

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, November 19, 2014, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors John R. Harlander, John Greer, Laurie Dingmann, and Tom Kasner. None were absent. Also present were: Tom Schneider, Clerk/Adm., Joe Mergen, Public Works Supervisor, Ozzie Carbajal, Police Chief, Jeremy Mathiasen, City Engineer with Stantec, Inc., and Mike Kosik, Editor, Albany Enterprise. Albany Area High School Students present for the meeting were Jordon Kittelson, Kale Gerads, and Paige Gerads.

After due discussion, a motion was made by Tom Kasner and seconded by John R. Harlander to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 64871 to 64891 and 15324 to 15438. 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 November 5th and the special Council meeting held on November 12th. Mayor Daron Gersch hearing none declared both approved.

Mr. Mathiasen appeared before the Council to inform the Council that a meeting was held with Councilor Tom Kasner, Mr. Mergen, and a construction contractor to discuss the proposed 2015 Capital Improvements, the reconstruction of the sanitary sewer through the golf course. Mr. Mathiasen noted that there are several unique aspects to the proposed construction and it was best to get a second opinion from a construction contractor to determine what might be the best construction method for the installation of the sanitary sewer. Mr. Mathiasen noted that the replacement of the sanitary sewer main might be a combination of open trench construction, pipe bursting, and/or directional boring. Mr. Kasner noted that the project will be difficult due to high water table, multiple types of soils, and existing utilities on the golf course. Mr. Kasner recommended that soil borings be done to get a better understanding of the soil conditions and water table level to eliminate delays during construction. Mayor Daron Gersch, with the consensus of the Council, ordered Mr. Mathiasen to coordinate soil borings on the golf course when weather conditions are favorable.

Mr. Mergen presented an amendment to Ordinance 30, Frozen Water Service. Mr. Mergen informed the Council that the current text in Section 30.11, Subd. 15 (a) recommended to prevent freezing the owner should allow water to flow from a tap an approximate rate of 3 gallons per minute; whereas the amendment recommends that water flow at a much lower flow from the tap at an approximate rate of .25 gallons per minute (1/4 gallon per minute) which equals 10,800 gallons in 30 days. Mr. Greer recommended that the text "quart per minute" be added to the amendment which may be recognizable to property owners. After due discussion, a motion was made by John R. Harlander who introduced the following amendment to Ordinance 30:

**AMENDMENT TO ORDINANCE 30
FROZEN WATER SERVICE**

The City Council for the City of Albany, HEREBY ORDAINS as follows:

That Ordinance 30, Section 30.11, Subd. 15 (b), Frozen Water Service, is hereby amended as follows:

1. Section 30.11, Subd. 15 (b) is hereby amended to read:

When a water service has been thawed, in order to prevent refreezing, the owner should allow water to flow from a tap at an approximate rate of .25 GPM (1/4 gallon per minute) (quart per minute) which equals 10,800 gallons in 30 days. The water consumed will be billed at normal rates.

This amendment shall become effective upon adoption and publication.

This Ordinance was approved by the majority of the City Council of Albany on this 19th day of November, 2014.

Daron Gersch, Mayor

Tom Schneider, Clerk/Administrator

(S E A L)

The motion for the foregoing ordinance amendment was seconded by Laurie Dingmann 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, John Greer and Laurie Dingmann, and none voted against the same whereupon the said ordinance amendment was declared duly passed and adopted. The full text of the aforesaid ordinance amendment is on file at the office of the City Clerk/Administrator for public inspection during regular office hours.

Mr. Carbajal presented to the Council a proposed amendment to Section 13.03, Performance Reviews in the Albany Police Department Policies and Procedures manual for the purpose to clarify when performance reviews are conducted. Mr. Carbajal noted that the proposed language will be consistent with the City's 2015 Personnel Policy. After due discussion, a motion was made by John Greer and seconded by Tom Kasner, upon the recommendation by Mr. Carbajal, to approve the said amendment to Section 13.03, Performance Reviews in the Albany Police Department Policies. All voted for the motion and it carried.

Mr. Carbajal also presented to the Council a proposed Misdemeanor Criminal Prosecution Contract for calendar years 2015 and 2016 between the Stearns County Attorney and the City of Albany. Mr. Carbajal noted that that the cost for the services is \$12,500 annually, the same fee as the last two years and recommended execution of the said contract. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Laurie Dingmann to approve the said Contract. 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 November 12th on a request by the City of Albany to consider the approval of a preliminary and final plat named Railroad Ridge Plat Two and a request that a portion of the property included in the plat be rezoned from M-1 Industrial District to C-1 Core Commercial District. Mr. Greer informed the Council that the property to be platted is owned by the City and located at 740 Railroad Avenue. Mr. Mathiasen noted that the proposed plat meets the ordinance guidelines and being the City recently purchased property immediately south from the Minnesota Department of Transportation, (MnDOT), it makes sense to plat the property as one lot rather than a meets and bounds legal description to minimize the chance of errors in the future with the property boundary. Mr. Greer noted that the property, Lot 1, Block 1, Railroad Ridge Plat Two, will be zoned C-1 Core Commercial. After due discussion and upon the recommendation by the Planning Commission, a motion was made by John Greer and seconded by John R. Harlander that the request by the City of Albany to consider the approval of a preliminary and final plat named Railroad Ridge Plat Two and a request that a portion of the property included in the plat be rezoned from M-1 Industrial District to C-1 Core Commercial District be approved as per the following:

- The preliminary and final plat meets the requirements of Ordinance 81, Subdivision.
- The proposed lot size is adequate.
- The utility easement (Albany Mutual Telephone Association) shall be extended to the southern property line of the plat.
- The Railroad Ridge Plat Two, Lot 1, Block 1, shall be zoned C-1 Core Commercial

All voted for the motion and it carried.

Councilor John Greer also informed the Council that the Planning Commission held a meeting on November 12th on a request by Ramler Trucking, 400 13th Street, for a variance to relax the front yard requirement of thirty (30) feet to allow for the installation of a monument sign in an M-2 Industrial, Commercial, and business District. Mr. Greer noted that the size of the monument sign is 5’ x 8’ and will not extend beyond the existing front building line. After due discussion and upon the recommendation by the Planning Commission, a motion was made by John R. Harlander and seconded by Tom Kasner that the request by Ramler Trucking, 400 13th Street, for a variance to relax the front yard requirement of thirty (30) feet to allow for the installation of a monument sign in an M-2 Industrial, Commercial, and business District be approved as per the following:

- The variance is consistent with the front yard variance for the office expansion in 2006.
- The monument sign will not extend beyond the existing front building line of the office.
- The monument sign does not block the visibility of vehicles exiting the parking lot.
- The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land.
- The variance will not be detrimental to the public welfare.
- Relax the front yard requirement from thirty (30) feet to fourteen (14) feet.

All voted for the motion and it carried.

Mr. Schneider presented to the Council a proposed amendment to Ordinance 60, Liquor. Mr. Schneider informed the Council that the purpose of the amendment is to update the liquor ordinance that includes on-sale wine licenses, brew pubs, and other miscellaneous definitions. Mr. Schneider noted that no individuals are requesting an on-sale wine license or brew pub, but thought to add the language because brew pubs are becoming more popular in Minnesota. Mayor Daron Gersch, with the consensus of the Council, informed Mr. Schneider when a request comes before the Council, the amendment can be discussed at that time. No action was taken by the Council on the amendment.

Mr. Schneider also presented proposed 2015 Albany Schedule of Fees and Charges, “Appendix A” beginning January 1, 2015. Mr. Schneider noted that this past summer the Council reviewed a survey from other cities that included council meeting wages for the position of Mayor and Council; whereby the new fee schedule includes a \$25 per meeting increase for each position. Mr. Schneider informed the Council that there has been no increase in council meeting wages for elected officials while he has been employed. After due discussion, a motion was made by Tom Kasner who introduced the following Ordinance and moved its adoption:

ORDINANCE 2014-01
APPENDIX “A”
ALBANY SCHEDULE OF FEES AND CHARGES

IT IS HEREBY ORDAINED, that Appendix “A”, Albany Schedule of Fees and Charges 2014, is hereby revoked, and that Appendix “A”, Albany Schedule of Fees and Charges 2015, attached hereto and incorporated herein as Exhibit A is hereby enacted in its place.

This Ordinance shall become effective on January 1, 2015, following adoption and publication.

This Ordinance was approved by the majority of the City Council of Albany on this 19th day of November, 2014.

Daron Gersch, Mayor

Tom Schneider, Clerk/Administrator

(S E A L)

The motion for the foregoing ordinance 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 Tom Kasner, John R. Harlander, John Greer, and Laurie Dingmann, and none voted against the same whereupon the said ordinance was declared duly passed and adopted. Mr. Schneider noted that the fee schedule is available for public inspection during the regular office hours of the City Clerk/Administrator.

The performance evaluation of City Clerk/Administrator was presented to the Council. Mr. Schneider noted that performance evaluations are conducted on all City employees as per the City's Personnel Policy for review. Mayor Daron Gersch, with the consensus of the Council, expressed satisfaction with the City Clerk/Administrator's job performance. There were no additions or corrections. The performance evaluation will be filed in his personnel file.

Mr. Schneider informed the Council that SafeWise.com, Home Security and Safety advice, reported that the City of Albany was ranked 10th safest City in the State of Minnesota for cities with a population of 2,500 and above. Mr. Schneider noted that the organization analyzing the number of violent crimes, consisting of aggravated assault, forcible rape, murder, and robbery, as well as property crimes consisting of arson, burglary, larceny-theft, and motor vehicle theft.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, December 3, 2014 and adjourned the meeting at 7:20 PM.

Tom Schneider
Clerk/Adm.