

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, September 17, 2014, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors John R. Harlander, Laurie Dingmann, and John Greer. Councilor Tom Kasner was 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, Staff Writer, Albany Enterprise.

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 64687 to 64710 and 15360 to 15375. 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 3rd and hearing none declared them approved.

Students from the Albany Area Schools present for the meeting were: Nick Mergen, Connor Huberty, Hunter Thelen, Ben VonWahlde, Luke Schultz, Shane Olmscheid, Matt Hockenpochler, Jordan Kittelson, Joel Klein, Mitchell Thelen, Sidney Einyck, Kenny Weber, Adam Locnikar, Zac Tomsche, Will Fink, Christopher Posch, and Alex Fischer.

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 present a proposed monthly residential rate increase over a three-year period for refuse collection. Mr. Bueckers informed the Council that increases in business operating costs and low market prices for recycling products is the purpose for the rate increase. Councilor John Greer informed Mr. Bueckers that the Council had approved a request from him for a rate increase in April 2013 and that the City executed a ten-year agreement that spelled out in Section 4 (c) that there would be no rate increase during the term of the agreement. Mr. Bueckers noted that the end market for recycling is down considerably and the company is losing thousands of dollars each month due to a poor end market. Mr. Greer noted that a 19% rate increase over a three-year period is not acceptable. Mayor Daron Gersch questioned whether the refuse agreement is necessary if it doesn't guarantee a price for refuse pick-up, but noted that the service provided to the residents from Bueckers City Sanitation is very good. After due discussion, a motion was made by John R. Harlander and seconded by Mayor Daron Gersch to accept the three-year monthly rate increase, but if a request is made to increase the monthly rates within the three-year period, the ten year refuse contract will be cancelled. Mr. Bueckers informed the Council that he cannot guarantee the rates in 2016 or 2017 due to the price reductions in the recyclable markets and is not in favor of the City cancelling the refuse agreement. Mr. Harlander questioned what the benefits to the City are by executing a refuse agreement. Mayor Daron Gersch questioned if Mr. Bueckers would want to meet with City Staff and Councilor John R. Harlander to discuss his request in detail. Mr. Bueckers informed Mayor Daron Gersch that he'd be more than happy to meet at City Hall to discuss his request. Mr. Harlander rescinded his aforesaid motion and Mayor Daron Gersch agreed to do the same; whereby further discussion will be held at the next meeting.

Albany Heritage Day (2015) Committee members (Albany Lions, Albany Area Jaycees, Albany Chamber of Commerce) present for the meeting were: Mary Sauerer, Tom Sauerer, Kurt Pelzer, Kurt Rothstein, Susan Iverson, and Sean Artley.

Ms. Iverson, Secretary, Albany Chamber of Commerce, appeared before the Council to submit a Large Gathering Application for the Heritage Day celebration on Saturday, August 1, 2015. Ms. Iverson informed the Council that in 2015, the City will celebrate its 125th anniversary and the consensus of the committee was to hire a national country recording music band named "BlackHawk" who would begin playing at 10:30 p.m. and ending at 12:15 a.m. Ms. Iverson noted that the regular events during the day and evening will take place as in the past, but the food vendors will be relocated within the City parking lot

area to accommodate a larger than normal crowd. Mr. Pelzer noted that there will be no gate fees for the band and sales from the beer gardens, other events, and mainstreet liquor establishments will contribute to the cost of the band. Ms. Iverson noted that the mainstreet liquor establishments requested permission to sell on-sale beer on the sidewalk in front of each business being each is donating funds for the evening music. Ozzie Carbajal, Police Chief, informed the Council that he has discussed the security with Ms. Iverson and has no objection to the activities being proposed. Mayor Daron Gersch, with the consensus of the Council, informed Ms. Iverson that the Council has no objection to the tentative events outlined for 2015 Heritage Day celebration. Mayor Daron Gersch informed Ms. Iverson to provide the Council with a final activity list once each has been confirmed and to appear before the Council prior to next year's event to receive final approval.

Mr. Mathiasen informed the Council that construction is moving along very well on the 2014 Church Avenue (5th to 8th St.) Improvements. Mr. Mathiasen noted that water main replacement and services are near completion, then sub cutting the roadway will begin and thereafter curb. Mr. Schneider informed the Council that due to the unique circumstances with shared private water services between three residences, the City upon the review by the City Attorney will be allowed to special assess a property owner the costs to separate each water service upon receipt of an executed Assessment Agreement.

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 a letter has been mailed to R.L. Larson Excavating, St. Cloud, MN, the General Contractor, informing them that no further curb be replaced this fall due to time constraints; whereby the work will be completed in 2015. Mr. Mathiasen noted that several minor punch list items will be taken care of this fall.

Mr. Mergen informed the Council that the Minnesota Pollution Control Agency (MPCA) adopted numeric nutrient standards for rivers and streams on August 4th, but the Minnesota Environmental Science and Economic Review Board (MESERB), raised concerns about "large-river" criteria being applied to small streams and creeks. Mr. Mergen noted that MESERB decided to appeal MPCA's approval of the standards and is seeking additional funds from its members to file a declaratory judgment action before the MN Court of Appeals. Mr. Mergen noted that the City is a member of MESERB, who assisted the City in the past with the City's National Pollutant Discharge Elimination System (NPDES) Permit renewal for the City's Wastewater Treatment Plant. After due discussion, a motion was made by John R. Harlander and seconded by Laurie Dingmann to approve a \$500 contribution to MESERB to assist them in their action to be presented before the MN Court of Appeals against MPCA. All voted for the motion and it carried.

Mr. Mergen also informed the Council that the Public Works Department inspected several residential homes for illegal sump pump connections to the City's sanitary sewer which resulted in very few illegally connections. Mr. Mergen noted that continued efforts will be made by the employees in the Public Works Department to be vigilant of illegal sump pumps connected to the City's sanitary sewer system.

Mr. Schneider presented a proposed five (5) year Agreement for Property Assessment Services between the County of Stearns and the City of Albany. Mr. Schneider noted that only two cities in Stearns County do not contract with the Stearns County Assessor's Office. After due discussion, a motion was made by Mayor Daron Gersch and seconded by John Greer to approve the said Agreement. All voted for the motion and it carried.

Mr. Schneider presented the proposed 2015 Budget which includes the Police, Fire, Street, Park, Library, Water, Sewer, and Administration Departments. After due discussion, a motion was made by John Greer and seconded by John R. Harlander to direct the City Clerk/Administrator to forward to the Stearns County Auditor the proposed levy of \$692,759, a 3% increase for taxes payable in the year 2015 and to set the initial meeting at 6:30 PM or as soon as thereafter on Wednesday, December 3rd and the final adoption meeting of the said levy at 6:30 PM or as soon as thereafter on Wednesday, December 17th at the City Administration Building. All voted for the motion and it carried.

The Council took notice of an application for a Cigarette License submitted by Teals Market, 122 8th Street, formally Amby's Foods beginning October 2nd. After due discussion, a motion was made by John R. Harlander and seconded by Laurie Dingmann to approve the said license (Depot No. XI-Albany, LLC. dba Teals Market). All voted for the motion and it carried.

The Council took notice of a proposed amendment to the City's Personnel Policy. Mr. Schneider informed the Council that the purpose of the amendment is for the employees who are not enrolled in the City's High Deductible Health Plan (HDHP); whereby the City shall pay the employee an amount equivalent to the City's premium contribution (single or family) which payment shall be considered taxable wages to the employee. After due discussion, a motion was made by John R. Harlander who introduced the following Resolution and moved its adoption:

RESOLUTION 2014-23
(City Health Insurance Plan)

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, and John Greer, and none voted against the same whereupon the said Resolution was 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.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, October 1, 2014 and adjourned the meeting at 8:00 PM.

Tom Schneider
Clerk/Adm.