

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, February 6, 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, the City Engineer with Stantec, Inc., Mike Kosik, Staff Writer, Albany Enterprise, Chad Meemken, Barney Bueckers, Diane Bueckers, Shirley Hiltner, Tim Jopp, Leon Stueve, Amy Schiffler, Jan Schiffler, Kris Schiffler, Joe Peternell, Russ Cherne, Wade Schimmelpfennig, and the following Albany Police Department Personnel: Dayna Olmsheid, John Arneson and Kristie Watson.

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 63054 to 63112 and 14711 to 14740. 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.

Mr. Hanson appeared before the Council to present the following nine bids that were publically opened at 10:00 o'clock in the morning on January 18th at the City Hall for the Railroad Avenue (TH #238) Improvements:

<u>Bidder</u>	<u>Amount</u>
Low R.L. Larson Excavating, Inc.	\$2,872,439.85
#2 C & L Excavating, Inc.	\$2,897,928.55
#3 Kuechle Underground, Inc.	\$3,000,017.37
#4 Larson Excavating Contractors, Inc.	\$3,076,407.27
#5 Duininck, Inc.	\$3,088,281.15
#6 LaTour Construction, Inc.	\$3,132,927.60
#7 Redstone Construction Company, Inc.	\$3,177,997.07
#8 Northdale Construction Company, Inc.	\$3,387,794.07
#9 Carstensen Contracting, Inc.	\$4,018,377.20

Mr. Hanson informed the Council that the construction estimate was \$3,140,000 and that MnDOT reviewed the bid tabulation and concurred with awarding the low bid to R.L. Larson Excavating, Inc. Mr. Hanson also informed the Council that the total project costs are estimated to be \$4,284,236 and the difference is the cost to remove the overhead wires, acquiring easements and right of way, investigating possible soil contamination, engineering, administrative and contingencies. Mr. Hanson also noted that the City's share is \$1,709,436, plus \$449,684 in assessments (20.83%) and MnDOT's share \$2,125,116. After due discussion, a motion was made by John R. Harlander who introduced the following Resolution and moved its adoption:

RESOLUTION 2013-05
DECLARING COST TO BE
ASSESSED AND ORDERING PREPARATION
OF PROPOSED ASSESSMENT IN CONNECTION
WITH THE RAILROAD AVENUE (TH #238) IMPROVEMENT

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 Laurie Dingmann, John R. Harlander, John Greer, and Tom Kasner, 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.

After due discussion, a motion was made by Tom Kasner who introduced the following Resolution and moved its adoption:

RESOLUTION 2013-06
CALLING HEARING ON ASSESSMENTS FOR THE
RAILROAD AVENUE (TH #238) IMPROVEMENTS
(March 6, 2013, at 6:30 p.m. at City Hall)

The motion for the foregoing Resolution was seconded by Laurie Dingmann and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Daron Gersch, Councilors Laurie Dingmann, John R. Harlander, John Greer, and Tom Kasner, 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.

Traci Ryan, the City's Economic Development Consultant, with the firm of David Drown Associates, Inc., was present for the meeting.

Pursuant to due notice, at 6:55 p.m., Mayor Daron Gersch called the public hearing into session to consider (a) the proposed modification of Tax Increment Financing District No. 14, and (b) the proposed adoption of the modified Tax Increment Financing Plan relating thereto. Mr. Schneider noted that no written comments were received and a proper notice was published in the Albany Enterprise. Ms. Ryan informed the Council that the primary purpose of the modification is to remove the former Amps, Inc. parcels on Railroad Avenue from TIF District No. 3 now owned by Albany Family Dentistry, the developer, and to include the same two parcels in TIF District No. 14. Ms. Ryan noted the substandard building will be demolished and the developer will construct a new 5,000 square foot building with 4,000 square feet as a dental office and the remaining 1,000 square feet available for retail use. Ms. Ryan also presented to the Council a business subsidy agreement prepared by the City Attorney that will be executed between the City and Albany Family Dentistry for TIF assistance in the form of \$40,000 cash assistance to reimburse the developer for demolition and site improvement costs and \$50,000 in pay-as-you-go payments which shall consist of 90% of the actual increment generated by the project. Ms. Ryan also noted that the total TIF assistance shall be \$90,000 or the actual amount of eligible expenses incurred by the project. Mr. Kasner informed the Council that the City's Economic Development Authority had recommended approval of the project and related TIF assistance. Mr. Greer noted that the business development agreement include language to require the developer to reimburse the TIF provided for the demolition if a building is not built during a specific period of time. Mayor Daron Gersch closed the public hearing at 7:05 p.m. After due discussion, a motion was made by John Greer who introduced the following Resolution and moved its adoption:

RESOLUTION 2013-02
APPROVING THE REMOVAL OF PARCELS FROM TAX INCREMENT
FINANCING DISTRICT NO. 1-3, THE MODIFICATION #1 OF TAX
INCREMENT FINANCING DISTRICT NO. 1-14
AND ADOPTION OF A MODIFIED TAX INCREMENT FINANCING PLAN
RELATING THERETO

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 Laurie Dingmann, John R. Harlander, John Greer, and Tom Kasner, 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.

After due discussion, a motion was made by Laurie Dingmann and seconded by Tom Kasner to authorize Mayor Daron Gersch and the City Clerk/Administrator on behalf of the City to execute the Business Subsidy Agreement as prepared by the City Attorney with the addition of language to require the

developer to reimburse the TIF provided for the demolition if a building is not built during a specific period of time. All voted for the motion and it carried.

David Drown, the City Financial Consultant with the firm of David Drown Associates, appeared before the Council to inform the Council that his firm received the following bids on behalf of the City for the sale of \$1,200,000 General Obligation Permanent Improvement Revolving Fund Bonds, Series 2013A to finance the 2013 Railroad Avenue (TH #238) Improvements: 1) Robert W. Baird & Co., Inc., (2.5962%) and 2) United Bankers' Bank (2.6872%). Mr. Drown recommended Robert W. Baird & Co., Inc. be awarded the bond sale. After due discussion, a motion was made by Tom Kasner who introduced the following Resolution and moved its adoption:

RESOLUTION 2013-03
RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY
OF \$1,200,000 GENERAL OBLIGATION PERMANENT
IMPROVEMENT REVOLVING FUND BONDS, SERIES 2013A

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 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 normal office hours.

Mr. Drown also presented to the Council a resolution that would guarantee bond payments by the Minnesota Public Facilities Authority (PFA) in the event the City was to default on the 2013A Bonds and recommended approval. Mr. Drown noted that the purpose of the PFA guarantee is to obtain a slightly lower interest rate on the bonds. After due discussion, a motion was made by Laurie Dingmann who introduced the following Resolution and moved its adoption:

RESOLUTION 2013-04
COVENANTING AND OBLIGATING THE CITY TO BE BOUND BY AND TO USE
THE PROVISIONS OF MINNESOTA STATUTES, SECTION 446A.086
TO GUARANTEE THE PAYMENT OF THE PRINCIPAL AND INTEREST ON ITS
\$1,200,000 G.O. PERMANENT IMPROVEMENT REVOLVING FUND BONDS,
SERIES 2013A

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, 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 normal office hours.

Jeff Johnson, Appraiser, and Amy Rausch, Appraiser, for the Stearns County Assessor's Office, the City's appointed Assessor, appeared before the Council to present information pertaining to the 2013 Annual Assessor's Report and taxes payable for the year 2014. Ms. Rausch appeared before the Council to present an overview of the commercial, industrial, and residential sales ratio results achieved through the mass appraisal program administered by her office for the City and Stearns County. Ms. Rausch noted that the legal assessment level is considered to be 100% of market value, but an acceptable assessment is achieved when the overall sales ratio that measures the relationship between sale prices and the assessor's estimated market values is between 90% and 105%. Ms. Rausch noted that the period for her property sales analysis is October 1, 2011 through September 30, 2012. Mr. Johnson noted that the City's Board of Review/equalization meeting will be held at 5:30 PM, on Wednesday, May 1st at City Hall and notices to be mailed to property owners in the month of April. Mr. Johnson noted that an informational meeting will be held at City Hall before the Board of Review meeting to allow property owners an opportunity to review and discuss their property details privately.

Mr. Mergen appeared before the Council to present a resolution to renew Minnesota Department of Transportation's (MnDOT) Master Partnership Contract between MnDOT and the City of Albany. Mr. Mergen informed the Council that this contract is required by all local units of governments that perform certain work related ventures with MnDOT and recommended approval. After due discussion, a motion was made by John R. Harlander who introduced the following Resolution and moved its adoption:

RESOLUTION 2013-07
STATE OF MINNESOTA
AND THE CITY OF ALBANY
MASTER PARTNERSHIP CONTRACT

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, 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 normal office hours.

Mr. Mergen presented to the Council the 2012 Public Works Activity Report which included activities in the following departments: water, sewer, street, and park. Mr. Mergen informed the Council that the standby generator at the Water Treatment Plant will either need to be upgraded or a new generator purchased to meet the new federal emission standards. Mr. Mergen noted that running the standby generator during off-peak periods authorized by Stearns Electric is an annual electric savings of nearly \$12,000. Mr. Mergen noted that he has not received a cost estimate to upgrade the existing generator and when the information is available, he will report back to the Council at a future meeting.

Mr. Mergen also presented to the Council the purchase price for a new Winco 9,000 Watt tri-fuel (L.P. gas, gasoline, natural gas) portable generator that would replace the existing 1975 portable generator. Mr. Mergen noted that the new portable generator could be used for the City Administration building during a power outage and various other areas in the Public Works Department. After due discussion, a motion was made by John R. Harlander and seconded by Tom Kasner to approve the purchase of a 9,000 Watt generator from Amps, Inc., Albany, in the amount up to \$3,500. All voted for the motion and it carried.

Mayor Daron Gersch called for any corrections or additions to the minutes of the regular meeting held on January 16th. Councilor John Greer informed the Council that there is not unanimous support from the Council to research the idea to create a single police department for two cities and therefore, the City should not consider the idea. Mr. Greer recommend to the Council that the motion from the January 16th Council meeting to consider a single police department for two cities and the hiring of a police chief be rescinded. After due discussion, a motion was made by John Greer and seconded by John R. Harlander to rescind the motion that authorized the City Clerk/Administrator to prepare the necessary employment information to hire a police chief for the Albany Police Department and to direct the City Clerk/Administrator and new police chief to obtain information from the League of Minnesota Cities or other sources that had formed a single police department under a Joint Powers Agreement providing police protection services to more than one community. All voted for the motion and it carried. After due discussion, a motion was made by John Greer and seconded by Laurie Dingmann to approve the January 16th Council minutes as amended. All voted for the motion and it carried.

After due discussion, a motion was made by John Greer and seconded by Tom Kasner to publish a notice in the Albany Enterprise to advertise for the position of police chief and to approve the job description and other related employment materials. All voted for the motion and it carried.

Mr. Falconer presented to the Council the 2012 Police Department Activity Report that contained the following: dog complaints, juvenile complaints, traffic, crimes, special assignments and events. Mr.

Falconer informed the Council that further information will be presented to the Council on purchasing a new squad in 2013 to replace the 2006 Dodge Charger.

Mr. Falconer also presented to the Council a proposed ordinance to administer background checks. Mr. Falconer noted that the purpose and intent of this ordinance is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment and licensing background checks. Mr. Falconer also noted that the City had been authorized under specific ordinances to conduct background checks, but the proposed ordinance is a separate ordinance that covers all other ordinances within the Albany City Code. After due discussion, a motion was made by John Greer who introduced the following Ordinance and moved its adoption:

ORDINANCE 25
CRIMINAL HISTORY BACKGROUND FOR APPLICANTS FOR
CITY EMPLOYMENT AND CITY LICENSES

The motion for the foregoing ordinance was seconded by Laurie Dingmann 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 Ordinance was declared duly passed and adopted. The full text of the said Ordinance is on file at the office of the City Clerk/Administrator for public inspection during normal office hours.

Mr. Schneider presented to the Council a resolution to declare part-time Police Chief Jason Falconer to be eligible in the Public Employees Police and Fire Plan whose position duties meet the requirements of the said plan. After due discussion, a motion was made by John R. Harlander who introduced the following Resolution and moved its adoption:

RESOLUTION 2013-08
PUBLIC EMPLOYEES RETIREMENT ASSOCIATION
POLICE OFFICER DECLARATION

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, 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 normal office hours.

Mr. Falconer questioned if the Council would consider action to hire a third full-time patrol officer having budgeted for the position in 2013. Mr. Greer noted that several years ago there were three full-time patrol officers in the Police Department and during budget preparation in September 2012, monies were included in the 2013 budget to hire a third full-time patrol officer. Mr. Falconer recommended that John Arneson, Jr., a part-time patrol officer, be hired as the third full-time patrol officer having demonstrated proper police work procedures, high work ethic, and professionalism. After due discussion, a motion was made by John Greer and seconded by Laurie Dingmann to hire John Arneson, Jr., as a full-time patrol officer at a wage rate of \$19.44, Group VIII, Step 0. All voted for the motion and it carried.

The Council took notice of three Minnesota Lawful Gambling Exempt Permit Applications submitted by the Church of Seven Dolors for the following activities: 1) Holy Family School annual golf tournament raffle on June 24th; 2) Church Bazaar bingo, raffle, and pull-tabs on August 4th and 3) Holy Family School annual spaghetti dinner on March 8th. After due discussion, a motion was made by Tom Kasner and seconded by John Greer to approve the said Applications. All voted for the motion and it carried.

The Council also took notice of a Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division, application and permit for a temporary on-sale liquor license submitted by the

Mother of Mercy Foundation, 230 Church Avenue, for their annual Wine and Dine fund raiser to be held on May 11th at the Seven Dolors Parish Center. After due discussion, a motion was made by John R. Harlander and seconded by John Greer to approve the said application and permit contingent upon receiving the appropriate liquor liability insurance certificate. 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, February 20, 2013 and adjourned the meeting at 8:35 PM.

Tom Schneider, Clerk/Adm.