

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, March 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.

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 63148 to 63203 and 14740 to 14769. 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 February 20th and hearing none declared them approved.

Brad Andvik, owner of the Albany Business Plaza, 138 8th Street, appeared before the Council to question if there are other options for the Council to consider for plowing the City street (8th Street) in front of his business because his snow removal contractor has had to come back a second time to clean his parking lot being the City plowed snow from the street into the parking lot. Mr. Andvik questioned if the City could plow the snow on the east side of the street being the additional snow piled along the boulevard does not affect vacant properties. Mr. Greer questioned if the City could post a message on the City's website or twitter to alert members of the public and private snow removal contractors when the City will begin to plow the streets. Mr. Schneider noted that the police department has been using twitter to alert the followers on twitter. Mr. Harlander questioned why the private snow removal contractor would clean an off street parking lot that doesn't have a designated driveway prior to the City Street being plowed. Mr. Mergen informed the Council that he is not in favor of plowing snow to the east because it would mean that the snow plows would have to drive in the opposite direction which is dangerous and in the future other property owners would request the same special treatment. Mayor Daron Gersch informed Mr. Andvik that he contact his snow removal contractor to instruct him to clean his parking lot after the City plows 8th Street in front of his business.

The Council took notice of a petition for annexation received from Lucky, LLC, Bryan D. Schiffler, President, to annex approximately 5.74 acres +/- and related resolution for Joint Resolution for an Orderly Annexation between the City of Albany and Albany Township. Mr. Schiffler appeared before the Council to inform the Council that the purpose of the annexation is for the potential development of three commercial buildings. Mr. Schiffler questioned if an existing water and sewer main located on the northern boundary of the property could be relocated to accommodate a building to be built closer to Interstate 94 for greater visibility rather than built on top of the said utilities. Mr. Hanson noted that the utilities may be relocated and would not recommend a building be built on top of a water or sewer main. Mr. Schneider noted that the property will be zoned C3-Highway I94 Commercial District upon annexation which is consistent with other adjoining properties. After due discussion, a motion was made by John R. Harlander to accept the aforesaid petition and introduced the following resolution and moved its adoption:

RESOLUTION 2013-09
JOINT RESOLUTION FOR ORDERLY ANNEXATION
AREA BETWEEN THE TOWN OF ALBANY
AND THE CITY OF ALBANY

The motion for the foregoing petition and 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 John R. Harlander, Laurie Dingmann, Tom Kasner, and John Greer and none voted

against the same whereupon the said Petition and Resolution declared duly passed and adopted. The full text of the said Petition and Resolution is on file at the office of the City Clerk/Administrator for public inspection during regular office hours. Mr. Schneider noted that the said Resolution will be presented to the Albany Township Board at their regular meeting to be held on March 25th.

Present for the public hearing were the following: Tim Brawthen, Senior Construction Manager, Stantec, Inc., Bruce Bayer, Superintendent, R.L. Larson Excavating, Inc., St. Cloud, MN, Craig Bardson, Bardson Excavating, Inc., Albany, and the following property owners: Joyce Winter, Earl Pundsack, Jean Pundsack, Jack Evens, Bryan Schiffler, Chad Meemken, and Irene Ohmann.

Pursuant to due notice, Mayor Daron Gersch opened the public hearing into session at 6:50PM to consider objections, if any, to the proposed assessments for the 2013 Railroad Avenue (T.H. #238) Improvements which consist of street, storm sewer, sanitary sewer, water main, water and sanitary services, sidewalk, overhead wire relocation, easement acquisition, and street lighting improvements in the following areas: Railroad Avenue from 8th Street to 1st Street, 8th Street from Lake Wobegon Trail to a point approximately 200 feet north of Railroad Avenue, along with streetlights and sidewalk with the 100 block and 800 block of Railroad Avenue in the City of Albany, Minnesota. Mr. Hanson appeared before the Council and public to note that nine bids were publically opened at 10:00 o'clock in the morning on January 18th at the City Hall for the Railroad Avenue (TH #238) Improvement; whereby the low bidder was R.L. Larson Excavating, St. Cloud, MN in the amount of \$2,872,439. Mr. Hanson noted that the estimated project costs in 2011 was \$3,195,947 and the total 2013 project cost is \$4,284,236, an increase but the following additional work was added to the project: 1) mill and overlay beginning at Church Avenue to County Road 41/10 intersection on 8th Street, 2) relocation of water main on Shamrock Lane and 8th Street, 3) add right hand turn lane 8th Street and Railroad Avenue intersection, 4) removal of overhead electrical wires, add street lights, add sidewalk north side of Railroad Avenue between 8th and 9th Street, 5) add street lights and move overhead electrical wires between 1st and 2nd Street on Railroad Avenue, 6) extend water main on 1st Street north of Railroad Avenue ending at alley, and 7) contaminated soil investigation within right of way on Railroad Avenue. Mr. Hanson noted that MnDOT will pay for the majority of the additional work added to the project and the assessments to benefitted properties actually ended up to be 3.4% lower than originally proposed in March 2011. Mr. Hanson noted that \$449,684 or 20.83% will be assessed to benefitted properties. Mr. Hanson noted that a water service credit has been calculated for those properties as determined during construction that do not have to update their water service pipe from the water curb stop to the water service meter. Mr. Hanson also noted that the project is proposed to begin April 22nd, weather permitting and that additional project updates will be prepared by the Albany Enterprise to be distributed to the businesses and community. Mr. Pundsack questioned how the City and contractor will deal with any damage to buildings during construction and whether or not the stormwater flooding at the second street intersection will be corrected. Mr. Hanson noted that property owners are encouraged to take photos and video of their buildings prior to construction and the City will also be doing the same. Mr. Bayer noted that if there is a claim for damages, his company's insurance company will hire an investigator to inspect the building and any other issues related to a potential claim. Mr. Hanson noted that additional storm water catch basins have been added to the area near Second Street to alleviate some of the past flooding issues. Mr. Schneider reminded those in attendance that no interest will be charged if the entire assessment is paid within thirty days from the adoption of the assessment roll and if the assessment is not paid within this time period, interest will accrue on the assessment at a rate of 4.1%. Mayor Daron Gersch closed the public hearing at 7:55PM. After due discussion, a motion was made by John Greer who introduced the following Resolution and moved its adoption:

RESOLUTION 2013-10
ADOPTING ASSESSMENT ROLL
2013 RAILROAD AVENUE (TH #238) IMPROVEMENTS

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, Laurie Dingmann, John R. Harlander, 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.

After due discussion, a motion was made by Mayor Daron Gersch who introduced the following Resolution and moved its adoption:

RESOLUTION 2013-11
RECEIVING BIDS AND AWARDING CONTRACT
2013 RAILROAD AVENUE (TH #238) IMPROVEMENTS

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, Tom Kasner, John R. Harlander, and John Greer and none voted against the same; whereupon the said Resolution were 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.

After due discussion, a motion was made by John Greer and seconded by John R. Harlander to approve the Water Service Agreement for the 2013 Railroad Avenue (TH #238) Improvements. All voted for the motion and it carried.

Councilor Laurie Dingmann, Park Department Liaison, informed the Council that Warming House has been closed for the season due to unfavorable ice conditions.

Councilor John Greer, Police Department Liaison, informed the Council that the Police Committee will interview the following for the position of Police Chief: Brent Nyhammer, Joel Klein, Osvaldo Carbajal, and Tony Kotchevar.

Mayor Daron Gersch, Albany Golf Club Liaison, presented to the Council the said Club's 2013 Budget and projected capital improvements to the course. Mayor Daron Gersch noted that the course will be open as soon as weather permitting and noted that discounts are being offered to individuals who pay their membership early.

Mr. Schneider informed the Council there is an individual interested in the vacant lot owned by the City at 1030 6th Street, the former Well No. 2 site. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Schneider to inform the individual to submit a written offer to the City for consideration.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, March 20, 2013 and adjourned the meeting at 8:15 PM.

Tom Schneider, Clerk/Adm.