

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, November 5, 2014, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors John R. Harlander, John Greer, Laurie Dingmann, and Tom Kasner. None were absent. Also present were: Tom Schneider, Clerk/Adm., Joe Mergen, Public Works Supervisor, Ozzie Carbajal, Police Chief, Jeremy Mathiasen, City Engineer with Stantec, Inc., and Mike Kosik, Editor, Albany Enterprise.

After due discussion, a motion was made by John Greer and seconded by Tom Kasner to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 64814 to 64870 and 15392 to 15423. 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 October 15th and hearing none declared them approved.

Joyce Winter, owner of a commercial building at 335 Railroad Avenue, appeared before the Council to question why caulking on the front of her building had not been completed or is it on the punch list for the 2013 Railroad Avenue (T.H. #238) Improvements. Mr. Mathiasen informed the Council that he will review the punch list items and contact Ms. Winter with his findings. Ms. Winter also questioned why new steel siding was permitted as an exterior siding material at 301 Railroad Avenue. Mr. Schneider noted that the siding did not violate Ordinance 80, Section 80.21 of the City's Zoning Ordinance. Ms. Winter noted that in 2012 she proposed exterior steel siding on the east side of her building on Railroad Avenue and had been told steel siding was not an approved exterior material. Mr. Schneider informed the Council that he had consulted with the City Attorney regarding the language in ordinance prior to the installation of the exterior steel siding at 301 Railroad Avenue and was told that the siding did not violate the ordinance. Mr. Schneider also noted that Ms. Winter participated in the 2012 Commercial Rehabilitation Loan/Grant Program; whereby the City's Economic Development Authority (EDA) did not approve steel siding as an exterior material. Mayor Daron Gersch directed Mr. Schneider to contact the City Attorney to clarify the language in Section 80.21 and to provide Ms. Winter with a written response to her questions.

Pursuant to due notice, Mayor Daron Gersch called the public hearing into session at 6:45 PM to consider and possibly adopt proposed assessments for unpaid City charges incurred under Ordinance 77. No members from the public hearing were present and no written comments were received. Mr. Schneider noted that a proper notice was published in the Albany Enterprise, the local newspaper, on October 22<sup>nd</sup> and mailed notice was given to each property owner. Mr. Mergen informed the Council that the City hired a local contractor to mow the grass/weeds at 710 Church Avenue and 441 7<sup>th</sup> Street after giving mailed notice to each that they were in violation of Ordinance 77. Mr. Mergen also noted that as per Appendix A, Albany Schedule of Fees and Charges, the fee is \$250 per lot and recommended that the unpaid fee for each property be certified to the Stearns County Auditor. Mayor Daron Gersch closed the public hearing at 6:47 PM. After due discussion, a motion was made by John R. Harlander and seconded by Laurie Dingmann to certify the unpaid mowing charges to the Stearns County Auditor to be collected as a special assessment to be collected in 2015 for the two aforesaid properties. All voted for the motion and it carried.

Mr. Mathiasen presented to the Council Pay Application Number Two for the 2014 Church Avenue (5<sup>th</sup> to 8<sup>th</sup> St.) Improvements. Mr. Mathiasen noted that the final lift of bituminous will be completed in early summer 2015. After due discussion and upon the recommendation to approve the said pay application by the City Engineer, a motion was made by Tom Kasner and seconded by John Greer to approve Pay Application Number Two to Lange Trenching, Inc., Avon, MN in the amount of \$76,964.41. All voted for the motion and it carried.

Councilor John R. Harlander, Street Commissioner, informed the Council that he attended a meeting with representatives from the Minnesota Department of Transportation (MnDOT) relating to the proposed 2017 State Hwy #238 mill and overlay improvement from Albany to Upsala, MN. Mr.

Harlander informed the Council that the project would begin north of Railroad Avenue on 1<sup>st</sup> Street where the 2013 Railroad Avenue (T.H. #238) Improvements ended, but questioned if the water main, sewer main, curb/gutter and sidewalk should be reconstructed in conjunction with the MnDOT improvement. Mr. Harlander noted that if the municipal utilities are in need of repair on 1<sup>st</sup> Street between Lake Avenue and Railroad Avenue, MnDOT would not be opposed if the City were to undertake these improvements as a separate project. Mr. Harlander recommended that the City authorize a contractor to video the sewer main to determine the condition of the pipe on 1<sup>st</sup> Street between Lake Avenue and Railroad Avenue. Mr. Harlander also noted that MnDOT has no plans to widen the shoulders of the roadway around the North Lake due to limited right-of-way. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Mergen to obtain quotes from contractors to video the sewer line on 1<sup>st</sup> Street between Lake Avenue and Railroad Avenue.

Mr. Carbajal informed the Council that the Police Department has miscellaneous unclaimed surplus property and recommended that the surplus property be sold. After due discussion, a motion was made by John Greer and seconded by Mayor Daron Gersch to authorize Mr. Carbajal to sell the surplus property. All voted for the motion and it carried.

Mayor Daron Gersch, Albany Golf Club Liaison, presented to the Council the said Club's checkbook register for review and consideration. After due discussion, a motion was made by Mayor Daron Gersch and seconded by John Greer to authorize the payment of the following bills: Check Numbers 36493 to 36709. Voting for the motion were Mayor Daron Gersch, Councilors Laurie Dingmann, John Greer, and John R. Harlander, and none voted against. Councilor Tom Kasner abstained and the motion carried.

Mr. Schneider presented to the Council a proposed purchase agreement between the City and Mr. Henry Reichert, Bismark, ND. Mr. Schneider noted the property (21,000+/- sq.ft.) to be purchased by the City is non-buildable and designated as a drainage and utility easement on Lot 15, Block 1, Albany Golf Vistas plat; whereby the property owner is willing to gift the property to the City. After due discussion, a motion was made by John Greer and seconded by Laurie Dingmann to authorize Mayor Daron Gersch to execute the said agreement on behalf of the City. All voted for the motion and it carried.

Mr. Schneider recommended that the Council authorize the fund transfer of \$310,494.03 from the Water Fund to the City's General Fund for the 2014 Church Avenue (5-8<sup>th</sup> St.) Improvements. After due discussion, a motion was made by John R. Harlander and seconded by Tom Kasner to approve the said fund transfer. All voted for the motion and it carried.

The Council took notice of a proposed amendment to Ordinance 60, Liquor. Mr. Schneider informed the Council that the purpose of the amendment is to update the liquor ordinance that includes on-sale wine licenses, brew pubs, and other miscellaneous definitions. Mayor Daron Gersch noted that the amendment will be discussed at the next Council meeting.

Mr. Schneider presented to the Council the proposed 2015 Employee Personnel Policy. Mr. Schneider noted that the City Attorney reviewed the said Policy and provided additions as per legislative actions. After due discussion, a motion was made by John Greer and seconded by Laurie Dingmann to approve the said Policy with additions. All voted for the motion and it carried.

Mr. Schneider informed the Council that a special Council meeting is required to canvass the November 4<sup>th</sup> Municipal Election results prior to the November 19<sup>th</sup> regular Council meeting. After due discussion, a motion was made by Mayor Daron Gersch and seconded by John R. Harlander to schedule a special council meeting at 6:00 PM, on Wednesday, November 12<sup>th</sup>, at City Hall for the purpose of ratifying the municipal election results. All voted for the motion and it carried.

The Council took notice of a proposed utility easement request by the Albany Mutual Telephone Association on property owned by the City at 740 Railroad Avenue. Mr. Schneider informed the Council that the described easement is located on property formerly owned by the Minnesota Department of Transportation (MnDOT). Mr. Schneider noted that the easement is for an existing fiber optic cable

owned by the telephone company. After due discussion, a motion is made by Tom Kasner and seconded by John R. Harlander to authorize the Mayor to execute the said easement on behalf of the City. All voted for the motion and it carried.

The Council took notice of a renewal for a transportation contract between the City and Tri-County Action Program, Inc. for the period January 1, 2015 through December 31, 2015 at a lump sum payment of \$741. Mr. Schneider informed the Council that the bus service is provided to the residents of the community on Tuesday each week during the hours of 9:30 am to 1:00 pm. Mr. Schneider noted that in the past monies were donated for the bus service, but none have been donated for the year 2015. After due discussion, a motion was made by John Greer and seconded by Mayor Daron Gersch to approve the payment by the City of \$741.72 to Tri County Action Program and to execute the said renewal contract on behalf of the City. 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, November 19, 2014 and adjourned the meeting at 7:35 PM.

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Tom Schneider  
Clerk/Adm.