

**NOTICE OF ALBANY  
CITY COUNCIL MEETING**

There will be a regular meeting of the City Council in and for the City of Albany, Stearns County, Minnesota at 6:30 o'clock in the evening on Wednesday, April 20, 2022, in the Council Room at 400 Railroad Avenue for the said City.

**AGENDA**

1. Convene meeting
2. Pledge of Allegiance
3. Audit Bills
4. Act on Board of Review and Equalization meeting held on April 6th
5. Act on regular Council minutes of the meeting held on April 6th
6. Open Forum/Public comment (3 to 5 minutes max.)
7. Jeremy Mathiasen, City Engineer – present the following
  - Resolution 2022-16, receiving bids and award bid for the 2022 1<sup>st</sup> Street Intersection and 8<sup>th</sup> Street (TH238) sidewalk improvements
  - Resolution 2022-19 Declaring cost to be assessed; ordering preparation of proseed assessment; and calling for public hearing on assessments for the 2022 Capital Improvements
  - Pay Application No. 1 for the Golf View Drive Lift Station Improvements
8. Reports of Boards and Department Heads
  - Councilor Keith Heitzman, Albany Golf Club Liaison – present AGC check register
  - Police Chief Ozzie Carbajal
  - Joe Mergen, Public Works Supervisor – update on electrical control panel repairs at wastewater treatment plant.
  - Tom Schneider, Clerk/Adm. – present the following:
    - Resolution 2022-17, a request by the Church of Seven Dolors for a MN Lawful Gambling LG220 application for Exempt Permit and application and permit for a 1 to 4 day Temporary on-sale liquor license for their annual bazaar
    - Resolution 2022-18 Elect the standard allowance available under the revenue loss provision of the coronavirus local fiscal recovery fund established under the American Rescue Plan Act.
    - Amendment to Ordinance 64, Tobacco Sales – revises the purpose of the Ordinance, 2) revises definitions, 3) prohibits the sale of flavored products, and 4) raised the age for prohibited sales to persons under age of twenty-one.
9. Mayor's announcements and letters
10. Mayor to announce next regular Council meeting date (May 4th) and adjourn

Tom Schneider  
Clerk/Adm.

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 Tom Kasner at 6:30 o'clock in the evening on Wednesday, April 6, 2022, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors John R. Harlander, Keith Heitzman, Al Amdahl, and Adam Rushmeyer. None were absent.

Other's present were: Tom Schneider, Clerk/Adm., Joe Mergen, Public Works Supervisor, Jeremy Mathiasen, City Engineer with Stantec, Inc., St. Cloud, MN, Police Chief Ozzie Carbajal, Ellarry Prentice, Staff Writer, the Star Post, and Bryan Schiffler, Albany business owner.

The council recited the Pledge of Allegiance.

The council took notice of approval of payment of bills. After due discussion, a motion was made by Adam Rushmeyer and seconded by John R. Harlander to authorize electronic payments (payroll), transfers, and the payment of the following bills: Check Numbers 71735 to 71765. All voted for the motion and it carried.

Mayor Tom Kasner called for any corrections or additions to the minutes of the regular meeting of the council held on March 16th and hearing none declared them approved.

Open forum/public comments: none

Mr. Schneider informed the council the city engineer had conversations with the Minnesota Department of Transportation (MnDOT) the proposed Pedestrian Trail Connection Improvement along the east side of North Lake adjacent to State HWY238 from North Park to Lake Avenue as discussed by the Park Board at their meeting held on January 25<sup>th</sup>. Mr. Mathiasen noted MnDOT would be in favor of a 33' center road right-of-way, but questioned if the width would be adequate to construct a pedestrian trail. Mr. Mathiasen also noted the pedestrian trail may be considered along the eastern shoreline of the lake, but there will be significant challenges with seeking approval from the Minnesota Department of Natural Resources (DNR). Mr. Harlander noted a pedestrian trail separated from traffic would be beneficial to the community and improve safety for pedestrians. Mayor Tom Kasner, with the consensus of the council, directed Mr. Mathiasen to contact MnDOT to move forward with identification of the right-of-way on State HWY 238 from North Park to Lake Avenue.

The council took notice of a proposed concept plan of outdoor recreation opportunities in North Park as reviewed by the Park Board at their meeting held on January 25<sup>th</sup>. Mr. Schneider noted a second access road is shown in the said plan from State HWY238 and/or Soo Line Avenue to the parking lot of the former hospital/clinic at 300 3<sup>rd</sup> Avenue. Mr. Schneider noted the former hospital/clinic is proposed to be renovated as an early childhood center, but no formal action has been taken by the school district for moving forward with the project. Mr. Schneider informed the council a second access road would need to be approved by the DNR being the park property was purchased with state and federal funds in 1969, but more importantly, is it needed and who would pay for it. Mr. Mathiasen noted the city would have to provide the DNR with information the second access road is a benefit and improves access to park amenities. Mr. Mathiasen questioned if an agreement or letter of understanding between the city and school district should be considered related to the second access road. Mayor Tom Kasner, with the consensus of the council, directed Mr. Mathiasen to contact the DNR and school district to discuss challenges with a second access road.

Mr. Mathiasen presented to the council a resolution authorizing Stantec, Inc., the City's Engineering firm, to prepare a preliminary engineering report for the proposed Forest Avenue Roadway and Utility Improvements. Mr. Mathiasen noted the proposed improvements would include Forest Avenue (from 1<sup>st</sup> Street to 6<sup>th</sup> Street), and 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Streets (between Midland Avenue and Forest Avenue and adjacent alley's. Mr. Mathiasen also noted the improvements would consist of new streets, curb, water main, sewer main, storm sewer, and services. Mr. Mathiasen informed the council all benefitted

properties would be assessed for a portion of the improvements similar to past reconstruction improvements. After due discussion, a motion was made by John R. Harlander who introduced the following resolution and moved its adoption:

RESOLUTION 2022-15  
CALLING FOR A PRELIMINARY  
ENGINEERING REPORT  
Forest Avenue Roadway and Utility Improvements  
(Forest Avenue, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Streets, and adjacent alleys)

The motion for the foregoing Resolution was seconded by Al Amdahl and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Adam Rushmeyer, John R. Harlander, Al Amdahl, and Keith Heitzman, 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.

Mr. Mathiasen informed the council he met with MnDOT to discuss proposed cost saving measures for the 1<sup>st</sup> Street and Railroad Avenue Intersection Improvements and sidewalk improvements along 8<sup>th</sup> Street (TH238) south of Railroad Avenue (TH238). Mr. Mathiasen noted the project is 30% higher than the estimated construction costs and MnDOT significantly lowered their original contribution from \$540,000 to \$425,000. Mr. Mathiasen confirmed MnDOT has agreed to fund \$540,000, their original agreement, and would prefer concrete roadway surface throughout the intersection as originally planned. Mr. Mathiasen noted the final agreement and official project award (\$616,000+/-) to Bardson Excavating, Albany, MN, will be done at the April 20<sup>th</sup> council meeting.

Police Chief Ozzie Carbajal informed the council he received letters of resignation from the following part-time Patrol Officers: Brittany Stockman, Joseph Walz, and Eric Grabmeier. Mr. Carbajal noted after the fourth full-time officer was hired there is no need for any part-time officers and the resignations relate to proper employee documentation required by the state. After due discussion, a motion was made by Keith Heitzman and seconded by Adam Rushmeyer to accept the resignations from the following part-time Patrol Officers: Brittney Stockman, Joe Walz, and Eric Grabmeier. All voted for the motion and it carried.

Mr. Mergen appeared before the council to inform the council the Minnesota Pollution Control Agency (MPCA) developed a statewide PFAS monitoring plan to identify and quantify sources of per-and polfluoroalkyl substances (PFAS), man-made chemical compounds that have been widely used in industrial and consumer products since 1940's. Mr. Mergen noted the MPCA selected Albany to participate in phase I reporting which will include influent monitoring at the city's wastewater treatment plant to help identify sources of PFAS that are being discharged to the wastewater treatment plant. Mr. Mergen noted quarterly samples at an estimated cost of \$1,000 per sample will begin in 2023.

Mr. Mergen informed the council the wastewater treatment plant experienced a power outage on April 4<sup>th</sup> which caused \$20,000+/- damage to the components in the electrical control panel. Mr. Mergen noted a sub-contractor hired by XCEL Energy was working near the facility and accidentally caused an electrical surge that severely damaged the electrical control panel. Mr. Mergen noted insurance companies have been contacted to determine costs to repair and/or upgrade the system (2002). Mayor Tom Kasner thanked Mr. Mergen for the update and directed him to provide the council will a cost estimate to repair the system at the next council meeting.

Mr. Schneider informed the council interviews were held on March 24<sup>th</sup> and March 29<sup>th</sup> for the position of Administration Assistant for the Administration and Police Department. Mr. Schneider noted a notice of the job opening was published in the Star Post on March 9<sup>th</sup>. Mr. Schneider recommended Heather Cruz, Albany, MN, be hired for the position at an hourly rate of \$25/hour, Group VII. After due discussion, a motion was made by Al Amdahl and seconded by John R. Harlander to hire Heather Cruz,

Albany, MN, for the aforesaid position at an hourly rate of \$25/hour, Group VII, contingent upon a successful background check. All voted for the motion and it carried.

Mayor Tom Kasner informed the council he, Councilor Keith Heitzman, employee liaisons, and Tom Schneider, Administrator, met to discuss a proposed increase in the hourly wage for the Public Works Department employees. After due discussion, a motion was made by Mayor Tom Kasner and seconded by Al Amdahl to approve the following effective April 20th: Joe Mergen, Public Works Supervisor, Group IX, Maximum Pay Range (\$40.92), an increase of \$2.00/hour, Gary Winkels, Public Works Assistant, Group VII, Maximum Pay Range (\$31.81), an increase of \$2.00/hour, and Kurt Beuning, Public Works Laborer, Group V, (\$22.79), an increase of \$3.00/hour. All voted for the motion and it carried.

Mayor Tom Kasner announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, April 20, 2022, and adjourned the meeting at 7:50 PM.

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Tom Schneider  
Clerk/Adm.

Unofficial

Pursuant to due call and notice thereof a regular meeting of the Board of Appeal and Equalization in and for the City of Albany, Stearns County, Minnesota, was called to order by Mayor Tom Kasner at 5:30 o'clock in the evening on Wednesday, April 6, 2022, in the Council Room at 400 Railroad Avenue for the said City.

Other members present were: John R. Harlander, Adam Rushmeyer, Al Amdahl, and Keith Heitzman. None were absent.

Members from the public present were Deb Haus, Stearns County Residential Appraiser and Conner Rausch.

Ms. Haus noted for the 2022 assessment for 2023 property taxes there were forty-two (42) qualified residential sales between October 1, 2020 to September 30, 2021 used in the sale study. Ms. Haus also noted the acceptable assessment is achieved when the overall sales ratio that measures the relationship between sale prices and the assessor's estimated market values is between 90% and 105%. Ms. Haus noted the total value of new construction is \$3,249,312, up 53% from last assessment. Ms. Haus also noted the median increase in values was 21% in Stearns County and throughout the state all counties saw significant increase due to the following: low interest rates, lack of supply, multiple offers, and telecommuters. Mr. Rausch informed the board commercial properties only saw an increase in value 1% to 3%; whereas apartment properties 5% to 7%.

Mr. Schneider informed the Board the following two letters were received:

- 1) John and Julie Evers, 430 1<sup>st</sup> Street, PID#40.25009.0000, requesting their estimated market value be reduced because their detached garage is not 100% heated. Ms. Haus informed the board the request is justified and recommended the estimated market value be reduced from \$265,000 to \$262,700 based on her review of the property. After due discussion and upon the recommendation by Ms. Haus, a motion was made by Keith Heitzman and seconded by John R. Harlander to reduce the estimated market value from \$265,000 to \$262,700. All voted for the motion and it carried.
- 2) John and Beverly Overman, 305 Golf View Drive, PID#40.25107.0038, requesting their estimated market value be reduced based on updated information on the number of bathrooms, heated garage, and water issues in their basement. Ms. Haus informed the board the request is valid after her review of the property and recommended the estimated market value be reduced from \$326,700 to \$309,500. After due discussion and upon the recommendation by Ms. Haus, a motion was made by Al Amdahl and seconded by Adam Rushmeyer to reduce the estimated market value from \$326,700 to \$309,500. All voted for the motion and it carried.

Mayor Tom Kasner adjourned the meeting at 6:05 PM.

Tom Schneider  
Clerk/Adm.

DRAFT

**RESOLUTION 2022-16  
RECEIVING BIDS AND AWARDING CONTRACT  
ALBANY (TH 238) 1<sup>ST</sup> STREET & SHAMROCK LANE IMPROVEMENT PROJECT  
(Street and Utility Improvements)**

WHEREAS, pursuant to an advertisement for bids prepared and submitted by the City of Albany, Stearns County, Minnesota (the "City"), for the construction of the following improvements consisting of: street, sidewalk, storm sewer, water services and sewer services improvements, to wit: 1<sup>st</sup> Street / TH 238 (from Railroad Avenue to the Alley), Railroad Avenue / TH 238 (from 1<sup>st</sup> Street to 100' west of 1<sup>st</sup> Street), and Sidewalk Improvements along the west side of 8<sup>th</sup> Street / TH 238 (from Railroad Avenue to Shamrock Lane) and the north side of Shamrock Lane (from 8<sup>th</sup> Street to 360' west of 8<sup>th</sup> Street), bids were received, opened and tabulated according to law, as shown on Exhibit A.

WHEREAS, the Base Bid of Craig Bardson Excavating, Inc. Albany, MN, in the amount of \$616,632.06 is the lowest responsible bid.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City, as follows:

1. The Base Bid of Craig Bardson Excavating, Inc., Albany, MN, shall be and hereby is accepted.
2. The Mayor and the Administrator/Clerk-Treasurer are hereby authorized and directed to enter into a contract with said bidder for the construction of the Improvement for and on behalf of the City.
3. The Administrator/Clerk-Treasurer is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposit of the successful bidder and the next lowest bidder shall be returned once a contract has been executed.

Adopted by the City Council on April 20, 2022.

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Tom Kasner, Mayor

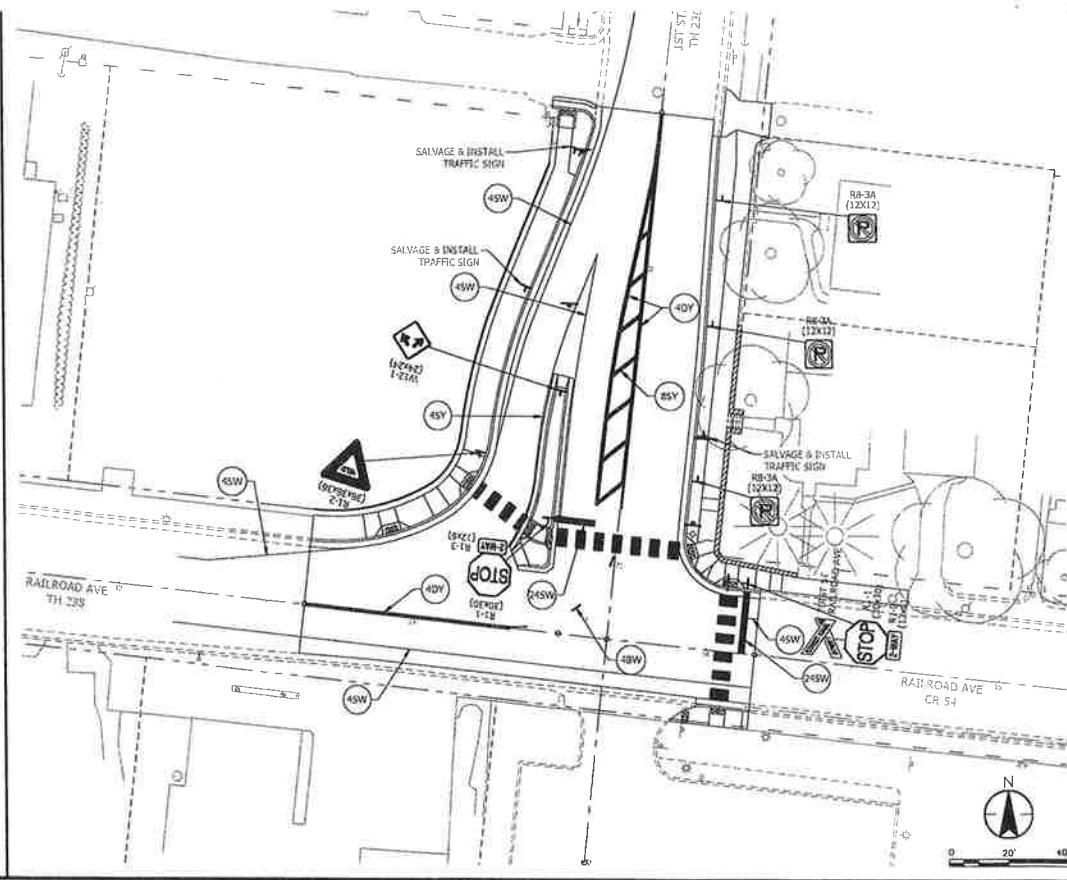
\_\_\_\_\_  
Tom Schneider, Clerk/Adm.

( S E A L )



# 1st Street / TH 238 Intersection Improvements

## Street & Utility Reconstruction



PROJECT LOCATION  
JOB NUMBER  
DATE PUBLISHED  
PROJECT NAME  
SCALE

CITY OF ALBANY, MINNESOTA

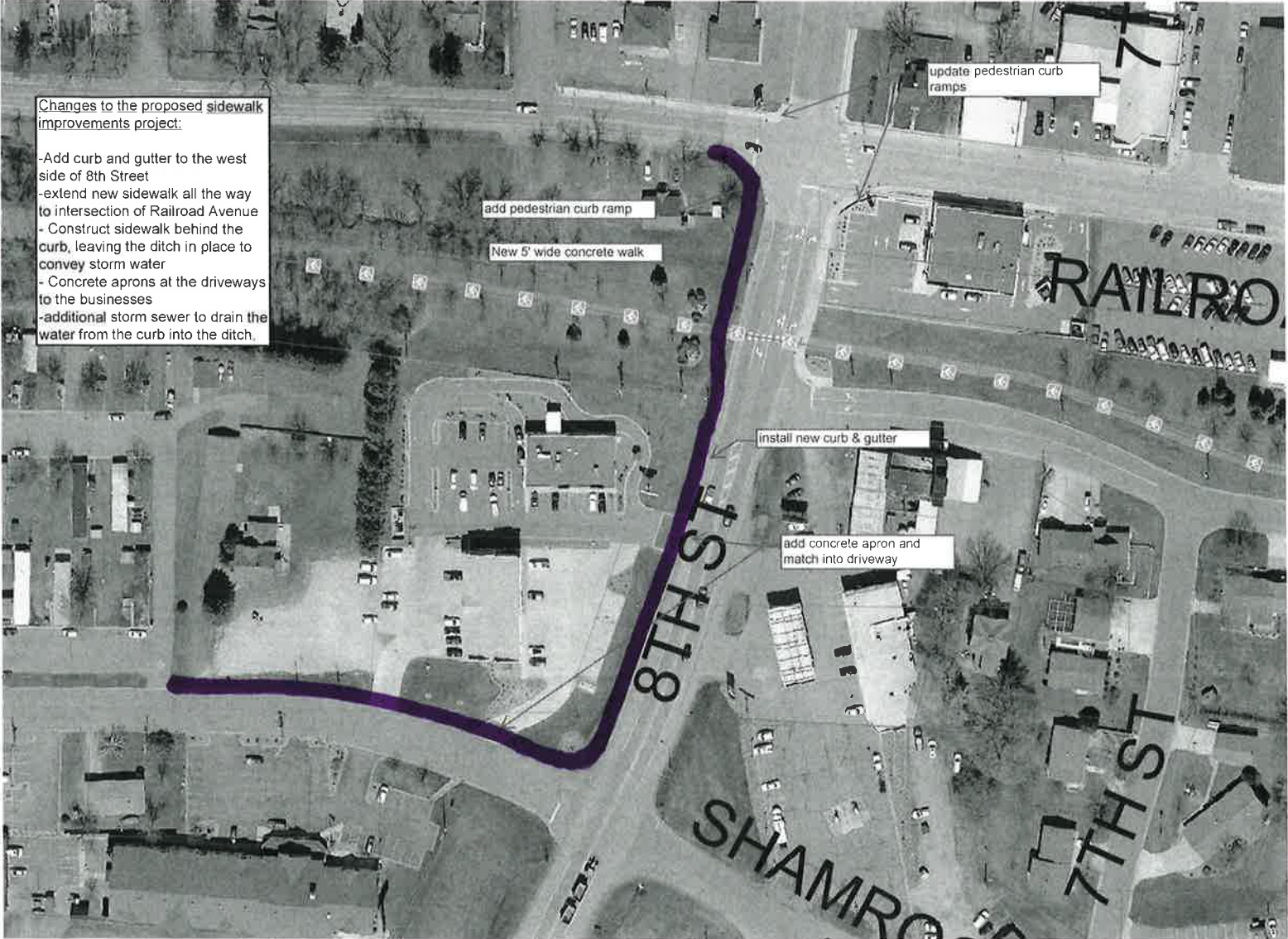
ALBANY (TH 238) 1ST STREET INTERSECTION IMPROVEMENTS

SIGNING & STRIPING PLAN - 1ST STR

DATE	2011
DRAWN	SS
CHECKED	JPL
DESIGNED	PPP
APPROVED	PPP
PLOT DATE	10/21/11

C9.01

3717 23rd Street S  
St. Cloud MN 56301  
www.stantec.com



**Changes to the proposed sidewalk improvements project:**

- Add curb and gutter to the west side of 8th Street
- extend new sidewalk all the way to intersection of Railroad Avenue
- Construct sidewalk behind the curb, leaving the ditch in place to convey storm water
- Concrete aprons at the driveways to the businesses
- additional storm sewer to drain the water from the curb into the ditch.

update pedestrian curb ramps

add pedestrian curb ramp

New 5' wide concrete walk

install new curb & gutter

add concrete apron and match into driveway



8th Street & Shamrock Lane Sidewalk Improvements- Nov. 2021 (not to scale)



DRAFT

**RESOLUTION 2022-19**  
**DECLARING COST TO BE ASSESSED; ORDERING PREPARATION OF**  
**PROPOSED ASSESSMENT; AND CALLING FOR PUBLIC HEARING**  
**ON ASSESSMENTS**

WHEREAS, total costs have been determined for the construction of certain improvements consisting of 2022 Capital Improvements: Midland Avenue, 2<sup>nd</sup> Street, 3<sup>rd</sup> Street, 4<sup>th</sup> Street, 5<sup>th</sup> Street, and adjacent Alleys (the "Improvement") in the amount of \$2,483,217.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Albany, Stearns County, Minnesota (the "City"):

1. Allocation of Costs. The portion of the cost of the Improvement to be paid by the City is hereby declared to be \$1,986,574, and the portion of the cost of the Improvement to be assessed against benefited property owners is declared to be \$496,643.

2. Interest Rate; Term. Assessments will be payable in annual installments extending over a period of 15 years, the first of the installments to be payable with the 2023 general taxes and to bear interest at the rate per annum which will be determined at the time of the final assessment roll adoption.

3. Preparation of Assessment Roll. The Administrator/Clerk-Treasurer, with the assistance of counsel to the City, the City's consulting Engineer and the independent financial advisor to the City, as needed, is authorized and directed to forthwith calculate the proper amount to be specially assessed for the Improvement against every assessable lot, piece or parcel of land within the area affected, without regard to cash valuation, as provided by law, and a copy of such proposed assessment roll will be filed in the office of the Administrator/Clerk-Treasurer and be open to public inspection.

4. Public Hearing Scheduled. A public hearing will be held at the City Hall at 6:30 PM, on May 18, 2022, to consider such proposed assessment, and at such time and place, all persons owning property affected by the Improvement will be given an opportunity to be heard with reference to such assessment.

5. Published and Mailed Notice of Public Hearing. The Administrator/Clerk-Treasurer is hereby directed to cause a notice of the hearing on the proposed assessment stating the total cost of the Improvement to be published in the official newspaper of the City once at least two weeks prior to the date set for the hearing. The published notice must be in substantially the form set forth on Exhibit A attached hereto. Mailed notice will be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the date set for the hearing. The mailed notice must be in substantially the form set forth on Exhibit B attached hereto.

6. Payment in Full of Assessments Allowed. The owner of any property so assessed may, at any time prior to the certification of the assessment or the first installment thereof to the County Auditor, which will be on or before November 15, 2022, pay the entire assessment on such property to the Administrator/Clerk-Treasurer. No interest shall be charged if the entire

assessment is paid within 30 days from the adoption of the final assessment roll. If the assessment is not prepaid within 30 days from the adoption of the assessment roll, interest will accrue on the assessment at the interest rate determined by the City Council. An owner may at any time prior to November 15th of any year pay to the Administrator/Clerk-Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made.

Adopted: April 20, 2022

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Mayor

Attest:

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Administrator/Clerk-Treasurer

**NOTICE OF HEARING ON ASSESSMENTS**  
**City of Albany, Minnesota**

Notice is hereby given that the City Council of the City of Albany, Stearns County, Minnesota (the "City"), will meet at the City Hall, 400 Railroad Ave, Albany, Minnesota on Wednesday, May 18 2022, at 6:30 p.m. to consider objections to the proposed assessments for the construction of the Improvement referred to below, previously ordered by the City Council.

The general nature of the project includes reconstruction of sanitary sewer, water main, storm sewer, sanitary services, water services, and roadways (the "Improvement"). The area proposed to be assessed consists of every lot, piece of parcel of land abutting and benefited by the improvement. The total amount to be assessed is \$496,643. The proposed assessment roll is on file with the Administrator/Clerk-treasurer and open to public inspection.

Written or oral objections by any property owner will be considered at the hearing. No appeal may be taken as to the amount of any assessment adopted by the City Council unless a written objection signed by the affected property owner is filed with the Administrator/Clerk-Treasurer prior to the assessment hearing or presented to the presiding officer at the hearing. All objections to the assessments not received at the assessment hearing in the manner prescribed by Minnesota Statutes, Section 429.061 are waived, unless the failure to object to the assessment hearing is due to a reasonable cause.

Any owner of property to be assessed may appeal the assessment to the district court of Stearns County pursuant to Minnesota Statutes, Section 429.081, by serving notice of the appeal upon the Mayor or Administrator/Clerk-Treasurer of the City within 30 days after the adoption of the assessment and filing such notice with the district court within 10 days after service upon the Mayor or Administrator/Clerk-Treasurer.

**Under the provisions of Minnesota Statutes, Sections 435.193 through 435.195**, the City may, at its discretion, defer the payment of assessments for any homestead property owned by a person 65 years of age or older or retired by virtue of a permanent and total disability for whom it would be a hardship to make the payments. The City has not established a deferment procedure pursuant to Minnesota Statutes, Sections 435.193 through 435.195.

The notice of this hearing mailed to property owners contains additional information.

Tom Schneider, City Administrator/Clerk  
City of Albany, Minnesota

**EXHIBIT B**  
**(Mailed Notice)**

**NOTICE OF HEARING ON ASSESSMENTS**  
**City of Albany, Minnesota**

To:

Parcel Description:

Notice is hereby given that the City Council of the City of Albany, Stearns County, Minnesota (the "City"), will meet at the City Hall, 400 Railroad Avenue, Albany, Minnesota on May 18, 2022 at 6:30 to consider objections to the proposed assessments for the Construction of the Improvements referred to below, previously ordered by the City Council.

The general nature of the project includes reconstruction of sanitary sewer, water main, storm sewer, sanitary services, water services, and roadways (the "Improvement"). The area proposed to be assessed consists of every lot, piece of parcel of land abutting and benefited by the improvement.

The total amount proposed to be assessed is \$496,643. The total amount proposed to be assessed against the property described above is attached. The proposed assessment roll is on file with the Administrator/Clerk-treasurer and open to public inspection. Written or oral objections will be considered at the hearing.

No appeal may be taken as to the amount of any assessment adopted by the City Council unless a written objection signed by the affected property owner is filed with the Administrator/Clerk-Treasurer prior to the assessment hearing or presented to the presiding officer at the hearing. All objections to the assessments not received at the assessment hearing in the manner prescribed by Minnesota Statutes, Section 429.061 are waived, unless the failure to object to the assessment hearing is due to a reasonable cause.

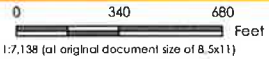
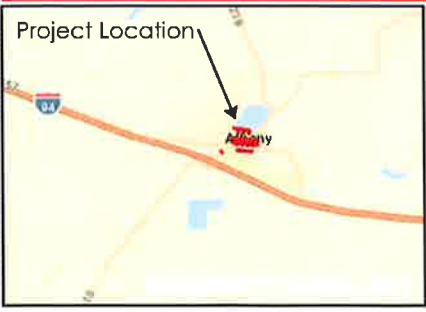
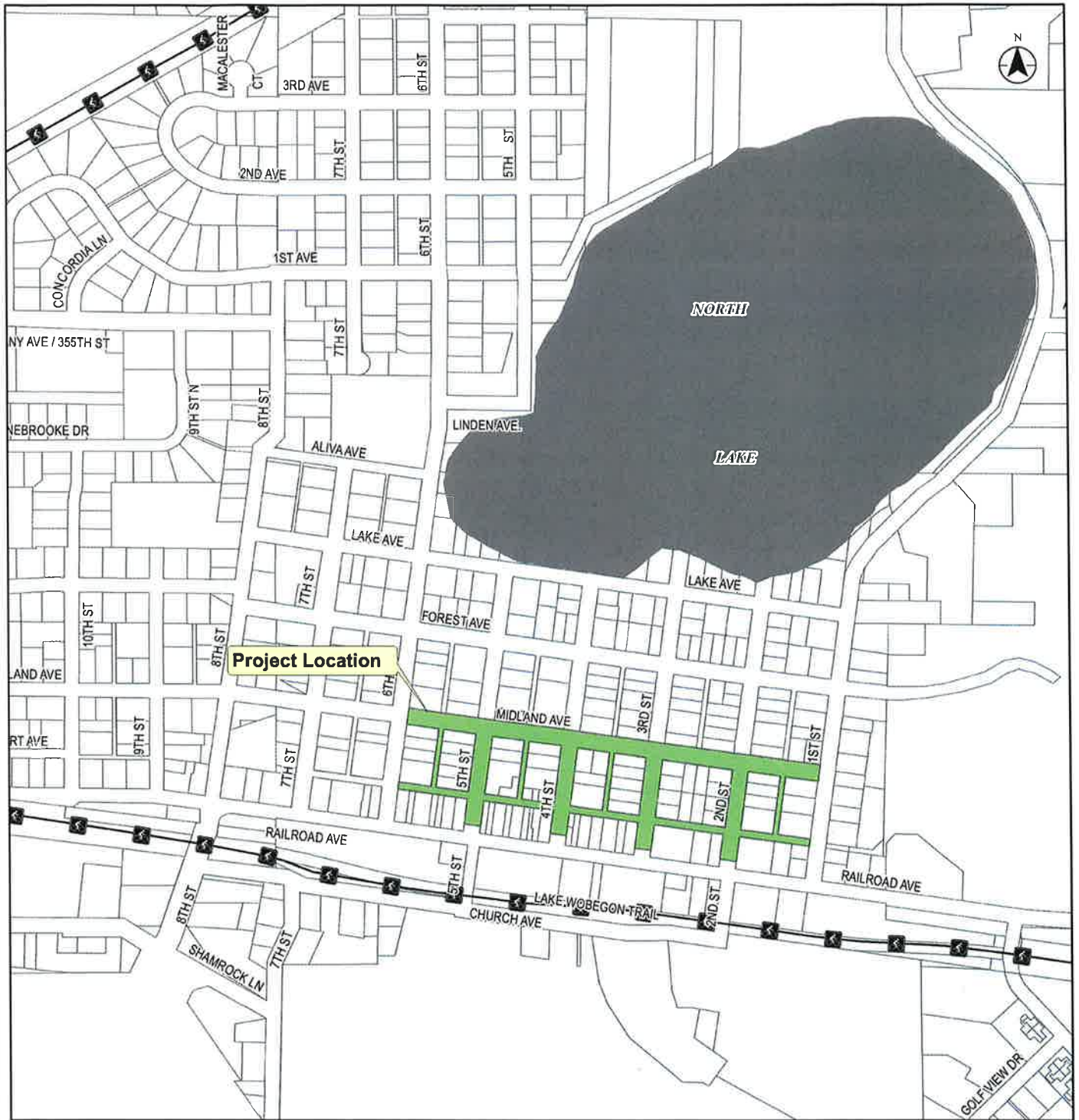
Any owner of property to be assessed may appeal the assessment to the district court of Stearns County pursuant to Minnesota Statutes, Section 429.081, by serving notice of the appeal upon the Mayor or Administrator/Clerk-Treasurer of the City within 30 days after the adoption of the assessment and filing such notice with the district court within 10 days after service upon the Mayor or Administrator/Clerk-Treasurer of the City.

**Under the provisions of Minnesota Statutes, Sections 435.193 through 435.195**, the City may, at its discretion, defer the payment of assessments for any homestead property owned by a person 65 years of age or older or retired by virtue of a permanent and total disability for whom it would be a hardship to make the payments. The City has not established a deferment procedure pursuant to Minnesota Statutes, Sections 435.193 through 435.195.

Adoption by the City Council of the proposed assessment may be taken at the hearing.

The owner of any property so assessed may, at any time prior to the certification of the assessment or the first installment thereof to the County Auditor, which will be on or before November 15, 2022, pay the entire assessment on such property to the Administrator/Clerk-Treasurer. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of the final assessment roll. If the assessment is not prepaid within 30 days from the adoption of the assessment roll, interest will accrue on the assessment at the interest rate determined by the City Council. An owner may at any time prior to November 15th of any year pay to the Administrator/Clerk-Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Interest will accrue on the assessments at the annual rate determined by the City Council upon adoption of the final assessment roll. Interest accrues from the assessment, if not sooner paid, is payable over a period of 15 years.

Dated \_\_\_\_\_, 2022



- Legend**
- Project Locations
  - Lake Wobegon Regional Trail
  - Right of Way
  - Surface Water
  - Parcels

- Notes**
1. Coordinate System: NAD 1983 UTM Zone 15N
  2. Base Features: Stanlec, MNDNR, Stearns County
  3. Orthoimagery © Microsoft Bing Maps

Project Location 193805394  
 Albany, MN Prepared by DME on 2021-09-10  
Technical Review by JBM on 2021-09-10

Client/Project  
 City of Albany  
 2022 Proposed Project Location

Figure No.  
**1**  
 Title

**Project Location Map**

Disclaimer: Stanlec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stanlec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

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To:	Mr. Tom Schneider Albany City Hall	From:	Jeremy Mathiasen St. Cloud, MN
File:	193805123	Date:	April 15, 2022

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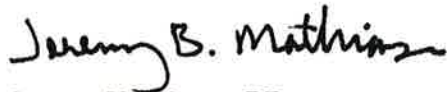
**Reference: Golfview Sanitary Lift Station Improvements – Payment Application No. 1**

For your consideration at your April 20<sup>th</sup> Council meeting is Payment Voucher No. 1 for the Golfview Lift Station Improvement Project.

Payment Voucher No. 1 has been prepared for your review and generally includes materials on hand for the project (the lift station pumps). The amount due, minus the retainage, for **Payment Voucher No. 1 is \$49,685.**

Stantec is recommending approval of Payment Voucher No. 1 for Liberty Electric Co., Inc. Should you have any questions about the work completed to date, feel free to contact me.

**Stantec Consulting Services Inc.**



**Jeremy Mathiasen PE**  
Senior Associate

Phone: 320 266 5232  
Jeremy.Mathiasen@stantec.com

Attachment: Payment Voucher No.1



Owner: City of Albany, 400 Railroad Ave., Albany, MN 56307	Date: April 11, 2022
For Period: 3/1/2022 to 3/31/2022	Request No: 1
Contractor: Liberty Electric Co., Inc., 27582 246th Ave., Albany, MN 56307	

**CONTRACTOR'S REQUEST FOR PAYMENT**  
**GOLFVIEW SANITARY LIFT STATION IMPROVEMENTS**  
**STANTEC PROJECT NO. 173420038**

SUMMARY

1	Original Contract Amount		\$	<u>168,850.00</u>
2	Change Order - Addition	\$	<u>0.00</u>	
3	Change Order - Deduction	\$	<u>0.00</u>	
4	Revised Contract Amount		\$	<u>168,850.00</u>
5	Value Completed to Date		\$	<u>9,300.00</u>
6	Material on Hand		\$	<u>43,000.00</u>
7	Amount Earned		\$	<u>52,300.00</u>
8	Less Retainage 5%		\$	<u>2,615.00</u>
9	Subtotal		\$	<u>49,685.00</u>
10	Less Amount Paid Previously		\$	<u>0.00</u>
11	Liquidated damages -		\$	<u>0.00</u>
12	AMOUNT DUE THIS REQUEST FOR PAYMENT NO. <u>1</u>		\$	<u><u>49,685.00</u></u>

Recommended for Approval by:  
**STANTEC**



Approved by Contractor:  
**LIBERTY ELECTRIC CO., INC.**

See Attached for Signature

Approved by Owner:  
**CITY OF ALBANY**

Specified Contract Completion Date:

Date:



# APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF 2 PAGES

TO GENERAL CONTRACTOR:

STANTEC

3717 23rd STREET SOUTH

ST. CLOUD MN 56301-5094

FROM CONTRACTOR:

LIBERTY ELECTRIC CO. INC.

27582 246TH AVE

ALBANY, MN 56307

CONTRACT FOR: EMERALDS APTS PHASE III

PROJECT:

APPLICATION NO

1

Distribution to:

OWNER	<input type="checkbox"/>
ARCHITECT	<input type="checkbox"/>
CONTRACTOR	<input checked="" type="checkbox"/>

PERIOD TO: 3/31/2022

PROJECT NOS: 173428038

CONTRACT DATE 11/16/2021

## CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

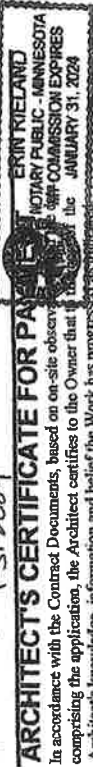
The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

1. ORIGINAL CONTRACT SUM	\$ 168,850.00
2. Net change by Change Orders	\$ 0.00
3. CONTRACT SUM TO DATE (Line 1 + 2)	\$ 168,850.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$ 52,300.00
5. RETAINAGE:	
a. 5 % of Completed Work	\$ 2,615.00
b. (Column D + E on G703)	\$
% of Stored Material	
(Column F on G703)	
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$ 2,615.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$ 49,685.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$ 0.00
8. CURRENT PAYMENT DUE	\$ 49,685.00
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$ 119,165.00

CONTRACTOR:

*Erin Rieland* Date: 3-30-22

State of MN  
 Subscribed and sworn to before me this 30<sup>th</sup> day of March, 2022  
 Notary Public: *Erin Rieland*  
 My Commission expires: 1-31-2024



**ARCHITECT'S CERTIFICATE FOR PAYMENT**  
 In accordance with the Contract Documents, based on on-site observation comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed satisfactorily, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED .....\$

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month	\$0.00	\$0.00
<b>TOTALS</b>		
NET CHANGES by Change Order	\$0.00	

By: \_\_\_\_\_ Date: \_\_\_\_\_

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W., WASHINGTON, DC 20008-5282

AIA DOCUMENT G702 - APPLICATION AND CERTIFICATION FOR PAYMENT - 1992 EDITION - AIA - ©1992

Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Document's Authenticity from the Licensee.



**PROJECT PAYMENT STATUS**

OWNER CITY OF ALBANY  
 STANTEC PROJECT NO. 173420038  
 CONTRACTOR LIBERTY ELECTRIC CO., INC.

**CHANGE ORDERS**

No.	Date	Description	Amount
<b>Total Change Orders</b>			

**PAYMENT SUMMARY**

No.	From	To	Payment	Retainage	Completed
1	03/01/2022	03/31/2022	49,685.00	2,615.00	52,300.00

**Material on Hand** \$43,000.00

Total Payment to Date		\$49,685.00	Original Contract	\$168,850.00
Retainage Pay No. 1		2,615.00	Change Orders	
Total Amount Earned		\$52,300.00	Revised Contract	\$168,850.00

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To:	Mr. Tom Schneider and Albany City Council	From:	Jeremy Mathiasen
	City of Albany		St. Cloud Office
File:	193801690	Date:	April 15, 2022

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**Reference: Engineering Update for the 4/20/22 Council Meeting**

**2021 Capital Improvement Project**

Bituminous wearing course will be installed in May/June.

**Golfview Lift Station Improvements**

Project materials have all been ordered, installation work will likely be late summer. The Contractor has obtained some of the materials and is storing them at their location. Payment Application No. 1 is being requested for Liberty Electric for the cost of some of the materials on hand.

**2022 Capital Improvement Project**

Our preconstruction meeting was held last week with the Contractor where we reviewed project logistics and scheduling. The work is currently scheduled to begin the first week of May but that is contingent upon the end of the road restrictions.

An open house was held this week with business owners that will be impacted by the alley reconstruction work. About a dozen residents were in attendance and we reviewed project information and shared contact information.

A resolution is included in your packets to prepare the final project assessment roll and call the public hearing. The hearing date is set for the May 18<sup>th</sup> Council Meeting.

**1<sup>st</sup> Street/TH 238 Improvements**

You have a resolution in your packets for awarding the 1<sup>st</sup> Street / TH 238 project to the low bidder, Craig Bardson Excavating, Inc. Once awarded, we will schedule a preconstruction meeting with Craig and coordinate the next steps with MNDOT.

Feel free to contact me at any time with project related questions.

[Jeremy.mathiasen@stantec.com](mailto:Jeremy.mathiasen@stantec.com) 320.266.5232



320-845-4244  
P. O. Box 370  
Albany, Minnesota 56307

RESOLUTION 2022-17  
APPROVING MINNESOTA  
LAWFUL GAMBLING EXEMPT PERMIT APPLICATION

WHEREAS, the Seven Dolors Catholic Church has filed a Minnesota Lawful Gambling LG220 application for Exempt Permit to conduct a raffle, pull-tabs, paddlewheels, and bingo, at the Church of Seven Dolors, 151 2<sup>nd</sup> Street S. on August 8, 2021, and

WHEREAS, the City Council, of the City of Albany, County of Stearns, State of Minnesota, has reviewed the said application; and

WHEREAS, the City Council finds that appropriate circumstances exist;  
and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALBANY, COUNTY OF STEARNS, STATE OF MINNESOTA, does hereby approve the Lawful Gambling application submitted by the Seven Dolors Catholic Church.

Approved by the City Council this 20th day of April, 2022.

\_\_\_\_\_  
Tom Kasner, Mayor

\_\_\_\_\_  
Tom Schneider, Clerk/Adm.

( S E A L )

**CITY OF ALBANY  
RESOLUTION NO. 2022-18**

**A RESOLUTION TO ELECT THE STANDARD ALLOWANCE  
AVAILABLE UNDER THE REVENUE LOSS PROVISION OF THE  
CORONAVIRUS LOCAL FISCAL RECOVERY FUND  
ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT**

**WHEREAS**, Congress adopted the American Rescue Plan Act in March 2021 (“ARPA”) which included \$65 billion in recovery funds for cities across the country.

**WHEREAS**, ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses.

**WHEREAS**, The Fiscal Recovery Funds provides for \$19.53 billion in payments to be made to States and territories which will distribute the funds to non-entitlement units of local government (NEUs).

**WHEREAS**, The ARPA requires that States and territories allocate funding to NEUs in an amount that bears the same proportion as the population of the NEU bears to the total population of all NEUs in the State or territory.

**WHEREAS**, \$302,247.67 has been allocated to the City of Albany (“City”) pursuant to the ARPA.

**WHEREAS**, The Coronavirus State and Local Fiscal Recovery Funds ensures that governments have the resources needed to fight the pandemic and support families and businesses struggling with its public health and economic impacts, maintain vital public services, even amid declines in revenue, and build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

**WHEREAS**, In May 2021, the US Department of Treasury (“Treasury”) published the Interim Final Rule describing eligible and ineligible uses of funds as well as other program provisions, sought feedback from the public on these program rules, and began to distribute funds.

**WHEREAS**, on January 6, 2022, Treasury issued the final rule. The final rule delivers broader flexibility and greater simplicity in the program, responsive to feedback in the comment process.

**WHEREAS**, the final rule offers a standard allowance for revenue loss of up to \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation.

**WHEREAS**, recipients that select the standard allowance may use that amount, in many cases their full award, for government services, with streamlined reporting requirements.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALBANY, MINNESOTA, THE CITY ELECTS THE STANDARD ALLOWANCE AVAILABLE UNDER THE REVENUE LOSS PROVISION OF THE AMERICAN RESCUE PLAN ACT IN THE AMOUNT OF \$302,247.67 TO BE USED FOR THE GENERAL PROVISION OF GOVERNMENT SERVICES.**

Adopted by the City Council of Albany Minnesota this 20th day of April, 2022.

Tom Kasner, Mayor

Attested:

Tom Schneider, City Clerk/Adm.

( S E A L )

**CITY OF ALBANY  
AMENDMENT TO ORDINANCE NO. 64 TOBACCO SALES**

The City Council for the City of Albany, HEREBY ORDAINS that Ordinance 64

Tobacco Sales shall be amended as follows:

1. That Section 64:01 shall be amended as follows:

“Section 64.01: PURPOSE. Because the City recognizes that many persons under the age of ~~18~~21 years purchase or otherwise obtain, possess, and use tobacco, tobacco products, and tobacco related devices; and such sales, possession, and uses are violations of both State and Federal laws, and because studies have shown that most smokers begin smoking before age ~~18~~21; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this Ordinance shall be intended to regulate the sale, possession, and use of tobacco, tobacco products, and tobacco related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, and tobacco related devices, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minn. Stat. §144.391, as amended.”

2. That Section 64:02 Definitions, Subd. 8 and 9 shall be amended as follows:

“Subd. 8: Tobacco or Tobacco Products. Means any substance or item containing, made or derived from tobacco leaf that is intended for human consumption, including, but not limited to, cigarettes; cigars; pipe tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour, cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; dipping tobacco, refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing, sniffing or smoking, in a pipe or cigarette papers or to be absorbed, dissolved, inhaled, snorted or ingested by any other means.

Subd. 9: Tobacco Related Devices. Shall mean any tobacco product as well as a pipe, rolling papers, electronic delivery device or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, ~~or~~ smoking or inhalation of aerosol or vapor of tobacco or tobacco products. Tobacco related devices includes components of tobacco-related devices which may be marketed or sold separately.”

3. That Section 64:02 Definitions is amended by the addition of Subd. 14 and Subd. 15 which shall read as follows:

“Subd. 14: Electronic Delivery Device. shall mean any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery device includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes,



electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately.

Subd. 15: Flavored Product. Any tobacco product sold in the liquid form that contains a taste or smell, other than the taste or smell of , that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a licensed product, or by any authorized or permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than a taste or smell of tobacco will constitute presumptive evidence that the product is a flavored product.”

4. That Section 64.05 Prohibited Sale, Subd. 1 shall be amended as follows:

“Subd. 1: To a ~~minor~~person under the age of twenty-one (21).”

5. That Section 64.05 Prohibited Sale, shall be amended by the addition of Subd. 6 which shall read as follows:

“Subd. 6: Flavored Product. No person shall sell or offer for sale any Flavored Product.

6. That Section 64.09 Other Prohibited Acts, Subd. 1 shall be amended as follows:

“Subd. 1: Illegal Sales. Person to sell or otherwise provide any tobacco, tobacco product, or tobacco related device to any ~~Minor~~person under the age of twenty-one (21) or to sell or offer for sale any Flavored Product.”

7. That Section 64.09 Other Prohibited acts, Subd.4 shall be amended as follows:

“Subd. 4: Illegal Procurement. ~~Minor~~Any person under the age of twenty-one (21) to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, or tobacco related device, and it shall be a violation of this Ordinance for any person to purchase or otherwise obtain such items on behalf of a ~~Minor~~person under the age of twenty-one (21). It shall further be a violation for any person to coerce or attempt to coerce a Minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to ~~Minors~~persons lawfully involved in a Compliance Check.”

8. That Section 64.09 Other Prohibited acts, Subd.5 shall be amended as follows:

“Subd. 5: False Identification. Any person under the age of twenty-one (21) Minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.”

9. That Section 64.11 Penalties Subd. 2 shall be amended as follows:

“Subd. 2: Other Individuals. Other individuals, other than Minorspersons under the age of twenty-one (21) regulated by subdivision 3 of this Section, found to be in violation of this Ordinance, shall be charged a fine as established in Appendix A.”

10. That Section 64.11 Penalties Subd. 3 shall be amended as follows:

“Subd. 3: MinorsPersons under the Age of 21. MinorsPersons under the age of twenty-one (21) found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, or tobacco related devices, shall be charged a fine as established in Appendix A and shall be required to attend an appropriate tobacco education, cessation or diversion class or program from an approved source. The Minor shall be responsible for all costs to attend the program(s).”

11. That Section 64.12 Exceptions and Defenses shall be amended as follows:

“Section 64.12: EXCEPTIONS AND DEFENSES. Nothing in this Ordinance shall prevent the providing of tobacco, tobacco products, or tobacco related devices to a Minorperson under the age of twenty-one (21) as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this Ordinance for a person to have reasonably relied on proof of age as described by State law.”

This Ordinance Amendment shall be effective upon publication.

This Ordinance was approved by the majority of the City Council of Albany on this \_\_\_<sup>th</sup> day of April, 2022.

\_\_\_\_\_  
Tom Kasner, Mayor

\_\_\_\_\_  
Tom Schneider, Clerk/Administrator

( S E A L )

This amendment was published in the *Star Post* on April \_\_\_, 2022

**CITY OF ALBANY  
ORDINANCE 64 TOBACCO SALES  
SUMMARY PUBLICATION**

The City of Albany has approved an amendment to Ordinance 64 Tobacco Sales.

The Ordinance amendment (1) revises the purpose of the Ordinance; (2) revises definitions under the Ordinance; (3) prohibits the sale of flavored products as defined therein and (4) raises the age for prohibited sales to persons under age twenty-one.

This material is a summary of the amendment to Ordinance 64. The full text of the Ordinance is available for inspection by any person during regular office hours at the office of the Albany City Clerk/Administrator.

This Ordinance was adopted by the City Council of Albany on April 20, 2022, and shall be effective upon publication.

\_\_\_\_\_  
Tom Kasner, Mayor

\_\_\_\_\_  
Tom Schneider, Clerk/Administrator

( S E A L )

This amendment was published in the *Star Post* on April 27, 2022.



**City of Albany Residential Citywide Clean-Up Day  
Saturday, May 7<sup>th</sup>**

**Items May Be Brought to City Parking lot 400 Railroad Ave Between 9:00AM and 1:00PM**

➤ **WHO CAN PARTICIPATE?**

Residents who live in the City limits of Albany. No waste from non-residential customers, contractors, businesses or those residing outside the City limits will be accepted. Valid Driver's License or current Utility Bill required.

➤ **ACCEPTABLE ITEMS AND PREPARATION GUIDELINES**

General Non-Hazardous Household Waste "junk"

Furniture items (Couches, Chairs, Tables, Mattresses, Box Springs, etc.)

**Small** amounts of Re-modeling materials (Siding, Dried out paint cans, Drywall, Carpet, etc.)

All items should be boxed, bagged or contained in some manner.

Limit two electronic or appliance items per load.

➤ **COSTS**

Pickup truckload of acceptable material \$20

Car and trunk full of acceptable materials \$20

Trailer 4' x 4' x 8' of acceptable materials \$20

Appliances \$25

Ewaste (TV's, etc) \$25

Mattresses \$15

Box Springs \$15

Tires without rim \$5

Tires with rims \$10

Tractor tire \$25

Common sense pricing will be used on any oversized trailers or trucks.

➤ **UNACCEPTABLE ITEMS**

Asbestos

Chemical Products (Includes: herbicides, pesticides)

Fluorescent Tubes and Light Bulbs

Hazardous, Industrial, Infectious Waste

Liquid Waste, Paints, Thinners, Removers

Oils, Oil Rags (Includes: any type of oil drilling waste)

Radioactive Materials Naturally Occurring (NORM)

**WASTE MANAGEMENT HAS THE RIGHT TO DETERMINE FINAL  
ACCEPTABILITY OF WASTE STREAM**

**PLEASE CALL WASTE MANAGEMENT WITH ANY QUESTIONS AT 320-351-7831**