

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 3, 2014, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Tom Kasner, John R. Harlander, and John Greer. Councilor Laurie Dingmann 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 Tom Kasner and seconded by John Greer to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 64649 to 64686 and 15346 to 15359. 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 August 20th and hearing none declared them approved.

Members from the public present were: Ron Dickhaus, Katrina Dickhaus, Elizabeth Dickhaus, Ashley Christen, Matt VanBeck, Stan Tschida, Cynthia Erickson, and Bryan Schiffler.

Pursuant to due notice, Mayor Daron Gersch called the public hearing into session at 6:33 PM to consider the construction of the following 2014 Church Avenue Improvements (5th to 8th Street): street, curb/gutter, and water main. Mr. Mathiasen presented to the Council and public the scope of work to be done, construction schedule, project costs based on the low bid received, and methodology used to calculate individual assessments for individual properties. Mr. Mathiasen noted that the project costs are \$413,915.77. Mr. Mathiasen also noted that \$65,364.18 or 15.8% is proposed to be collected as an assessment. Mr. VanBeck informed the Council that his water service is connected to another home and that the estimated cost to install a new water service from his home to the City's standpipe is \$4,000. Mr. VanBeck questioned if the cost could be added to his assessment or is he required to have an individual water service. Mayor Daron Gersch noted that each property is required to be served with individual water services per Ordinance 30 and the City Attorney will be consulted to determine if it's permissible to add the extra costs as an additional assessment. Ms. Christen questioned if the sanitary sewer improvement was being consider next fall. Mr. Mathiasen noted that the sanitary sewer improvements through the golf course are tentatively scheduled for next fall and that the proposed assessment will be comparable to other projects recently completed. Mayor Daron Gersch closed the public hearing at 7:02 PM. After due discussion, a motion was made by John R. Harlander who introduced the following Resolution and moved its adoption:

RESOLUTION 2014-22
ADOPTING ASSESSMENT ROLL
2014 CHURCH AVENUE (5TH TO 8TH ST.) IMPROVEMENTS

WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard, and passed upon all objections to the proposed assessment for the 2014 Church Avenue (5th to 8th St.) Improvements.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Albany, Minnesota, as follows:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefited by the proposed improvement.
2. Such assessment shall be as follows:

- a. The assessments shall be payable in equal annual installments including principal and interest extending over a period of fifteen (15) years, with interest at the rate of 4 % per annum, in the amount annually required to pay the principal over such period at such rate, the first of said installments to be payable with general taxes for the year 2015, collectible with such taxes during the year 2015. Interest shall accrue from and after October 4, 2014. The owner of any property assessed may, at any time before the certification of the entire assessment or the first installment to the County Auditor on or before October 4, 2014, pay the entire assessment to the Administrator/Clerk/Treasurer without interest.
 - b. The owner of any property so assessed may at any time prior to certification of the assessment to the County Auditor, pay to the City Treasurer, and thereafter at any time prior to November 15th of any year pay to the County Auditor, the whole of the principal amount of the assessment on such property provided that no such prepayment shall be accepted without payment of all installments due to and including December 31st of the year of prepayment, and the original principal amount reduced only by the amounts of principal included in such installments computed on an annual amortization basis.
2. The City Clerk shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.

Adopted by the City Council of the City of Albany this 3rd day of September 2014.

Daron Gersch, Mayor

Tom Schneider, Clerk/Adm.

The motion for the foregoing Resolution 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, 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.

Mr. Mathiasen informed the Council that construction has begun on the 2014 Church Avenue (5th to 8th St.) Improvements. Mr. Mathiasen noted that water main replacement will begin at the intersection of 5th Street and Church Avenue and upon completion; the intersection will be reopened for vehicle traffic.

Mr. Mathiasen updated the Council on the final progress for the completion of the 2013 Railroad Avenue (TH #238) Improvements, Phase II. Mr. Mathiasen informed the Council that the Minnesota Department of Transportation (MnDOT) legal department will be preparing a letter to R.L. Larson Excavating, Inc., the General Contractor, ordering the work to be done, but for some reason or another there seems to be no urgency to begin the work

Mr. Mathiasen presented information to the Council on the 2015 Clean Water Fund Competitive Grant program administered by the Stearns County Soil and Water Conservation District. Mr. Mathiasen noted that the purpose of the program is to protect, enhance, and restore water quality in lakes, rivers, and streams in addition to protecting ground water and drinking water sources from degradation. Mr. Mathiasen noted that improvements to improve the water quality in North Lake would be eligible and distributed a map showing that during rain events nearly 700 acres flow into North Lake. Mr. Greer noted that additional storm water holding ponds should be created north of North Lake to collect overland stormwater flow before it is drained down the ditch along State HWY #238 and into North Lake. Mr. Greer also noted that the City has recorded high phosphorus readings in North Lake after storm events and the addition of stormwater holding ponds would reduce the phosphorus loading in the lake. Mr. Mathiasen also noted that another eligible item to be considered is an underground stormwater retention structure to be constructed in the City's parking lot when the Church Avenue Improvements are constructed between 2nd Street and 5th Street which would remove sediment on the golf course during storm events. Mr. Greer noted that Albany Township be contacted to partner in the grant application and participate in the planning of an application. Mr. Schiffler questioned what the goal is for North Lake being the lake is

very shallow. Mr. Greer noted that there are shallow lakes in the State; whereby jurisdictions are proactive in maintaining water quality, native vegetation, and creating suitable habitats for species both above and below the water's surface. Mayor Daron Gersch directed the City Clerk/Administrator to contact the Township to discuss the aforementioned program.

Mr. Mergen presented to the Council a letter from the MN Department of Commerce soliciting comments from local governments on the Aurora Distributed Solar project proposed in Albany Township. Mr. Mergen noted that a solar farm is proposed west of the City on 360th Street in Albany Township; whereby the electric power generated by the solar panels will be connected to XCEL Energy's distribution system and sub-station east of 13th Street. Mayor Daron Gersch directed the City Clerk/Administrator to respond to each question and submit in a timely manner.

Mr. Mergen also presented to the Council a letter received from the Minnesota Environmental Science and Economic Review Board (MESERB), asking its members to pledge additional monies to fund a declaratory judgment action before the MN Court of Appeals regarding the Minnesota Pollution Control Agency's (MPDA) recently adopted numeric nutrient standards for rivers and streams. Mr. Mergen noted that MESERB raised concerns about "large-river" criteria being applied to small streams and creeks which if not contested will mean huge and unnecessary treatment costs to communities. Councilor Tom Kasner noted that the land uses have changed dramatically in the last twenty years having seen an increase in sediment deposited in the South Two River that flows through the Golf Course. Mr. Kasner noted that storm water runoff and land use is an issue that should be addressed as a partnership between cities, townships, property owners, and Stearns County. Mr. Mergen noted that the request is for the City to contribute up to \$740. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Mergen to forward the letter to the Council for review and consideration at the next meeting.

Mr. Carbajal appeared before the Council to recommend that the City authorize the advertisement for the position of a full-time Patrol Officer. Mr. Carbajal noted that the position does not need to be filled immediately, but due to the length of time required to complete the application process, action should be taken. Mr. Carbajal also recommended that the Council consider the same advisory board to review the employment applications and then make a recommendation to the Council. After due discussion, a motion was made by John Greer and seconded by Tom Kasner to direct Mr. Carbajal to advertise for the full-time Patrol Officer position and to appoint the same members to the advisory board. 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 September 2nd on a request by Bryan Schiffler, 34658 225th Avenue, Albany, MN, for a variance to relax the side yard requirement of ten (10) feet to allow for the construction of a 48'x 60' addition to an existing commercial building in a C3 Zone. Mr. Greer noted that the proposed addition will not extend beyond the existing southern building wall which is four (4) feet from the southern property line and the Commission recommended approval. After due discussion, and upon the recommendation by the Planning Commission, a motion was made by John Greer and seconded by John R. Harlander to approve the request by Bryan Schiffler, 34658 225th Avenue, Albany, MN, for a variance to relax the side yard requirement of ten (10) feet to allow for the construction of a 48'x 60' addition to an existing commercial building in a C3 Zone as per the following:

- The addition shall not extend beyond the existing rear building line.
- The stormwater swale and retention pond on the site if compromised by the addition shall be reconstructed accordingly.
- The variance request is consistent with the comprehensive plan in that it encourages commercial development and increased property tax base.
- The building is legal non-conforming as it was constructed prior to being annexed. The building addition does not expand on the encroachment, but simply adds on to the building at its current alignment thereby a reasonable use of the property.

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 September 2nd on a request by Bryan Schiffler, 34658 225th Avenue, Albany, MN, for a zoning text amendment to amend Section 80.11, Subd. 21(b) and (d), to increase the allowed variable message sign area to greater than twenty-five (25%) percent of the maximum allowable aggregate sign area and to allow for off premise advertising within the C3 Zoning District for changeable Electronic Copy Signs. Mr. Greer noted that Mr. Schiffler would like to add a digital sign on each side of a billboard on his property to advertise other businesses to help defray the cost of a digital sign. Mr. Greer noted cities can restrict the static display, distance between digital signs or not allow them all together, but the Planning Commission concluded that there was not enough information to act upon the request and directed the City Clerk/Administrator to investigate what other cities along Interstate 94 have done to regulate digital signs. Mr. Schiffler informed the Council that his request is to increase the percentage to sixty (60) within a C3 Zoning District and is not looking at a billboard that is one-hundred (100) percent, but if other billboard companies want one-hundred (100) percent coverage, they can request a zoning text amendment. Mr. Greer noted the matter will refer back to the Planning Commission.

Councilor John Greer informed the Council that Planning Commission Board member Adam Rushmeyer's term will expire at the end of the year; whereby Mr. Rushmeyer indicated to the Board that he'd like to continue to serve as a Board member. After due discussion, a motion was made by John R. Harlander and seconded by John Greer to re-appoint Mr. Rushmeyer to a five-year term on the Planning Commission beginning January 1, 2015. All voted for the motion and it carried.

The Council took notice of a proposed five (5) year Agreement for Property Assessment Services between the County of Stearns and the City of Albany. Councilor John R. Harlander questioned how many cities within the County hire an independent assessor. Mayor Daron Gersch directed Mr. Schneider to contact the County to determine how many cities in the County are contracted with the assessor's office and to discuss the said Agreement at the next Council meeting.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, September 17, 2014 and adjourned the meeting at 8:00 PM.

Tom Schneider
Clerk/Adm.