

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, May 15, 2013, in the Council Room at 400 Railroad Avenue for the said City.

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

Also present were: Tom Schneider, Clerk/Adm., Joe Mergen, Public Works Supervisor, Jeremy Mathiasen, City Engineer, Stantec, Inc., Mike Kosik, Staff Writer, Albany Enterprise, Ozzie Carbajal, Albany Police Chief, Dayna Olmscheid, Patrol Officer, and Jason Falconer, Albany Police Chief.

After due discussion, a motion was made by Tom Kasner and seconded by John R. Harlander to authorize the payment of the following bills: Check Numbers 63342 to 63382 and 14810 to 14822. 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 and Board of Equalization meeting held on May 1st and hearing none declared them approved.

Dean Headlee, Manager of Pipeline Safety and Compliance, CenterPoint Energy Service Company, LLC, appeared before the Council to present the City with a check in the amount of \$1,250 from their Community Partnership Matching Grant Program. Mr. Headlee noted that the grant funds will be used to purchase two (2) HeartStart Automated External Defibrillator's (AED) for the Albany Police Department. Mr. Falconer informed the Council that one (1) AED will replace an older unit in the squad car and the second installed in the City Administration building. Mayor Daron Gersch, with the consensus of the Council, thanked Mr. Headlee for the fund and continued partnership and commitment to safety/emergency equipment with local communities and Mr. Falconer for submitting the application.

Richard Etshokin, Construction Manager with Heritage Construction Companies, Elk River, MN, Scott Austing, Tony's Lifetime Exteriors, Sauk Rapids, MN, and Josh Bitz, with Tony's Lifetime Exteriors, and Jason Spsychala, DDS, owner of Albany Family Dentistry, Albany, were present for the meeting.

Mr. Etshokin appeared before the Council to request approval to change the new dental clinic building exterior material from Hardi-Board siding to residential steel siding. Mr. Etshokin noted that the durability of Hardi-Board over a long term is questionable and that steel siding will require less maintenance and a better product for longevity. Mr. Etshokin noted that the color of the exterior will not change. Mr. Etshokin also noted that other commercial businesses on mainstreet have similar exterior siding. Mr. Greer informed the Council that the request can be deferred to the Planning Commission or the Council has the authority to approve or deny the request. Mr. Harlander noted that the design of the building is unique and it's of his opinion that the Planning Commission would have no objection to the request. After due discussion, a motion was made by John R. Harlander and seconded by Laurie Dingmann to approve the request by Mr. Spsychala to change the exterior siding on his new dental clinic from Hardi-Board to residential steel siding. All voted for the motion and it carried.

Mr. Schneider presented to the Council a request by Mr. Spsychala to consider a proposed amendment to the Business Development Agreement between the City and Albany Family Dentistry and Spsychala Real Estate, LLC. Mr. Schneider informed the Council that the amendment does not change the total tax increment financing (TIF) assistance, but provides for additional TIF funds to be used for demolition being the bids received were higher than first estimated during the planning of the development. After due discussion, a motion was made by Tom Kasner and seconded by John Greer to approve the amendment to the Business Development Agreement whereby the City agrees to pay the developer (Jason Spsychala) 90% of the actual increment generated by the project up to \$30,000 to be used to offset the costs of land acquisition and reimburse Mr. Spsychala up to \$60,000 for demolition costs upon satisfactory evidence of the actual eligible expenses incurred. All voted for the motion and it carried. The complete

amendment is on file at the office of the City Clerk/Administrator for public inspection during regular office hours.

Mr. Schneider also presented to the Council a proposed resolution to provide for an internal loan in the amount of \$60,000 from Tax Increment Finance (TIF) District Number 3 for the new dental clinic in connection with the modified TIF District Number 14. Mr. Schneider noted that the payments on the inter fund loan are payable solely from available tax increments from the new dental clinic. After due discussion, Mayor Daron Gersch introduced the following Resolution and moved its adoption:

RESOLUTION 2013-13
APPROVING THE TERMS OF A
INTERNAL LOAN IN CONNECTION WITH
MODIFIED TAX INCREMENT FINANCING DISTRICT NO. 1-14

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.

Randy Lockridge, President Albany Area Jaycees, and Peggy Cremers, Albany Area Jaycees member, appeared before the Council on behalf of the Albany Area Jaycees, to request approval of a Large Gathering Permit application for their annual street dance and raffle to be held on 5th Street adjacent to Rookies Sports bar, 481 Railroad Avenue, on Saturday, June 1st. Mr. Lockridge noted that the activities will consist of food and an outdoor band to be set up on 5th Street adjacent to Railroad Avenue. Mr. Lockridge noted that the Albany Lions Club does not want to sell beer at the event and recommended the Council consider approving Rookies Sports Bar located adjacent to the event to sell liquor outside. After due discussion, a motion was made by John R. Harlander and seconded by Tom Kasner to approve the request by the Albany Area Jaycees for a street dance to be held on June 1st on 5th Street between Railroad Avenue and the rear east/west alley contingent upon the City receiving the appropriate certificate of insurance for liquor liability from Rookies Sports Bar for liquor sales and consumption that includes the specific fenced area, identification cards to be checked at entrance areas, and receipt of the Large Gathering application. All voted for the motion and it carried.

Mr. Mathiasen appeared before the Council to update the Council on the progress of the 2013 Railroad Avenue (TH #238) Improvements. Mr. Mathiasen noted that the temporary stop signs on Midland Avenue, Forest Avenue, and Lake Avenue are working well for the public. Mr. Mathiasen informed the Council that the contractor encountered a couple of utility services that are shared between 4th and 5th Street on Railroad Avenue, but it is uncertain if any others exist along Railroad Avenue. Mr. Mathiasen noted that in one instance a new service will need to be drilled through the foundation at an estimated cost of \$1,500. After due discussion, a motion was made by Mayor Daron Gersch and seconded by John Greer to approve any unique utility connections to existing buildings at City cost with the condition that the property owner connect to the utility on or before December 31, 2013. All voted for the motion and it carried.

Mr. Mathiasen presented to the Council pay application number one for the said improvements. After due discussion and upon the recommendation to approve the request for payment, a motion was made by Mayor Daron Gersch and seconded by John Greer to approve pay application number one submitted by R.L. Larson Excavating, Inc., St. Cloud, MN, in the amount of \$359,401.41 for the aforesaid improvements. All voted for the motion and it carried.

Mayor Daron Gersch, Albany Golf Club Liaison, informed the Council that the Club held their annual Stockholder's meeting on May 8th at the golf club; whereby Steve Grestch, Ryan Sauerer, and Craig Baggenstoss, were elected for a three-year term to the Board of Directors. After due discussion, a motion was made by John Greer and seconded by John R. Harlander to ratify the annual stockholders

election results for the aforesaid individuals. Voting for the motion were Mayor Daron Gersch, Councilors Laurie Dingmann, John R. Harlander, and John Greer and none voted against. Councilor Tom Kasner abstained and the motion carried.

The Council took notice of an agreement prepared by MnDOT regarding the City's request to purchase MnDOT property south of the former Albany Antique Center, 740 Railroad Avenue and south of the two residential properties located at 810 and 820 Railroad Avenue. Mr. Schneider informed the Council that MnDOT proposes to transfer the property by quit claim deed and does not guarantee that the City will receive good title for the property, but there has only been two owners, MnDOT and Burlington Northern Railroad. Mr. Schneider also noted that it has been documented that there is environmental issues south of the former Albany Antique Center, but to be resolved upon completion of the 2013 Railroad Avenue (T.H. #238) Improvements when the utilities are connected in this area. Mr. Greer questioned whether or not a detached garage encroaches on the MnDOT property east of 8th Street which should be confirmed prior to execution of the proposed agreement. After due discussion, a motion was made by John Greer and seconded by Tom Kasner to authorize the Mayor and City Clerk to execute the proposed agreement with MnDOT contingent upon final review by the City Attorney. 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, June 5, 2013 and adjourned the meeting at 7:50 PM.

Tom Schneider, Clerk/Adm.