

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, August 2, 2017, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Tom Kasner, John Greer, John R. Harlander, and Keith Heitzman. None were absent. Also present were: Tom Schneider, Clerk/Adm., Ozzie Carbajal, Police Chief, Albany Police Department, Mike Kosik, Editor, Albany Enterprise, Jeremy Mathiasen, City Engineer, with Stantec, Inc., and Joe Mergen, Public Works Supervisor.

The Council recited the Pledge of Allegiance.

Mayor Daron Gersch presented to the Council a letter of resignation received from Councilor John Greer, 201 Lake Avenue, informing the Council that he sold his house and is moving to Albany Township. After due discussion, a motion was made by Mayor Daron Gersch who introduced the following Resolution and moved its adoption:

CITY OF ALBANY  
RESOLUTION NO. 2017-10  
A RESOLUTION ACCEPTING RESIGNATION  
AND DECLARING A VACANCY

WHEREAS, the Albany City Council has received the written resignation of Council member John Greer, dated July 28, 2017;

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

1. The Council accepts Council member Greer's resignation as described above and extends gratitude to Council member Greer for his service to the City of Albany.
2. The Council declares a vacancy exists on the council effective this 2<sup>nd</sup> day of August 2017.

Passed by the City Council of Albany on this 2<sup>nd</sup> day of August, 2017.

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Daron Gersch, Mayor

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Tom Schneider, Clerk/Adm.

( S E A L )

The motion for the foregoing Resolution was seconded by John R. Harlander and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Daron Gersch, Councilors Keith Heitzman, John R. Harlander, and Tom Kasner, and none voted against the same whereupon the said Resolution declared duly passed and adopted. Mr. Schneider informed the Council that a notice will be published in the Albany Enterprise informing the public that there is a vacancy and for those interested an application for the position is required. Mr. Schneider also noted that the term would commence upon appointment and end on December 31, 2018.

After due discussion, a motion was made by Tom Kasner and seconded by Keith Heitzman to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 67510 to 67556 and 16605 to 16619. All voted for the motion and it carried.

Mayor Daron Gersch called for any corrections or additions to the minutes of the regular meeting of the Council held on July 19th and hearing none declared them approved.

Open forum/public comment: none.

Mr. Mathiasen appeared before the Council to present the plans and specifications for the North Lake Storm Water improvements. Mr. Mathiasen noted that there will be two rain gardens constructed north of the softball field and adjacent to State HWY #238 and a wet pond east of the Highlands Park that will include an iron enhanced sand filter to remove phosphorus. Mr. Mathiasen noted that both storm water improvements will improve the water quality in North Lake. Mr. Mathiasen also noted that if funds remain the wetland south of the softball field will be improved. Mr. Mathiasen informed the Council that the tentative schedule is to construct the improvements this fall, but can be constructed in 2018 as an alternative. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to approve the plans and specifications for the North Lake Storm Water improvements and to authorize the preparation of a notice to accept bids. All voted for the motion and it carried.

Mr. Mergen presented to the Council a list of property owners who have not paid their utility bill after receiving several past due notices. Mr. Mergen noted that he will make final contact with each and if no response, the water service will be shut off pursuant to Ordinance 30.

The Council took notice of an amendment to Ordinance 41, Streets and Sidewalks, regarding Small Cell Wireless Facilities. Mr. Schneider informed the Council that the legislature recently enacted legislation which made small cell wireless facilities a permitted use in all zoning districts to allow cell companies to either put their own poles in the right of way or locate facilities on existing poles. Mr. Schneider noted the amendment addresses the following: 1) definition of terms, 2) establishes City ownership and control of City's infrastructure and rights of way, 3) provides for removal of facilities placed in right of way without a permit, 4) establishes permit requirements and application criteria, 5) exempts certain activities from permit requirements, 6) establishes fees and costs, placement, reasons for denial, operational and maintenance standards. Mr. Schneider noted that the Planning Commission will review an amendment to the Zoning Ordinance that will address small cell wireless facilities within each zoning district at a public hearing scheduled for August 24<sup>th</sup>. Mr. Schneider also noted that he received a request for the installation of a small cell wireless facility to be located on Railroad Avenue between 4<sup>th</sup> Street and 8<sup>th</sup> Street. After due discussion, a motion was made by Mayor Daron Gersch who introduced the following amendment to Ordinance 41:

AMENDMENT TO ORDINANCE 41  
STREETS AND SIDEWALKS  
(Small Cell Wireless Facilities)

The motion for the foregoing amendment was seconded by Keith Heitzman and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Daron Gersch, Councilors Keith Heitzman, John R. Harlander, and Tom Kasner, and none voted against the same whereupon the said amendment declared duly passed and adopted. The full text of the amendment to Ordinance 41 is available for public inspection during normal office hours at City Hall.

Mr. Carbajal informed the Council that the Police Department received a donation from the Albany Mutual Telephone Association to assist in the purchase of equipment for the new squad. Mr. Carbajal noted that the Department is very appreciative of the donation and the support from the Association. Mayor Daron Gersch thanked the Association for their generosity and support of many other community events and activities.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, August 16, 2017 and adjourned the meeting at 7:20 PM.

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Tom Schneider  
Clerk/Adm.