, and interviews held; whereby Dannielle Zierden, 121 Midland Avenue, Albany, be hired for the position of Police Secretary. Mr. Greer noted that Ms. Zierden successfully completed all the employment qualifications. After due discussions, a motion was made by John Greer and seconded by Tom Kasner to hire Dannielle Zierden as Police Secretary for an hourly rate of \$15.34, Group IV, Step 1 to include forty (40) hours vacation hours. All voted for the motion and it carried.

The Council took notice of a Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division, application and permit for a temporary on-sale liquor license submitted by the Church of Seven Dolors, 151 2nd Street, for a celebration of the ordination of priesthood for Fr. Aaron Nett to be held on June 22nd at the Seven Dolors Parish Center. Mr. Schneider informed the Council that a permit is required being wine will be consumed on the premises. After due discussion, a motion was made by John R. Harlander and seconded by Laurie Dingmann to approve the said application and permit. All voted for the motion and it carried.

Mr. Schneider presented to the Council a petition received by Mark Olson, owner of Lots 8 and 9, Block 1, Trails Edge, to vacate a drainage and utility easement to allow for the construction of a new home. After due discussion, a motion was made by Tom Kasner and seconded by Mayor Daron Gersch to accept the petition and to set a public hearing at 6:30 PM or as soon as thereafter on Wednesday, July 2nd, at City Hall for the purpose of vacating the aforementioned drainage and utility easement in Trails Edge. All voted for the motion and it carried.

Mr. Schneider informed the Council that Velmeir Companies, Eagan, MN, a developer is requesting that the Council consider a price range for the sale of the former Albany Antique Center, 740 Railroad Avenue, the vacant lot now owned by the City. Mr. Schneider noted that the proposed business is CVS Pharmacy, a 6,000 +/- square foot building. Mr. Schneider also noted that the developer will submit a non-binding letter of intent to the City for the vacant lot in the amount of \$350,000. Mr. Schneider informed the Council that if the property is sold the City can require specific architectural requirements in the building design to be consistent with other older buildings on mainstreet. Mr. Schneider noted that the City received a letter from the Minnesota Pollution Control Agency (MPCA) who determined that the investigation and/or cleanup has adequately addressed the petroleum tank release meaning that the MPCA

does not require any additional investigation and/or cleanup work at this time or in the foreseeable future. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Schneider to inform the representatives from Velmeir Companies that the sale price of the vacant lot is \$350,000, that additional assurances of the building design to be approved by the City, and the property to be sold “as-is”.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o’clock in the evening on Wednesday, June 18, 2014 and adjourned the meeting at 8:35 PM.

Tom Schneider
Clerk/Adm.