

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, April 6, 2016, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors John Greer, Tom Kasner, John R. Harlander, and Laurie Dingmann. None were absent.

Also present were: Jeremy Mathiasen, City Engineer with Stantec, Inc., Mike Kosik, Editor, Albany Enterprise, Ozzie Carbajal, Police Chief, Joe Mergen, Public Works Supervisor, Tom Schneider, Clerk/Adm. and Keith Heitzman, resident.

The Council recited the Pledge of Allegiance.

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 66221 to 66265 and 16034 to 16060. 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 March 16th and hearing none declared them approved.

Nick Larson, Larson Excavating, Inc., Holdingford, MN, was present for the meeting.

Mr. Mathiasen presented to the Council the following bids that were publically opened at 11:00 o'clock in the morning on Thursday, March 17th at City Hall, 400 Railroad Avenue for the 2016 5th Street and Utility Improvements (5th Street, Linden Avenue, 2nd Avenue, Meyer Avenue):

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate No.1</u>
-Larson Excavating Contractors	\$1,136,817	\$45,894
-C & L Excavating, Inc.	\$1,243,653	\$49,136
-Breitbach Construction, Inc.	\$1,249,104	\$54,356
-Kuechle Underground, Inc.	\$1,282,262	\$60,283
-R.L. Larson Excavating, Inc.	\$1,310,609	\$60,136
-Northdale Construction, Inc.	\$1,352,981	\$67,196
-Ryan Contracting Company	\$1,370,649	\$63,194
-J.R. Ferche, Inc.	\$1,675,365	\$73,071

Mr. Mathiasen noted that the estimate for the base bid was \$1,491,000 and that the alternate bid related to restoration work, grading and seeding behind the curb will not be awarded with the base bid. Mr. Greer questioned if City should request additional information from the contractor regarding commitments to other construction projects and their ability to complete the project in a timely manner to avoid delays in construction. Mr. Larson informed the Council that they have another project in the City of Waite Park and Albany is their first priority. Mr. Larson noted that they want to get started as soon as possible and the completion date is reasonable. Mr. Mathiasen informed the Council that there will be an inspector on the job site daily to ensure construction is moving forward. Mr. Harlander questioned if the liquidated damages are high enough to cover the City's expenses, and if not for this project, the amount should be increased for future projects. After due discussion and upon the recommendation by the City Engineer, a motion was made by John R. Harlander who introduced the following Resolution and moved its adoption:

RESOLUTION 2016-15
RECEIVING BIDS AND AWARDING CONTRACT
2016 5th Street & Utility Improvements
(Larson Excavating Contractors - \$1,136,817)

The motion for the foregoing Resolution was seconded by Tom Kasner 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, John Greer and Laurie Dingmann, 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 the City received a bid from Loren's Tree and Lawn Service, Albany, in the amount of \$76,350 for restoration work, grading and seeding behind the curb for the 2016 5th Street and Utility Improvements. Mr. Mathiasen noted the low bid was submitted by Larson Excavating Contractors, Holdingford, MN, in the amount of \$45,894. Mr. Greer noted that proper landscaping and seeding in the boulevards has always been an issue; whereby the City's never had issues with final restoration work by Loren's Tree and Lawn Service. Mayor Daron Gersch noted that the difference in the bids is significant and if the City is not satisfied with the materials or final work, the City can reject them. After due discussion, a motion was made by John Greer and seconded by Mayor Daron Gersch to hire Loren's Tree and Lawn Service in the amount of \$76,350 to complete the restoration work for the 2016 5th Street and Utility Improvements assessing only \$45,894 to the benefitted properties. Voting for the motion was Councilor John Greer and voting against was Mayor Daron Gersch, Councilors Tom Kasner, Laurie Dingmann, and John R. Harlander. The motion failed. After due discussion, a motion was made by John R. Harlander to accept the bid from Loren's Tree and Lawn Service in the amount of \$76,350 assessing the full amount to the property owners. The motion died for lack of a second. After due discussion, a motion was made by John Greer and seconded by Laurie Dingmann to table the decision on the restoration work for the said improvements until the next Council meeting. All voted for the motion and it carried.

David Drown, David Drown Associates, the City's Financial Consultant, appeared before the Council to discuss the sale of \$1,625,000 General Obligation Permanent Improvement Revolving Fund Bonds associated with the 2016 5th Street and Utility Improvements. Mr. Drown noted that the bonds will be sold on a competitive basis and rated by Standard and Poor's Rating Services for interest savings. Mr. Drown also noted that proposals for the bonds will be received on May 4th at his office and consideration for an award of the bonds will be presented to the Council at the May 4th Council meeting. After due discussion, a motion was made by John R. Harlander who introduced the following Resolution and moved its adoption:

RESOLUTION 2016-14
PROVIDING FOR THE COMPETITIVE NEGOTIATED SALE OF
\$1,625,000 G.O. PERMANENT IMPROVEMENT REVOLVING FUND BONDS,
SERIES 2016A

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, John Greer and Laurie Dingmann, 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.

Pursuant to due notice, at 7:05 PM, Mayor Daron Gersch called the public hearing into session to consider and possibly adopt a proposed assessment to the property at 300 Railroad Avenue for unpaid sidewalk snow removal services incurred in relation to Ordinance 41. Mr. Schneider noted that a proper notice was published in the local newspaper on March 23rd. Mr. Schneider noted that on March 17th he gave mailed notice of the hearing to the property owner and no written comments were received. Mr. Schneider presented to the Council pictures of the sidewalk prior to authorizing the Public Works Department to remove the snow from the sidewalk and dates of accumulations. Mr. Schneider recommended to the Council that the unpaid amount of \$300 be assessed to the property at 300 Railroad Avenue payable in 2017. Mayor Daron Gersch closed the public hearing at 7:10 PM. After due discussion, a motion was made by John R. Harlander and seconded by John Greer to direct the City

Clerk/Administrator to certify the unpaid balance of \$300 for property located at 300 Railroad Avenue to the Stearns County Auditor for payment in 2017. All voted for the motion and it carried.

Bob Thelen, 821 Railroad Avenue, was present for the meeting.

Pursuant to due notice, at 7:12 PM, Mayor Daron Gersch called the public hearing into session to consider and possibly adopt a proposed assessment to the property at 821 Railroad Avenue for unpaid sidewalk snow removal services incurred in relation to Ordinance 41. Mr. Schneider noted that a proper notice was published in the local newspaper on March 23rd. Mr. Schneider noted that on March 17th he gave mailed notice of the hearing to the property owner and no written comments were received. Mr. Schneider presented to the Council pictures of the sidewalk prior to authorizing the Public Works Department to remove the snow from the sidewalk and dates of the snow accumulation. Mr. Thelen appeared before the Council to inform the Council that he didn't think the sidewalk looked that bad that required the City to clean the sidewalk. Mr. Thelen also noted that warmer weather was forecasted which would have cleared the sidewalk. Mr. Kasner noted that commercial properties within the designated area do not pay for snow removal on sidewalks for events one and one-half (1 ½") inches or greater which is unusual compared to other cities. Mr. Schneider recommended to the Council that the unpaid amount of \$132 be assessed to the property at 821 Railroad Avenue payable in 2017. Mayor Daron Gersch closed the public hearing at 7:20 PM. Mr. Thelen informed the Council he would pay the amount next week. No action was taken to assess the unpaid amount for sidewalk snow removal.

Councilor John Greer, Planning Commission Liaison, informed the Council that the Planning Commission held a meeting on April 5th on a request by the Albany Area Schools for site plan approval of a \$38 million dollar building improvement project to the high school and elementary. Mr. Greer noted the following: 6th Grade classes moved into the secondary school, secured building entrances, new science labs and cafeteria/commons remodeled, new 800-seat auditorium/music classrooms, technical/agricultural department expansion, new community center/field house and additional classrooms at the Albany Elementary. Mr. Breitbach appeared before the Board to present the proposed building floor plan, traffic patterns, utilities, grading and drainage plan. Mr. Breitbach also noted that the school will apply for a variance to allow the construction of the auditorium being the height of the building is fifty (50+/-) feet which exceeds ordinance regulation of thirty-five (35) feet. Ms. Mathiasen noted that a wet pond is proposed to be constructed south of the football field and noted that the design actually decreases the amount of storm water runoff from school property. Mr. Greer noted that the school may consider applying for state funds in 2017 (Safe Routes to Schools Program) to construct a sidewalk on the north side of Railroad Avenue (Co. Rd. #54) connecting the existing sidewalk to the south entrance of the school. Mr. Greer noted that County HWY #54 is being reconstructed in 2016 and careful planning for construction activities near the school's southern entrance should be considered. After due discussion and upon the recommendation of the Planning Commission, a motion was made by John Greer and seconded by Mayor Daron Gersch to approve the site plan submitted by the school with the conditions/comments listed by the City Engineer in his review. All voted for the motion and it carried.

Pursuant to due notice, Mayor Daron Gersch called the public hearing into session at 7:35 o'clock in the evening to vacate a drainage and utility easement located between Lot 5 and 6, Block 2 in The Highlands Three subdivision for the purpose of constructing a new single-family home. Mr. Schneider noted that proper petition was received by the land owner and a notice was published in the Albany Enterprise on March 23rd and March 30th. Mayor Daron Gersch closed the public hearing at 7:40 pm. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Tom Kasner to officially vacate the drainage and utility easement legally described as follows: 5.00 foot drainage and utility easement over, under and across the southeasterly 5.00 feet of Lot 5, Block 2, THE HIGHLANDS THREE, according to the recorded plat thereof, Stearns County, Minnesota, as measured at right angles to, contiguous and parallel with the southeasterly line of said Lot 5 and the northwesterly 5.00 feet of Lot 6, said Block 2, as measured at right angles to, contiguous and parallel with the northwesterly line of said Lot 6, less and except the northeasterly 10.00 feet of said Lots 5 and 6, as measured at right angles to, contiguous, and parallel with the northeasterly line of said Lots 5 and 6 and the southwesterly 5.00 feet of said Lots 5 and 6, as measured at right angles to, contiguous, and parallel with the southwesterly line of said Lots 5 and 6. All voted for the motion and it carried.

Councilor Tom Kasner, Economic Development Authority (EDA) Liaison, informed the Council that the EDA held a meeting on March 30th on a request by Matt and Kendra Imdieke, 351 Railroad Avenue, who submitted a Commercial Rehabilitation grant/loan application for commercial storefront improvements (\$16,057). Mr. Kasner presented the following proposed building improvements: No window replacement is proposed for the second floor windows facing mainstreet, but there may be some trim work done to correct deficiencies. The awning and cedar wood storefront will be removed. The existing storefront windows will be replaced with larger window openings and two new entry doors. No transom windows, but still a larger window opening. A can light to be installed above entry door and new carpet to be added on steps. The area above and below storefront windows will be painted. After due discussion and upon the recommendation of the EDA, a motion was made by Tom Kasner and seconded by John R. Harlander to approve the application for the proposed storefront improvements at 351 Railroad Avenue with an EDA contribution of \$8,028.75. All voted for the motion and it carried.

Councilor Tom Kasner, Economic Development Authority (EDA) Liaison, informed the Council that the EDA held a meeting on March 30th on a request by Steve Danzl, 381 Railroad Avenue, who submitted a Commercial Rehabilitation grant/loan application for commercial storefront improvements (\$23,764). Mr. Kasner informed the Council that the following storefront improvements are proposed: The existing storefront facing Railroad Avenue and window opening on west side of building or 4th Street will be removed and replaced with new transom window openings similar to picture of the building in 1904. The window height facing mainstreet will abut the steel I-beam as shown in an old photograph. The storefront improvements will be parallel to the sidewalk on Railroad Avenue to increase interior usable square footage other than the entry door. Existing location of entry door will not change. On the second floor, four windows facing mainstreet and five windows facing west or 4th Street will be replaced with larger windows that include the arch filling the entire window opening. HVAC will be upgraded and first floor renovated to allow for a specialty coffee shop/soup/sandwiches/candies, etc. The seating capacity is estimated to be twenty (20). The existing projection sign and post will be removed and replaced with a new projecting sign (double faced) to resemble the historical significance of the building. No dimensions were submitted for the new projecting sign, but it will meet the sign regulations when erected. No lighting is proposed for the front of the building. After due discussion and upon the recommendation of the EDA, a motion was made by Tom Kasner and seconded by Laurie Dingmann to approve the application for the proposed storefront improvements at 381 Railroad Avenue with an EDA contribution to be the maximum of \$10,000.00. All voted for the motion and it carried.

Mr. Mathiasen presented to the Council Change Order No. 2 for the 2015 Capital Improvements. Mr. Mathiasen noted that the purpose of the change order is to extend the final completion date to allow for the cart paths at the Albany Golf Club to be paved at the mid or end of the summer. Mr. Mathiasen noted that the change will allow the cart paths extra time to settle and be compacted, while minimizing the impacts to the course and the contractor agreed to honor the original bid pricing for the trail paving. After due discussion, a motion was made by John R. Harlander and seconded by Laurie Dingmann to approve Change Order No. 2 for the 2015 Capital Improvements. All voted for the motion and it carried.

The Council took notice of a proposal submitted by KLM Engineering, Inc., Lake Elmo, MN, to clean out and inspect the 250,000 gallon water tower in the amount of \$2,400. Mr. Mergen noted that the proposed amount is reasonable and recommended approval. After due discussion, a motion was made by Mayor Daron Gersch and seconded by John Greer to authorize KLM Engineering, Inc., to clean out and inspect the water tower at a cost of \$2,400. All voted for the motion and it carried.

Mr. Mergen informed the Council that the City received three applications for the position of seasonal lawn mowing. Mr. Mergen also noted that he contacted an individual who was interested in seasonal work in the street department. After due discussion, a motion was made by Mayor Daron Gersch and seconded by John R. Harlander to hire Stan Kortenbusch, Albany, for the position of seasonal lawn mowing and Tucker Dingmann, Albany, for the position of seasonal work in the street department. Voting for the motion was Mayor Daron Gersch, John Greer, Tom Kasner, and John R. Harlander and none voted against. Councilor Laurie Dingmann abstained and the motion carried.

Councilor John R. Harlander, Street Department Liaison, presented to the Council a cost estimate (\$15,750+/-) received by Breth Construction and Concrete, LLC, Albany, to remove cracked or damaged sidewalk and replace with new throughout the City. Mr. Harlander noted that pursuant to Ordinance 41.01, Subd. 3, provides that the cost of the sidewalk repairs shall be paid 50% by the property owner and 50% by the City. Mr. Harlander noted that the estimated cost to a property owner to be \$1,000+/- Mr. Harlander also noted that there are a couple of trees in the boulevard or street right-of-way that are damaging the sidewalk and curb/gutter which will be removed. Mr. Mergen noted that prior to any work beginning; letters will be mailed to the affected property owners. After due discussion, a motion was made by John R. Harlander and seconded by John Greer to authorize Breth Construction and Concrete, LLC to remove cracked or damaged sidewalk and replace with new at the direction of Mr. Mergen at a cost not too exceed \$18,000. All voted for the motion and it carried.

Mr. Carbajal presented to the Council a proposed agreement for Minnesota Court Data Services for governmental agencies to allow the Albany Police Department to have access to the court system. Mr. Carbajal noted that the Minnesota Courts are moving to a web based filing system and law enforcement agencies are now able to apply for access. After due discussion, a motion was made by John Greer who introduced the following Resolution and moved its adoption:

RESOLUTION 2016-12
RESOLUTION AUTHORIZING SIGNING AUTHORITY ALLOWING ACCESS TO
MINNESOTA GOVERNMENT ACCESS (MGA) ACCOUNTS FOR ELECTRONIC
COURT RECORDS AND DOCUMENTS

The motion for the foregoing Resolution was seconded by Tom Kasner 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, John Greer and Laurie Dingmann, 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.

The Council took notice of a MN Lawful Gambling LG220 Exempt Permit application submitted by Seven Dolors Church, 151 2nd Street South, Albany, to conduct a raffle, bingo, and paddlewheels on Sunday, August 7th. After due discussion, a motion was made by John R. Harlander and seconded by Mayor Daron Gersch to approve the said application. All voted for the motion and it carried.

The Council took notice of a MN Lawful Gambling LG220 Exempt Permit application submitted by Seven Dolors Church to conduct a raffle on Monday, June 27th at the Albany Golf Club, 500 Church Avenue. After due discussion, a motion was made by Tom Kasner who introduced the following resolution and moved their adoption:

RESOLUTION 2016-16
APPROVING MINNESOTA OFF-SITE LAWFUL GAMBLING
(Seven Dolors Church)

The motion for the foregoing Resolution were 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 Tom Kasner, John R. Harlander, Laurie Dingmann, 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, April 20, 2016 and adjourned the meeting at 8:15 PM.

Tom Schneider, Clerk/Adm.