

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 20, 2013, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Laurie Dingmann, Tom Kasner, John Greer and John R. Harlander. None were absent.

Also present were: Tom Schneider, Clerk/Adm., Joe Mergen, Public Works Supervisor, Jeremy Mathiasen, City Engineer, Stantec, Inc., Ozzie Carbajal, Police Chief, Mike Kosik, Staff Writer, Albany Enterprise, LuAnn and Tim Jopp, Business Owners, and the following Albany Township representatives: Diane Noll, Gary Bloch, Mike Noll, Dean Berckes, Jerry Forster, and Mary Rosen. The following Albany High School students were present: Dallas Salzman, Adam Schulzetzenberge, Mitchell Kollodge, Alicia Neuman, and Courtney Miller.

After due discussion, a motion was made by John Greer and seconded by John R. Harlander to authorize the payment of the following bills: Check Numbers 63862 to 63910 and 15026 to 15043. 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 6th and hearing none declared them approved.

LuAnn Jopp, owner of the Albany Home Bakery, 531 Railroad Avenue, appeared before the Council to question if the Council was considering collection of liquidated damages from R.L. Larson Excavating, the General Contractor, for the 2013 Railroad Avenue (T.H. #238) Improvements being the contractor did not meet the project substantial completion date. Ms. Jopp informed the Council that their business suffered a financial loss due to Railroad Avenue (mainstreet) not being completed in a timely manner. Mayor Daron Gersch noted that the City Engineer, R.L. Larson Excavating, Inc., and MnDOT will collectively review and discuss the circumstances that resulted in the contractor not meeting the project substantial completion date.

Bryan Schiffler, owner of the Albany Chrysler Center, appeared before the Council to update the Council on his proposed development of approximately seven (7) acres west of his car dealership adjoining 225th Avenue. Mr. Schiffler noted that the Army Corps of Engineers has not authorized any work to be done on the site until he can present alternatives on the site that can avoid or minimize wetland impacts. Mr. Schiffler also noted that he requested permission to excavate the southeast wetland to increase ponding on the site, but would have to provide an analysis for why it is less environmentally damaging and practicable to impact it and if acceptable to the Army Corps of Engineers, provide compensation at a minimum of 2:1 ratio to replace the wetland. Mr. Greer questioned why the shared driveway with the neighboring business on the western property line on the site plan is no longer being considered. Mr. Schiffler noted that no driveway access will be granted on Stearns County Road No. 41 and it is not desirable to either business to share a driveway; whereby a second driveway access on 225th Avenue is considered, but impacts a second wetland. Mr. Schiffler also noted that the City's off-street parking regulations cannot be met under the current site plan configuration and would need to request a variance. Mr. Schneider noted that Mr. Schiffler submitted a Wetland Replacement Plan application to the Stearns County Wetland Technical Evaluation Panel (TEP) in March; whereby the board approved his application with conditions and one condition was that the Army Corps of Engineers approve the project. Mr. Schiffler noted that he was directed by the TEP board to create as much on-site water storage as possible due to downstream flooding by the South Two River which is the purpose of his request to excavate the southeast wetland. Mayor Daron Gersch noted that it is important for the City to support local economic development, but at the same time the wetland regulations are important too. Mayor Daron Gersch, with the consensus of the Council, directed the City Engineer to draft a letter to the Army Corps of Engineers outlining the off-street parking restrictions or any other regulations that may restrict his site development that would minimize the impact on the wetlands located on the site.

Dan and Gail Ziemer, St. Joseph, MN, were present for the meeting.

Mr. Ziemer appeared before the Council to inform the Council that he will be purchasing Rookies Sports Bar, 481 Railroad Avenue on or before January 1st. Mr. Ziemer noted that in the future he may add kitchen facilities, but there are limitations due to unique building characteristics. Mr. Ziemer presented to the Council an On Sale and Off Sale Liquor license application, 2AM Liquor License, and Cigarette license. Mr. Ziemer noted that the corporation of his business will be Rookies Sports Bar, Inc. Mayor Daron Gersch welcomed Mr. Ziemer to Albany and thanked him for providing a bit of history about his knowledge of City. After due discussion, a motion was made by John R. Harlander and seconded by Tom Kasner to grant an On Sale and Off Sale License, 2AM Liquor License, and a Cigarette License to Rookies Sports Bar, Inc., contingent upon the City receiving a liquor liability insurance certificate. All voted for the motion and it carried.

Tena Rytel, Solar Project Developer, Geronimo Energy, LLC, Edina, MN, appeared before the Council to update the Council on their proposed one hundred (100) megawatt Aurora Solar Project being considered for Xcel Energy's Competitive Resource Acquisition proposal before the Minnesota Public Utilities Commission. Ms. Rytel noted that their company is a wind and solar energy developer and the public comment period is due on or before November 22nd. Ms. Rytel noted that their project includes twenty-five sites throughout Minnesota and South Dakota and one site being considered for a ten (10) megawatt solar farm is located in Albany Township west of the City limits that would be connected to the Xcel Energy substation located west of Shamrock Lane in the City. Ms. Noll questioned why Albany Township was not contacted about the proposed solar farm being the site will be located in Albany Township. Mr. Bloch noted that he is upset by Geronimo Energy's inability to communicate with the Township knowing that they have had past issues with the company when windmills were being considered throughout the Township. Mr. Kasner noted that if the solar farm project is to be located in the Township, Geronimo Energy should have made the initial contact with the Township and would be uncomfortable in considering a letter of support for their project without receiving any correspondence from the Albany Township. Mayor Daron Gersch noted that he is in favor of renewable energy and realizes the need for projects in the near future, but the request for a letter of support should have been brought before the Township.

Scott Buntje, resident, and Duane K. Duevel, DKD Construction, Melrose, were present for the meeting. Pursuant to due notice, Mayor Daron Gersch called the public hearing into session at 7:10 o'clock in the evening to vacate a drainage and utility easement located between Lot 16 and 17, Block 1 in Trails Edge subdivision for the purpose of constructing a new single-family patio home. Mr. Schneider noted that proper petition was received by both land owners and a notice was published in the Albany Enterprise on November 6th and 13th. Mayor Daron Gersch closed the public hearing at 7:15 pm. After due discussion, a motion was made by Tom Kasner and seconded by John R. Harlander 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 northeasterly 5.00 feet of Lot 16, Block 1, TRAILS EDGE, according to the recorded plat thereof, Stearns County, Minnesota and the southwesterly 5.00 feet of Lot 17, Block 1, said TRAILS EDGE, Except that part lying northwesterly of a line 30.00 feet southeasterly of and parallel with the northwesterly line of said Lots 16 and 17 and except that part of said Lots 16 and 17 lying northwesterly 10.00 feet of and parallel with the northwesterly right of way of 2nd Avenue, said TRAILS EDGE

All voted for the motion and it carried.

Mr. Mathiasen appeared before the Council to update the Council on the 2013 Railroad Avenue (State HWY #238) Improvements. Mr. Mathiasen noted that Railroad Avenue (mainstreet) was re-opened for vehicle traffic on Saturday, November 16th. Mr. Greer noted that information needs to be submitted

and reviewed by the City outlining the scope of the construction delays and how they will be addressed. Mr. Mathiasen noted that the project is not complete and any penalties to be considered can easily be considered on a future pay application. Mr. Mathiasen presented to the Council pay request number seven (7) submitted by R. L. Larson Excavating, Inc., for the Railroad Avenue Improvements. After due discussion, a motion was made by Tom Kasner and seconded by John Greer to approve the pay application for R. L. Larson Excavating, Inc., in the amount of \$280,391.59. All voted for the motion and it carried.

Mr. Mergen recommended to the Council that an unpaid water bill at 872 Highlands Drive be certified to the Stearns County Auditor to be collected as a special assessment in the tax year 2014. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Laurie Dingmann to direct the City Clerk/Administrator to certify to the Stearns County Auditor the unpaid water bill at 872 Highlands Drive in the amount of \$120.47. 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 7th to discuss a request by Mike Fischer, 122 Fairway Drive, to move within the City a 12' x 16' portable shed to his rear yard. Mr. Greer noted that the portable shed was moved prior to the applicant receiving a Moving Permit as per Ordinance 67. Mr. Greer also noted that the portable shed placed in the rear yard does meet the setback requirements and is compatible with the exterior siding and shingles on the residence. Mr. Greer also noted that Will Seiler's five-year term as a Planning Commission board member will expire at the end of the year; whereby Mr. Seiler indicated he would accept the position if considered for reappointment. 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 a Moving Permit requested by Mike Fischer and to reappoint Mr. Seiler to a five-year term on the Planning Commission board. All voted for the motion and it carried.

Mr. Schneider informed the Council that the Special Primary Election for Stearns County Commissioner District Five held at City Hall on Tuesday, November 19th resulted in the following: 137 votes were cast and 1,303 individuals were registered to vote. Mr. Schneider noted that five candidates filed for the position of County Commissioner and the purpose of the said Election was to reduce the number of candidates to two (2) to be voted on at an upcoming Special Election to be held on January 28th to fill a vacancy in that office. Mr. Schneider noted that the turnout was extremely low with only 10% of the voters coming to the polls.

Mr. Schneider informed the Council that Knox Box regulations were already included in Ordinance 82, Building Code (Section 82.02), but for multi-family residential dwellings, the requirement contradicted the definition of the number of units describing a multi-family dwelling; whereby the amendment is a clarification that a multi-family dwelling is three (3) or more units. Mr. Schneider noted that the previous language in the ordinance had stated multi-family dwelling to be four (4) units. After due discussion, a motion was made by Mayor Daron Gersch who introduced the following ordinance amendment and moved its adoption:

**AMENDMENT TO ORDINANCE 82
BUILDING CODE
AND APPENDIX A**

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

1. That Section 82.02 of the Albany City Code is hereby amended to read as follows:

“Section 82.02: REQUIRED FIRE ACCESS EQUIPMENT. Every commercial or industrial building or multiple-family dwelling, as defined in City Code Section 80.03, Subd. 37 located within the City of Albany shall be equipped with a Knox Box approved by the Fire Chief. The cost of the Knox Box shall be the responsibility of the property owner. The cost shall be determined by the Council and established in Appendix A.”

2. That Appendix A Albany Schedule of Fees & Charges shall be amended by the addition of following:

Ordinance	Description	Fee
82.02	Knox Box fee	Actual costs

This amendment shall become effective upon adoption and publication.

This Ordinance was approved by the majority of the City Council of Albany on this 20th day of November, 2013.

Daron Gersch, Mayor

Tom Schneider, Clerk/Administrator

(S E A L)

The motion for the foregoing ordinance 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 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 Council took notice of a renewal for a transportation contract between the City and Tri-County Action Program, Inc. for the period January 1, 2014 through December 31, 2014. Mr. Schneider informed the Council that the Albany Mutual Telephone Association donated \$720 to fund the program in 2014 to provide transportation services each week to the residents of the City. Mayor Daron Gersch thanked the telephone association for their generous donation to support the service. After due discussion, a motion was made by Tom Kasner and seconded by John R. Harlander to authorize Mayor Daron Gersch to execute the said renewal contract on behalf of the City. All voted for the motion and it carried.

Mr. Schneider informed the Council that the first regular scheduled Council meeting in 2014 falls on Wednesday, January 1st, a Holiday, and recommended that the meeting be rescheduled for Thursday, January 2nd. After due discussion, a motion was made by John Greer and seconded by Mayor Daron Gersch to reschedule the Wednesday, January 1st Council meeting to Thursday, January 2nd. 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, December 4, 2013 and adjourned the meeting at 7:55 PM.

Tom Schneider, Clerk/Adm.