

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 3, 2013, in the Council Room at 400 Railroad Avenue for the said City.

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

Also present were: Tom Schneider, Clerk/Adm., Joe Mergen, Public Works Supervisor, Stan Hanson, City Engineer, Stantec, Inc., Jeremy Mathiasen, Engineer, Stantec, Inc., Mike Kosik, Staff Writer, Albany Enterprise, Jason Falconer, Albany Police Chief, Joe Peternell, business owner, Bryan Schiffler, business owner, Leo Sand, Sand Companies, Inc., and Shirley Hiltner, resident.

After due discussion, a motion was made by Tom Kasner and seconded by John Greer to authorize the payment of the following bills: Check Numbers 63225 to 63274 and 14784 to 14796. 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 meeting held on March 20th and hearing none declared them approved.

Mr. Schneider informed the Council that the property owner at 521 8<sup>th</sup> Street requested permission to construct a new driveway entrance on 9<sup>th</sup> Street and if approved, the existing driveway on 8<sup>th</sup> Street would be abandoned. Mr. Hanson informed the Council that the property was only assessed partially for the 1999 Stonebrooke Improvements which included 9<sup>th</sup> Street, but was fully assessed for the 2004 8<sup>th</sup> Street Improvements being the property abuts both streets. Mr. Hanson recommended that if a 9<sup>th</sup> Street driveway access is granted; a deferred assessment from the 1999 Stronebrooke Improvements should be paid to the City in the amount of \$1,916.16. After due discussion and upon the recommendation by the City Engineer, a motion was made by John Greer and seconded by John R. Harlander to allow a 9<sup>th</sup> Street driveway access if the deferred assessment were to be paid in the amount of \$1,916.16. All voted for the motion and it carried.

Mr. Schneider informed the Council that the 2012 total estimated market value for the City property formerly known as Municipal Well Number 2 is \$53,500 (land \$44,900 and building \$8,600). Mr. Schneider also informed the Council that land values for other residential lots 75' x 142' adjacent to the City property is approximately \$22,500. Mr. Peternell informed the Council that he purchased an older home on Shamrock Lane and intended to relocate the home to the City lot on 6<sup>th</sup> Street to facilitate his proposed construction of a new retail building on 8<sup>th</sup> Street and Shamrock Lane. Mr. Peternell noted that he would offer \$17,000 for the City lot recognizing that land values for vacant lots within older residential subdivisions and in some cases newer subdivisions have decreased. Mr. Peternell also noted that if acceptable, the property would be sold as one large lot. Mr. Greer noted that there are other privately owned lots in the City that may be purchased by Mr. Peternell in the price range that is being offered and would not in favor of selling the City lot at a substantially lower market value than a regular 75' x 142' lot. Mr. Schneider noted that an appraiser hired by the City in 2008 appraised the City lot (150' x 142') at a value of \$70,000 as two (2) - 75' x 142' foot lots, but that had been a time when the market for vacant lots was very strong for new home builders. Mayor Daron Gersch, with the consensus of the City, directed Mr. Schneider to contact a local realtor to obtain a comparative market analysis on the City lot.

Mr. Hanson appeared before the Council to update the Council on the 2013 Railroad Avenue (TH #238) Improvements. Mr. Hanson noted that a pre-construction meeting was held at 9:00 am on Wednesday, April 3<sup>rd</sup> at City Hall that included MnDOT representatives, utility companies, City staff, Albany School District members, sub-contractors, and the general contractor. Mr. Hanson noted that temporary stop signs and other constructions signage will be installed the week of April 8<sup>th</sup> alerting the public that the project is forthcoming.

Mr. Hanson also informed the Council that he has accepted an engineering job with a company from North Dakota and will be leaving Stantec, Inc. on April 18<sup>th</sup>. Mr. Hanson thanked the Council for the opportunity to serve the City in the capacity of City Engineer and noted that it was a great privilege to work with the City, public, and City staff for fifteen (15) years. Mr. Hanson introduced Jeremy Mathiasen, an engineer with Stantec, Inc., who has been assigned to the City for engineering services. Mr. Mathiasen introduced himself and explained his experience serving communities in the St. Cloud area, including Sartell, Maple Lake, and Cold Spring. Mayor Daron Gersch, with the consensus of the Council, thanked Mr. Hanson for his services as the City Engineer and guidance in assisting the City with project improvements over the past years.

Mr. Mergen presented to the Council a list of property owners that have not paid their utility bills after receiving notices that their utility bills were past due pursuant to Ordinance 30. Mr. Mergen recommended that the unpaid utility bill at 230 Lake Avenue be certified to the Stearns County Auditor to be collected as a special assessment in the year 2014. After due discussion, a motion was made by John Greer and seconded by Tom Kasner to authorize the City Clerk/Administrator to certify the unpaid utility bill at 230 Lake Avenue to the Stearns County Auditor. All voted for the motion and it carried.

Mr. Falconer presented to the Council a 2012 report he received from the Stearns County Attorney's Office relating to the Adult Diversion Program. Mr. Falconer noted that 116 adults met the initial eligibility criteria with the most common offense diverted were shoplifting, theft, and worthless checks. Mr. Falconer noted that for the City there were no adults or juveniles who qualified for diversion in 2012, but there was 21.5 hours of volunteer work completed in Albany by participants from other jurisdictions.

Mr. Falconer informed the Council that Joel Klein, the number one candidate for the position of Police Chief, declined the job offer. Mr. Falconer noted that he, Mr. Greer, and the City Clerk/Administrator met with Osvaldo Carbajal, candidate number two, who accepted the conditional job offer; whereby a background investigation was immediately authorized and currently being conducted. Mr. Falconer also noted that the potential start date for Mr. Carbajal may be May 6<sup>th</sup> if the background investigation and other job employment requirements are successfully completed.

Councilor John Greer, Planning Commission Liaison, informed the Council that pursuant to a duly held public hearing before the Planning Commission on March 27<sup>th</sup>; whereby the Planning Commission approved the request by Roland Gilk, 321 8<sup>th</sup> Street, for a variance to relax the front yard requirement of twenty five (25) feet and the side yard requirement of ten (10) feet to allow for the construction of a 5.5' X 26' garage addition. After due discussion and upon the recommendation from the Planning Commission, a motion was made by John Greer and seconded by John R. Harlander to approve the request by Roland Gilk, 321 8<sup>th</sup> Street, for a variance to relax the front yard requirement of twenty five (25) feet and the side yard requirement of ten (10) feet to allow for the construction of a 5.5' X 26' garage addition as per the following:

- The property owner has proposed to use the property in a reasonable manner that is not permitted under the conditions allowed by Ordinance 80.
- The need for the variance is due to circumstances unique to the property not created by the landowner and will not alter the essential character of the locality.
- The variance is not sought solely for reasons of increased financial gain.
- The granting the variance is consistent with the intent and purpose of the zoning ordinance and the comprehensive plan.
- That the condition or situation of the specific piece of property, for which the variance is sought, is not so general or recurrent in nature as to make it reasonably practicable to adopt a general regulation to address the condition or situation, rather than a variance.
- Approval is granted to allow the garage to be built less than one (1) foot +/- from the northern property line and twenty (20) feet from the front property line.
- Exterior siding and shingles to match existing materials on home.
- The garage addition shall not extend beyond the existing front yard house line.

- The perpetual maintenance easement provided by Our Savior's Lutheran Church of Albany will allow Mr. Gilk to conduct routine maintenance on his garage and prevent any future structure from being constructed on the church property adjacent to Mr. Gilk's property or any other future property owner providing adequate open space.

All voted for the motion and it carried.

Mr. Greer informed the Council that the Planning Commission at the March 27<sup>th</sup> meeting reviewed a preliminary site plan for commercial development of seven (7) acres +/- west of 225<sup>th</sup> Avenue owned by Bryan Schiffler. Mr. Greer informed the Council that Albany Township approved a joint resolution for orderly annexation on March 25<sup>th</sup> and the resolution is being reviewed by the State Municipal Boundary Adjustment Unit for final approval. Mr. Hanson informed the Council that he reviewed the proposed site plan, grading, and drainage plan. Mr. Schiffler informed the Council that a meeting has been scheduled with the Technical Evaluation Panel (TEP) for Stearns County on April 10<sup>th</sup> to discuss wetland mitigation. Mr. Schneider noted that there is nearly \$70,000 in deferred assessments on the property that originally was paid for by the City to serve other developments, but could not be collected because the property was located in Albany Township. Mr. Greer noted that Park Dedication fees, and if platted in the future, trunk water and sewer fees per acre will need to be collected. After due discussion, a motion was made by John Greer and seconded by Laurie Dingmann to approve the preliminary site plan application submitted by Bryan Schiffler for the commercial development of seven (7) acres +/- west of 225<sup>th</sup> Avenue contingent upon the following:

- 1) A Wetland permit will need to be obtained through Stearns County Environmental Services.
- 2) The owner shall provide the City with an approved National Pollutant Discharge Elimination System (NPDES) permit from the Minnesota Pollution Control Agency (MPCA) prior to construction activity.
- 3) Due to the fact the site is along County Road #41, the site plan will need to be submitted to the Stearns County Highway Department for review and comments.
- 4) An Ingress and Egress Easement will need to be obtained for the southeast access to property.
- 5) A utility plan will need to be submitted for review.
- 6) There are deferred assessments and park dedication fees that will need to be paid in full to the City. If platted, additional fees to be paid by property owner.
- 7) Further analysis of the plans submitted may reveal additional requirements that will need to be addressed prior to issuing a building permit.

All voted for the motion and it carried.

Mr. Greer also informed the Council that the Planning Commission Board recommended Planning Commission member Adam Rushmeyer be appointed to the City's Economic Development Authority (EDA) being former Planning Commissioner member John Harlander is no longer a Board member. After due discussion, a motion was made by John R. Harlander and seconded by Mayor Daron Gersch to appoint Planning Commission Board member Adam Rushmeyer to the EDA Board, a one-year term ending December 31, 2013. All voted for the motion and it carried.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, April 17, 2013 and adjourned the meeting at 7:40 PM.

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Tom Schneider, Clerk/Adm.