

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, September 4, 2013, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Laurie Dingmann, John Greer, and Tom Kasner. Councilor John R. Harlander was absent.

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

After due discussion, a motion was made by John Greer and seconded by Laurie Dingmann to authorize the payment of the following bills: Check Numbers 63645 to 63665 and 14954 to 14968. 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 August 21st and hearing none declared them approved.

Joe Peternell, 131 8th Street, Robert Hanauska, 121 8th Street, Jeremy and Julie Glenz, 121 8th Street, were present for the meeting.

Councilor John Greer, Planning Commission Liaison, informed the Council that the Planning Commission held a meeting on August 28th to discuss and review a site plan application submitted by Joe Peternell to construct a new mixed unit commercial building that would include two apartment units above the retail businesses. Mr. Greer noted that there would be nearly 11,500 +/- square feet to be occupied. Mr. Greer informed the Council that the City Engineer provided comments on the proposed project including but not limited to landscaping, parking lot screening, grading, drainage, driveway entrance, exterior materials, lighting, ingress/egress easement, MnDOT driveway access permit, etc. Mr. Peternell informed the Council that he will erect a privacy fence on the western boundary to provide adequate screening, but would not plant shrubs along the fence. Mr. Peternell noted that the stormwater pond on his property will be constructed so it can be mowed on a regular basis. Mr. Peternell also noted that a sign application will be submitted separate from the building permit application. After due discussion, a motion was made by John Greer and seconded by Tom Kasner to approve the site plan application contingent upon the applicant submitting the appropriate information outlined in the City Engineer's review of the site plan application. All voted for the motion and was approved.

Councilor John Greer, Planning Commission Liaison, informed the Council that the Planning Commission held a meeting on August 28th to discuss and review a site plan application submitted by Bob Hanauska, Julie Glenz, and Jeremy Glenz, to construct a new single story building (4,000 sq.ft. +/-) that will include a new A&W/Subway and a drive through for both businesses. Mr. Greer informed the Council that the City Engineer provided comments on the proposed project including but not limited to landscaping, parking lot screening, grading, drainage, driveway entrance, exterior materials, lighting, ingress/egress easement, MnDOT driveway access permit, etc. Mr. Greer noted that there will be a shared driveway access to the Peternell commercial building and A&W/Subway building, but MnDOT will need to approve the access due to the right of way designated as Mn State HWY #238 (8th Street). Mr. Greer also mentioned that the applicants questioned if decorative lighting may be considered similar to the new decorative lights installed on Railroad Avenue. Mayor Daron Gersch noted that if considered, the abutting property owners would need to pay for the decorative lights in the same manner as the property owners on Railroad Avenue. After due discussion, a motion was made by John Greer and seconded by Laurie Dingmann to approve the site plan application contingent upon the applicant submitting the appropriate information outlined in the City Engineer's review of the site plan application. All voted for the motion and was approved.

Mayor Daron Gersch, with the consensus of the Council, directed the City Engineer to prepare a cost estimate for the installation of decorative street lights on 8th Street between Shamrock Lane and Railroad Avenue.

Bob Deters, 571 Railroad Avenue, appeared before the Council to question if minor changes can be considered in the construction of his off street parking lot. Mr. Deters questioned if the entire area behind his building may be paved or if grass be planted in two specific areas directly behind his building. Mr. Schneider informed the Council that a certificate of occupancy has not been issued due to the fact that the off street parking lot has not been constructed. Mr. Deters noted that only one handicap parking space is required and it may make sense to pave a proposed grass area west of his rear entrance. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Tom Kasner to approve a 30-day temporary occupancy permit, bituminous paving throughout parking lot, and retain grass in area east of his rear door entrance. 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 (T.H. #238) Improvements (Phase II). Mr. Mathiasen noted that there were several areas where the contractor encountered concrete structures buried at the intersection of Church Avenue and 8th Street and 50 feet north of Church Avenue on 8th Street that were remnants of an old railroad bridge and a storm sewer structure which delayed the project a few days. Mr. Mathiasen also noted over the next couple of weeks the utility contractor will be working to install sanitary sewer and water main heading east along Railroad Avenue and a second utility crew is expected on the project starting the week of September 23rd.

Mr. Mergen recommended to the Council that the unpaid water bill at 441 7th 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 Tom Kasner and seconded by Laurie Dingmann to direct the City Clerk/Administrator to certify to the Stearns County Auditor the unpaid water bill at 441 7th Street in the amount of \$103.25. All voted for the motion and it carried.

Ozzie Carbajal, Police Chief, presented to the Council a letter of resignation effective September 13th from Kevin Brown, Patrol Officer. After due discussion, a motion was made by John Greer and seconded by Tom Kasner to accept the letter of resignation. All voted for the motion and it carried.

Mr. Carbajal recommended to the Council that part-time Patrol Officer Aaron Barros be appointed to full-time status effective September 18th. After due discussion and upon the recommendation of the Police Chief, a motion was made by John Greer and seconded by Mayor Daron Gersch to appoint Aaron Barros as a full-time Patrol Officer for a one-year probationary period at an hourly wage of \$19.44, Group VIII, Step 0. All voted for the motion and it carried.

The Council took notice of a proposed amendment number two to lease number H-06112 between Minnesota Department of Transportation (MnDOT) and the City of Albany. Mr. Schneider noted that the amendment relates to the term and rent paid for that area of MnDOT property the City leases along number two fairway for the Albany Golf Course. Mr. Schneider informed the Council that the City has been leasing this area from MnDOT for several years and recommended approval of the amendment. After due discussion, a motion was made by Mayor Daron Gersch and seconded by John Greer to approve lease number H-06112 between Minnesota Department of Transportation (MnDOT) and the City of Albany. Voting for the motion were Mayor Daron Gersch, Councilors John Greer, and Laurie Dingmann and none voted against. Councilor Tom Kasner abstained and the motion carried.

Mayor Daron Gersch, Albany Golf Club Liaison, informed the Council that an application was submitted to Federal Emergency Management Agency (FEMA) for debris cleanup and other damages related to the severe storms that had damaged the course in June. Mr. Schneider noted that expenses incurred by the Fire Department and Public Works Department from the same storm will also be submitted to FEMA for reimbursement.

Mr. Schneider presented the proposed 2014 Budget which includes the Police, Fire, Street, Park, Library, Water, Sewer, and Administration Departments. After due discussion, a motion was made by Tom Kasner and seconded by Laurie Dingmann to direct the City Clerk/Administrator to forward to the Stearns County Auditor the proposed levy of \$675,853, a 0% increase for taxes payable in the year 2014 and to set the initial meeting at 6:30 PM or as soon as thereafter on Wednesday, December 4th and the final adoption meeting of the said levy at 6:30 PM or as soon as thereafter on Wednesday, December 18th at the City Administration Building. 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, September 18, 2013 and adjourned the meeting at 7:45 PM.

Tom Schneider, Clerk/Adm.