

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, October 1, 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, Ozzie Carbajal, Police Chief, Jeremy Mathiasen, City Engineer with Stantec, Inc., Mike Kosik, Staff Writer, Albany Enterprise, and Hanna Fuchs, student at the Albany Area High Schools.

After due discussion, a motion was made by Laurie Dingmann and seconded by John Greer to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 64711 to 64770. 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 September 17<sup>th</sup> and hearing none declared them approved.

Mr. Mathiasen informed the Council that the curb/gutter has been completed on the 2014 Church Avenue (5<sup>th</sup> to 8<sup>th</sup> St.) Improvements. Mr. Mathiasen noted that bituminous will be placed in the roadway next week and restoration work behind the curb/gutter to follow.

Mr. Mathiasen updated the Council on the final progress for the completion of the 2013 Railroad Avenue (TH #238) Improvements, Phase II. Mr. Mathiasen noted that the contractor completed some punch list items and will continue to complete the list within the next few weeks.

Mr. Mergen presented to the Council an agreement provided to the City by the Minnesota Department of Transportation (MnDOT) for snow removal purposes on T.H. #238 (Railroad Avenue) for the 2014-15 season. Mr. Mergen noted that the State will reimburse the City for snow removal for a specific area on Railroad Avenue and recommended that the City request reimbursement of equipment at an hourly rate of \$125. After due discussion, a motion was made by John R. Harlander and seconded by John Greer to authorize Mayor Daron Gersch to execute the said agreement at a rate of \$125 per hour reimbursement. All voted for the motion and it carried.

Mr. Mergen also presented to the Council a list of property owners that have not paid their utility (water/sewer) bill after receiving notices that their utility bills were past due pursuant to Ordinance 30. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Mergen to make one final contact with the property owners to encourage full payment.

Ervin Bueckers, owner and Melissa Bueckers, Officer Manager, of Bueckers City Sanitation, Sauk Centre, MN, the City's contracted Refuse Hauler, appeared before the Council to discuss their proposed monthly residential rate increase. Councilor John R. Harlander informed the Council that he, the City Administrator and the Bueckers met to discuss their proposed increase; whereupon the consensus was to recommend an increase for the year 2015 and no action to be taken in the years 2016 and 2017. Councilor John R. Harlander presented to the Council the following:

	<u>Cart</u>	<u>Total</u>	<u>Increase/Month</u>	<u>Yearly Increase</u>
Residents 61 and under:	38 gallon	\$20.52	\$0.77	\$9.23
	60 gallon	\$22.91	\$0.96	\$11.46
	90 gallon	\$28.85	\$1.42	\$17.00
	<u>Cart</u>	<u>Total</u>	<u>Increase/Month</u>	<u>Yearly Increase</u>
Residents 62 and over:	38 gallon	\$19.03	\$0.66	\$7.91
	60 gallon	\$21.24	\$0.82	\$9.88
	90 gallon	\$26.77	\$1.25	\$15.02

Mr. Harlander informed the Council that included in the total price per month is a \$9.00 per month drive-by/recycle fee that is not taxable; whereas in the past patrons were paying sales tax on the monthly total. Mr. Harlander also noted that included in the monthly rate is pick-up for yard waste (grass clippings/landscaping waste/twigs) being the City does not have a compost site. Councilor John Greer questioned if the proposal is a one-year contract or why did the City enter into a ten-year refuse contract that guaranteed no rate increase for the term of the said contract. Councilor Tom Kasner noted that he is not in favor of managing a City compost site and there is value having yard waste picked up weekly. Mr. Bueckers noted that if the recyclable prices hadn't drop to an all-time low, he would not be requesting an increase in the monthly rates. Mr. Bueckers also noted that individuals are required to recycle which is great for the environment, but there is too much inventory of recyclable materials which resulted in the price for recyclables to plummet at the end market. Mr. Harlander noted that no business can operate for a ten-year period without a slight increase in pricing and that Mr. Bueckers error not to have agreed to an annual increase in 2013 had to be an oversight. After due discussion, a motion was made by John R. Harlander and seconded by Tom Kasner to approve the proposed 2015 rate increase, no change to the senior rate of \$14.49 for those "grandfathered in", review recycling pricing (cardboard, paper, tin plastic, aluminum), re-evaluate rates in the fall of 2015 and have the City Attorney review the existing contract to prepare an amendment. Voting for the motion were Mayor Daron Gersch, Councilors Laurie Dingmann, John R. Harlander, and Tom Kasner. Councilor John Greer voted against and the motion carried.

Councilor John R. Harlander questioned if the City was going to proceed to reconstruct 5<sup>th</sup> Street and Linden Avenue ending at Soo Line Avenue in the year 2015 as per the City's Capital Improvement Plan. Mr. Schneider informed the Council that no action be taken until he reviews the City's financial position with David Drown, the City's Financial Consultant, to determine if the project should be considered in the year 2016.

Councilor Tom Kasner, Street Department Liaison, informed the Council that the Toro Grounds Master lawn mower has nearly 3,100+ hours and in need of replacement; whereby the cost to purchase a new Kubota lawn mower is \$23,300 after trade-in. Mr. Kasner noted that the old lawn mower would be traded to the dealer for \$3,200 which is an acceptable value. Mr. Mergen noted that the 2012 Kubota attachments would be compatible with the new Kubota and there are adequate funds in the Equipment Replacement Fund to purchase the new lawn mower. After due discussion, a motion was made by Tom Kasner and seconded by Laurie Dingmann to authorize the purchase of a new Kubota lawn mower at a purchase price of \$23,300. All voted for the motion and it carried.

Morgan Novak, Part-time Patrol Officer, appeared before the Council to introduce herself to the Council. Mayor Daron Gersch welcomed Ms. Novak and thanked her for attending the meeting.

Mr. Carbajal appeared before the Council to inform the Council that the Police Department no longer will participate in the Department of Defense Law Enforcement Support Office Program that allows law enforcement agencies to obtain surplus military weapons or any other equipment for any bona fide law enforcement need at no cost. Mr. Carbajal noted that years ago the Albany Police Department acquired seven handguns and an M16 rifle, but the department has no need for the handguns and recommended that they be returned to the said Program. Mr. Carbajal informed the Council that additional information will be presented to the Council at next week's Council meeting. Mayor Daron Gersch, with the consensus of the Council, informed Mr. Carbajal that the Council is not opposed to his recommendation.

Mr. Carbajal appeared before the Council to present information for the replacement of the Police Chevrolet Tahoe with a new Dodge Durango Police Pursuit vehicle at a purchase price of \$36,687. Mr. Carbajal noted that the City of Avon has indicated they will purchase the Chevrolet Tahoe. After due discussion, a motion was made by Mayor Daron Gersch and seconded by John Greer to authorize the purchase of a 2015 Dodge Durango Police Pursuit vehicle from the Albany Chrysler Center and the sale of the Chevrolet Tahoe to the City of Avon in the amount of \$15,000. All voted for the motion and it carried.

Mayor Daron Gersch, Albany Golf Club Liaison, presented to the Council a final draft of the Albany Golf Club Management Agreement prepared by the City Attorney. Mayor Gersch noted that

pursuant to Minn. Stat., Ch. 471, the City desires to delegate to the said Club, in accordance with the terms in the agreement, the management and operation of the Albany Golf Club. Mayor Gersch also noted that the term of the agreement is five (5) years. After due discussion, a motion was made by Mayor Daron Gersch and seconded by John Greer to approve the Albany Golf Club Management Agreement between the City of Albany and the Albany Golf Club. Voting for the motion were Mayor Daron Gersch, John R. Harlander, John Greer, and Laurie Dingmann and none voted against. Councilor Tom Kasner abstained and the motion carried.

Mr. Schneider presented to the Council a Business Assistance/Development Agreement between the City of Albany and Mother of Mercy Development, LLC, 220 Church Avenue. Mr. Schneider informed the Council that the City determined to provide tax increment financing (TIF) assistance in the form of pay-as-you-go payments which shall consist of 90% of the actual increment generated by the project over a period of 12 years or the actual amount of eligible expenses incurred by the project not to exceed \$308,000, plus interest at 4%, whichever is less. Mr. Schneider noted that the project is a newly constructed 25,500+/- square foot building with assisted living and memory care assisted living units and leased child daycare. Mr. Schneider informed the Council that the City's Economic Development Authority (EDA) reviewed the application request for TIF assistance and recommended approval. After due discussion, and upon the recommendation of the City's EDA, a motion was made by Tom Kasner and seconded by Laurie Dingmann to authorize Mayor Daron Gersch to execute the said Agreement on behalf of the City. All voted for the motion and it carried.

Mr. Schneider informed the City that two vacant properties have not paid a lawn mowing invoicing for services provided by the City and recommend that a public hearing be scheduled to take Council action to certify the unpaid lawn mowing invoice to the Stearns County Auditor to be collected as a special assessment in the year 2015. After due discussion, a motion was made by John R. Harlander and seconded by Mayor Daron Gersch to set a public hearing at 6:30 o'clock or as soon as thereafter for Wednesday, October 15<sup>th</sup> at City Hall to consider and possibly adopt the proposed assessment for property at 441 7<sup>th</sup> Street and 1230 Stonebrooke Drive for unpaid City charges incurred under City Code Section 77. 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, October 15, 2014 and adjourned the meeting at 7:45 PM.

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Tom Schneider  
Clerk/Adm.