

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 15, 2017, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Tom Kasner, Al Amdahl, John R. Harlander and Keith Heitzman. None were absent.

Also present were: Tom Schneider, Clerk/Adm., Jeremy Mathiasen, City Engineer, with Stantec, Inc., Joe Mergen, Public Works Supervisor, and Ozzie Carbajal, Albany Police Chief. Representing the Albany Boy Scouts were Tyler Roehrl, Ethan Roehrl, and Jason Roehrl. Albany High School student Emilee Lufkin.

The Council recited the Pledge of Allegiance.

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 67789 to 67804 and 16734 to 16750. 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 November 1st and hearing none declared them approved.

Open forum/public comment: none

Mr. Mathiasen appeared before the Council to inform the Council that he, City Staff, Councilor's John R. Harlander and Al Amdahl met with Kelvin Howieson, District State Aid Engineer with the Minnesota Department of Transportation (MnDOT) and Jodi Teich, Engineer, Stearns County Highway Department, regarding future intersection improvements at 1<sup>st</sup> Street and Railroad Avenue (State HWY #238) and funding opportunities. Mr. Mathiasen noted that the consensus of the group was that a roundabout would be the best solution which has an estimated cost of \$750,000+. Mr. Mathiasen noted that MnDOT has funds available in 2019 and Stearns County may have funds in the year 2023, but the City can apply for funding, a maximum of \$750,000, through the Local Road Improvement Program. Mr. Mathiasen noted that the deadline to apply for the said program is December 4<sup>th</sup> which would require Stearns County sponsorship and for those cities receiving funding, the award would be announced in March 2018. Mayor Daron Gersch noted that a roundabout will provide a safer and more efficient intersection for the motorists in the future as the City continues to increase in population. Mayor Daron Gersch also noted that he would not support the construction of a mini-roundabout and recommended that the diameter of a roundabout be no less than 120'. Mr. Harlander noted that the City can either move forward with a roundabout or do nothing, but vehicle congestion and complaints from the public will continue to be an issue for the council. Mayor Daron Gersch also noted that if the vacant Master Mark Plastics site at 30 Railroad Avenue is redeveloped, the new business will bring even more traffic to the intersection. Mr. Amdahl informed the Council that he would support submitting an application to the Local Road Improvement Program. ~~After due discussion and careful consideration, a motion was made by Al Amdahl and seconded by John R. Harlander to direct Mr. Mathiasen to submit an application to the Local Road Improvement Program for the construction of a roundabout. All voted for the motion and it carried.~~

(CORRECTION per 12/6/17: After due discussion, a motion was made by Mayor Daron Gersch who introduced the following:

RESOLUTION 2017-13  
CALLING FOR AN APPLICATION TO THE LOCAL ROAD IMPROVEMENT PROGRAM (LRIP) FOR IMPROVEMENTS TO THE TH238/CSAH 54 INTERSECTION (Railroad Avenue & 1<sup>st</sup> Street)

The motion for the foregoing Resolution was seconded by Al Amdahl 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, Tom Kasner, and Al Amdahl, and none voted against the same whereupon the said Resolution 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. Mergen informed the Council that Flaherty & Hood and Hall & Associates, technical and legal consultants for the Minnesota Environmental Science and Economic Review Board (MESERB) which the City is member, provided written options and a summary whether the City wishes to challenge the effluent limit (381 kg/yr) in the wastewater treatment plant NPDES permit proposed by the Minnesota Pollution Control Agency (MPCA). Mr. Mergen noted that the estimated cost for the City to file a contested case petition with the MPCA is \$5,000 to \$10,000, the estimated cost for attorney's during negotiation with MPCA is \$5,000 to \$15,000 and to defend the City at a hearing if no resolution can be agreed upon by negotiation, the cost is estimated to be \$50,000 to \$100,000. Mr. Schneider informed the Council that a nearby City has spent nearly \$145,000 in attorney fees contesting their effluent limit and is hoping to come to an agreement with the MPCA very soon to avoid constructing a multi-million dollar mechanical wastewater treatment plant with an estimated operational costs of \$85,000/month. Mr. Harlander noted that the MPCA has lowered the effluent limits during the NPDES permit renewal process for many cities, but land use practices beyond the City limits is non-regulated whereby cities are picking up the majority of the expenses in reducing phosphorus and other pollutants in rivers and lakes. Mr. Mergen noted that the interim effluent limit of 525 kg/yr will remain until a new NPDES permit is issued by the MPCA. Mayor Daron Gersch, with the consensus of the Council, directed the City Engineer to forward the information collected by MESERB on behalf of the City to the MPCA for review and comment. Mayor Daron Gersch noted at this point in time the City will not file a petition for a contested case until the MPCA has had a chance to review the information prepared by MESERB.

The Council took notice of a liability coverage waiver form prepared by the League of Minnesota Cities Insurance Trust, the City's Insurance carrier, relating to statutory tort liability limits to the extent of the coverage purchased. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Tom Kasner to execute the aforesaid form on behalf of the City indicating that the City does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. All voted for the motion and it carried.

Mr. Schneider informed the Council that Mayor Daron Gersch and Councilor Keith Heitzman, Employee liaisons, completed the annual performance evaluation (2017) of the City Clerk/Administrator and copies were provided to each Council member. Mr. Schneider noted that performance evaluations are conducted on all City employees as per the City's Personnel Policy. Mayor Daron Gersch, with the consensus of the Council, expressed satisfaction with the City Clerk/Administrator's job performance. There were no additions or corrections. The performance evaluation will be filed in his personnel file.

The Council took notice of a resolution to certify the location of the election polling place for the year 2018 as required by Mn State Statute. After due discussion, a motion was made by Mayor Daron Gersch who introduced the following:

RESOLUTION 2017-12  
A RESOLUTION TO DESIGNATE THE POLLING  
PLACE FOR 2018: Albany City Hall  
400 Railroad Avenue, Albany, MN 56307

The motion for the foregoing Resolution 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, Tom Kasner, and Al Amdahl, and none voted against the same whereupon the said Resolution 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. Schneider informed the Council that a notice was published advertising for bids for the 2018 North Lake Storm Water Improvements (Conservation Practices Project). Mr. Schneider noted that the

project was to have started this fall, but due to changes in design construction will begin in 2018. Mr. Schneider noted that bids will be opened at 11:00AM on Thursday, December 7<sup>th</sup> at the Albany City Hall.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, December 6, 2017 and adjourned the meeting at 7:35 PM.

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Tom Schneider  
Clerk/Adm.