

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 6, 2013, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Laurie Dingmann, Tom Kasner, John Greer and Jack Evens. None were absent.

Also present were: John R. Harlander, Tom Schneider, Clerk/Adm., Joe Mergen, Public Works Supervisor, Jeremy Mathiasen, City Engineer, Stantec, Inc., Ozzie Carbajal, Police Chief, Mike Kosik, Staff Writer, Albany Enterprise, Jean Pundsack, local resident, and the following Albany High School students: Tucker Stradtman, Tori Schiffler, Kayla Reber, Bella Stang, Lauren Meredith, and Sarah Bokinskie.

Mayor Daron Gersch informed the Council that the City received a letter from John R. Harlander requesting that he be re-appointed to the position of City Councilor having fully recovered from his illness. After due discussion, a motion was made by Mayor Daron Gersch who introduced the following resolution and moved its adoption:

RESOLUTION 2013-20

WHEREAS, Councilor John R. Harlander was duly elected on November 6, 2012 to the City Council of the City of Albany, Minnesota, and

WHEREAS, the City Council received and approved a request by Councilor John R. Harlander for a temporary leave of absence due to health reasons pursuant to MN Statutes 412.02, subd. 2b; and

WHEREAS, Councilor John R. Harlander has submitted a letter to Mayor Daron Gersch requesting that he be re-appointed to the position of City Councilor effective November 6, 2013 having fully recovered; and

WHEREAS, Jack Evens was appointed to fill Councilor Harlander's seat during his leave of absence;

NOW, THEREFORE, BE IT RESOLVED by the City of Albany that Councilor Jack Evens shall step down and Councilor John R. Harlander resume his position and duties as City Councilor effective November 6, 2013 and that he remain in the office as City Councilor until his term expires.

Adopted this 6th day of November, 2013.

Daron Gersch, Mayor

Tom Schneider, Clerk/Adm.

(S E A L)

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 John Greer, Tom Kasner, Jack Evens, and Laurie Dingmann, and none voted against the same whereupon the said Resolution was declared duly passed and adopted.

Councilor John R. Harlander resumed his position as City Councilor.

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 63744 to 63861 and 14998 to 15025. 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 16th and hearing none declared them approved.

Jean Pundsack, 211 Railroad Avenue, appeared before the Council to question if a Police Officer could direct traffic at the intersection of 2nd Street and Railroad Avenue (TH #238). Ms. Pundsack noted that there is a high volume of traffic at 8:00 o'clock in the morning entering the intersection from the Church of Seven Dolors, Holy Family School, and the general public which in her opinion access to enter the intersection should be controlled by a Patrol Officer similar to what was done by James A. Stueve, the former Police Chief. Mayor Daron Gersch informed Ms. Pundsack that the police department will monitor the intersection.

Matt Bigler, JoAnna Bigler, Mark Bigler, Shari Bigler, Russ Dahlman, George Brown, Penny Brown, and Josh Brown were present for the meeting.

Ozzie Carbajal, Police Chief, appeared before the Council to present to the Council part-time Patrol Officer Matt Bigler. Mr. Carbajal informed the Council that Matt Bigler successfully completed the employment requirements to become a part-time Patrol Officer in the Albany Police Department. Mr. Carbajal noted that currently Mr. Bigler is completing his field training exercises. After due discussion and upon the recommendation by the Police Chief, a motion was made by John Greer and seconded by Tom Kasner to hire Matt Bigler as a part-time Patrol Officer having successfully completed the employment requirements. All voted for the motion and it carried.

Mayor Daron Gersch administered the Law Enforcement Oath of Honor to Mr. Bigler and welcomed him as a Patrol Officer in the Albany Police Department.

Dean Mitchell, Fire Chief, updated the City Council on the fire that had occurred at 331 7th Street, known as the Old Creamery apartments. Mr. Mitchell noted that several area fire departments were called to the scene to extinguish the fire. Mr. Mitchell also noted that the Red Cross was available to assist the tenants that were displaced by the fire. Mr. Mitchell questioned if the City were to consider an ordinance to require commercial, industrial, and multi-family dwellings to purchase a Knox Box, a rapid building entry system for emergency responders without forced entry damage to the building. Mr. Mitchell noted that newly constructed commercial and industrial buildings have purchased a Knox Box when a building permit was issued, but wasn't sure if there was language in an ordinance. Mayor Daron Gersch, with the consensus of the council, directed the City Administrator to review the Albany Code Book of Ordinances for any reference of a Knox Box and if not, prepare the necessary draft for review at the next Council meeting.

Mr. Schneider informed the Council that the "No Parking" signs between the hours of "3:00 AM to 6:00 AM" on Railroad Avenue or mainstreet between 1st Street and 8th Street have not been reinstated being there is no language in Parking Ordinance Number 51 that would allow enforcement by the Albany Police Department. Mr. Schneider informed the Council that the signs can be reinstated by approval of an ordinance amendment or action be taken not to reinstall the said signs. After due discussion, a motion was made by John Greer and seconded by John R. Harlander not to reinstall the said signs. Ms. Pundsack questioned if the Police Department will enforce the 48 hour "overnight" parking regulations. Mayor Daron Gersch noted that the Police Department is aware of the parking regulation. All voted for the motion and it carried.

Mr. Mathiasen appeared before the Council to update the Council on the 2013 Railroad Avenue (State HWY #238) Improvements. Mr. Mathiasen noted that subcontractors have been struggling to maintain scheduling commitments which has been caused by inclement weather and other project commitments. Mr. Mathiasen also noted that due to the cold weather, precautions are being taken when the contractor is pouring concrete, but final ornamental street lights, street sweeping, joint sealing, signage, and striping will begin the week of November 11th. Mr. Mathiasen presented to the Council Change Order Number Four (4) authorizing a change of the bituminous wear course binder grade for paving of the driveways. Mr. Mathiasen noted that there is no increase or decrease in the said Change Order. After due

discussion, a motion was made by John R. Harlander and seconded by Tom Kasner to approve the said Change Order. All voted for the motion and it carried.

Mr. Mergen presented to the Council the proposed snow removal agreement between the City and State of Minnesota relating to the removal of snow on Railroad Avenue (State HWY #238). Mr. Mergen noted that the State will reimburse the City for snow removal for a specific area on Railroad Avenue. After due discussion, a motion was made by Tom Kasner and seconded by John R. Harlander to authorize Mayor Daron Gersch to execute the said agreement at a rate of \$125 per hour reimbursement. All voted for the motion and it carried.

Mr. Mergen recommended to the Council that an unpaid water bill at 301 13th Street be certified to the Stearns County Auditor to be collected as a special assessment in the tax year 2014. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Laurie Dingmann to direct the City Clerk/Administrator to certify to the Stearns County Auditor the unpaid water bill at 301 13th Street in the amount of \$383.62. All voted for the motion and it carried.

Mr. Schneider informed the Council that Geronimo Energy, Edina, MN, has requested the City to submit a written letter of support for their 100 megawatt Aurora Solar Project currently being considered for Xcel Energy's Competitive Resource Acquisition Proposal before the Minnesota Public Utilities Commission. Mr. Schneider noted that Geronimo is considering a 10 megawatt solar farm adjacent to 360th Street in Albany Township west of 230th Avenue and would utilize Xcel Energy's Substation located on the west side of the City on Shamrock Lane. Mayor Daron Gersch directed the City Administrator to contact a representative from Geronimo Energy to attend the next Council meeting to explain their proposal in greater detail.

Mr. Schneider informed the Council that the general contractor for the Railroad Avenue Improvements questioned if the City made a final decision regarding the removal of the temporary "STOP" signs that had been installed in residential neighborhoods north of Railroad Avenue. Mayor Daron Gersch, with the consensus of the Council, informed Mr. Mathiasen to inform the general contractor to remove the temporary "STOP" signs after Railroad Avenue has been reopened for motor vehicle traffic. Mayor Daron Gersch noted that discussions will be held with the Police Department, City Engineer, and other staff members in the near future as to whether or not permanent "STOP" signs should be installed in residential neighborhoods north of Railroad Avenue. Mayor Daron Gersch directed the Police Department to monitor the aforesaid intersections for traffic patterns.

The Council took notice of a Minnesota Lawful Gambling Exempt Permit application submitted by the Church of Seven Dolors, to conduct a raffle and bingo, on February 2, 2014. After due discussion, a motion was made by John R. Harlander and seconded by Tom Kasner to approve the aforementioned application. All voted for the motion and it carried.

Mr. Schneider presented to the Council Resolution 2013-21, a resolution to designate the single-family residential house and garage at 820 Railroad Avenue to be hazardous in accordance with Minn. Stat. 463.17 directing Deutsche Bank National Trust Company, Coppell, Texas, to commence with repairs within ten (10) days or to raze or remove the residential dwelling and garage within thirty (30) days of receipt of the order. After due discussion, a motion was made by Tom Kasner who introduced the following resolution and moved its adoption:

CITY OF ALBANY
COUNTY OF STEARNS
STATE OF MINNESOTA

RESOLUTION 2013-21
TO PROCEED UNDER MINN. STAT. 463.17
FOR INSPECTION AND ABATEMENT OF HAZARDOUS BUILDING
AT 820 RAILROAD AVENUE, ALBANY, MINNESOTA

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 John Greer, Tom Kasner, John R. Harlander, and Laurie Dingmann, and none voted against the same whereupon the said Resolution was declared duly passed and adopted.

The Council took notice of a liability coverage waiver form prepared by the League of Minnesota Cities Insurance Trust, the City's Insurance carrier, relating to statutory tort liability limits to the extent of the coverage purchased. After due discussion, a motion was made by John R. Harlander and seconded by Mayor Daron Gersch to execute the aforesaid form on behalf of the City indicating that the City does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. All voted for the motion and it carried.

Mayor Daron Gersch publically announced a big "Thank You" to the emergency responders from the City and other nearby communities, Red Cross, Our Savior's Lutheran Church, and others who assisted the tenants that were displaced by a fire on Monday, October 28th at the Old Creamery apartments at 331 7th Street. Mayor Daron Gersch informed the Council that he is very proud to be a member of the community that stepped to the plate to assist the tenants in a time of immediate need.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, November 20, 2013 and adjourned the meeting at 7:45 PM.

Tom Schneider, Clerk/Adm.