

**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, February 21, 2018, 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 regular Council minutes of the meeting held on February 7th
5. Open Forum/Public comment (3 to 5 minutes max.)
6. Deb Haus, Stearns County Assessor's Office, the City Assessor – present information relating to the 2018 property assessment for property taxes payable in 2019.
7. Jeremy Mathiasen, City Engineer
  - Recommendation to approve Resolution 2018-03 to schedule a Public Hearing for the 2018 1<sup>st</sup> Street (TH 238) Utility Improvements
  - project updates
8. Reports of Boards, Commissions, and Department Heads
9. Tom Schneider, Clerk/Adm.
10. Mayor's announcements and letters
11. Announce next meeting date 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 Daron Gersch at 6:30 o'clock in the evening on Wednesday, February 7, 2018, in the Council Room at 400 Railroad Avenue for the said City.

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

Also present were: Tom Schneider, Clerk/Adm., Jeremy Mathiasen, City Engineer, with Stantec, Inc., Mike Kosik, Editor, Albany Enterprise, and Ozzie Carbajal, Albany Police Chief.

The Council recited the Pledge of Allegiance.

After due discussion, a motion was made by Tom Kasner and seconded by Al Amdahl to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 67959 to 68002 and 16845 to 16874. All voted for the motion and it carried.

Mayor Daron Gersch called for any corrections or additions to the minutes of the regular meeting of the Council held on January 17<sup>th</sup> and hearing none declared them approved.

Open forum/public comment: none

Mr. Mathiasen appeared before the Council to present construction change order number one, a reduction of \$35,120, to the 2018 North Lake Storm Water Conservation Improvements. Mr. Mathiasen noted that the said change order reduces some of the project quantities and construction costs to better align with the project funding. Mr. Mathiasen noted that due to the reduction in project quantities, the total phosphorus removed from the storm water only decreased a small amount and did not significantly affect the overall purpose of the project which is to remove nutrients and sediment from storm water entering North Lake. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to approve change order number one to the 2018 North Lake Storm Water Conservation Improvements. All voted for the motion and it carried. Mr. Mathiasen noted that construction contracts will be executed shortly.

Mr. Mathiasen informed the Council that information related to the proposed assessments to benefitted properties will be presented at the March 21<sup>st</sup> Council meeting for the 2018 1<sup>st</sup> Street (HWY#238) Utility Improvements. Mr. Mathiasen noted that bids have been received by MnDOT, the owner and construction manager of the project; and the apparent low bidder is Ryan Contracting Company, Elko, MN. Mr. Kasner noted that the assessment amount for each property should be similar to other improvement projects that were completed by the City. Mr. Mathiasen noted that the Council can set the public hearing for the assessments at the next Council meeting with notices to be mailed to each benefitted property and the proposed assessment amount.

Mr. Schneider presented to the Council a list of property owners who have not paid their utility bill after receiving several past due notices. Mr. Schneider noted that Mr. Mergen will make final contact with each, and if no response, the water service will be shut off at the curb stop pursuant to Ordinance 30.

Councilor Keith Heitzman, 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 Keith Heitzman and seconded by John R. Harlander to approve of the check register as presented (38606-38661). Voting for the motion was Mayor Daron Gersch, Councilors Keith Heitzman, Al Amdahl, and John R. Harlander, and none voted against. Councilor Tom Kasner abstained and the motion carried.

Mr. Schneider informed the Council that members of the Safe Routes to School Steering Committee completed an application for a grant from the Statewide Health Improvement Partnership (SHIP) to partially fund the acquisition of a Rapid Flash Beacon Crosswalk LED Warning System, a pedestrian safety crosswalk device. Mr. Schneider noted that it has recently been brought to his attention

that the Federal Highway Administration rescinded interim approval of the said signals pursuant to the Manual on Uniform Traffic Control Devices (MUTCD) which prohibits the use of patented devices. Mr. Schneider informed the Council that a very similar signal will be considered for each crosswalk which is an approved signal device. Mr. Schneider noted that the SHIP grant request is in the amount of \$5,168 and recommended authorization to submit the said application. Mr. Schneider also recommended that the Council designate \$5,000 to the acquisition of the crosswalk safety devices that had been donated to the City from Ervin Bueckers, the former owner of Bueckers City Sanitation Services, Sauk Centre, MN. After due discussion, a motion was made by Tom Kasner and seconded by John R. Harlander to authorize the City Administrator to submit the SHIP grant application and to designate the donation received from Mr. Bueckers to fund new crosswalk safety devices. All voted for the motion and it carried.

The Council took notice of a Minnesota Lawful Gambling LG220 application for exempt permit submitted by the Albany FFA Alumni to conduct a raffle on October 4, 2018 at the Albany Area High School, 30 Forest Avenue, Albany, MN. After due discussion, a motion was made by Mayor Daron Gersch and seconded by Tom Kasner to approve said application. All voted for the motion and it carried.

Mr. Schneider informed the Council that he contacted Waste Management, the City's contracted refuse hauler, to request that the City's municipal buildings including the Albany Golf Club not be charged for monthly refuse pickup. Mr. Schneider noted that Waste Management would approve the request upon the Council's approval. Mayor Daron Gersch, with the consensus of the Council, directed Mr. Schneider to contact Waste Management to provide free refuse pickup for all municipal buildings including the Albany Golf Club.

Mr. Kasner informed the Council that he is working with Jamie Hukriede, MnDOT, to improve the drainage in the ditch along I94 that abuts the Albany Golf Club. Mr. Kasner noted that the ditch needs to be cleaned out to improve storm water flow and if no ditch improvements are considered, it's a good chance that number two fairway will be flooded during modest periods of rain potentially causing revenue loss for the club. Mr. Kasner noted that a plan of action will be forthcoming and he will keep the Council informed on the progress.

Mr. Schneider informed the Council that the City was given notice of a public hearing by the Stearns County Planning Commission on a request by Loren and Debra Pelzer, 21438 Quaker Road, Albany, MN, for a variance to add a second approach to their property. No action was taken by the Council.

Mayor Daron Gersch announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, February 21, 2018 and adjourned the meeting at 7:25 PM.

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Tom Schneider  
Clerk/Adm.

**RESOLUTION 2018-03**  
**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 1<sup>st</sup> Street (TH 238) Improvements (the "Improvement") in the amount of \$435,599.53.

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 \$260,364.46, and the portion of the cost of the Improvement to be assessed against benefited property owners is declared to be \$175,235.07.

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 January 7, 2019 and to bear interest at the rate of 3.0% per annum from the date of the assessment resolution.

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 on March 21, at 6:30 PM, 2018, 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, 2018, 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. 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 set forth above.

Adopted: February 21<sup>st</sup>, 2018

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Mayor

Attest:

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Administrator/Clerk-Treasurer

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**EXHIBIT A**  
**NOTICE OF PUBLIC HEARING ON ASSESSMENTS FOR THE**  
**1<sup>st</sup> STREET (TH 238) IMPROVEMENTS**

NOTICE IS HEREBY GIVEN: That the City Council of the City of Albany, Minnesota, will meet in the City Hall in the City of Albany, MN, on Wednesday, the 21<sup>st</sup> of March, 2018, at 6:30 PM or as soon thereafter as possible to consider objections, if any, to the proposed assessments for the 1<sup>st</sup> Street (TH 238) Improvements heretofore ordered by the City Council.

The proposed assessment roll is on file with the City Clerk and open to public inspection. Properties abutting on and or benefiting from the improvements are proposed to be assessed. The general nature of the improvements are: new street, storm sewer, sanitary sewer, and water main, residential services (sanitary and water) improvements, to wit: 1<sup>st</sup> Street from 150-feet north of Railroad Avenue to 800-feet north of Lake Avenue, and the adjacent alley east of 1<sup>st</sup> Street (south of Midland Avenue) in the City of Albany, Minnesota as described in and in accordance with the preliminary plans and report prepared by Stantec, Inc., consulting engineers for the City.

The total amount proposed to be assessed is \$175,235.07 such assessment is proposed to be payable in equal annual installments extending over a period of fifteen (15) years. Written or oral objections will be considered at the hearing. An owner of property to be assessed may appeal the assessment to the district court of Stearns County pursuant to MN Statutes, Section 429.081 by serving notice of appeal upon the Mayor or Clerk of the City within 30 days after the adoption of the assessment and filing such notice with the district court within ten (10) days after service upon the Mayor or Clerk.

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 Clerk 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.

Under the provisions of Minnesota Statutes, Section 435.193 to 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 for whom it would be a hardship to make the payments. The notice of this hearing mailed to property owners contains additional information.

Dated: February 21, 2018.

BY ORDER OF THE CITY COUNCIL

Tom Schneider  
Clerk/Administrator

Published in The Enterprise February 28th and March 7th, 2018.

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

**NOTICE OF PUBLIC HEARING ON ASSESSMENTS FOR THE  
2018 1<sup>st</sup> Street (TH 238) Improvements**

NOTICE IS HEREBY GIVEN: That the City Council of the City of Albany, Minnesota, will meet at 6:30 PM or as soon thereafter as possible on Wednesday the 21st of March, 2018, in the City Hall in the City of Albany, MN, to consider objections, if any, to the proposed assessments for the 2018 1<sup>st</sup> Street (TH 238) Improvements heretofore ordered by the City Council.

The proposed assessment roll is on file with the City Clerk and open to public inspection. Properties abutting on and or benefiting from the improvements are proposed to be assessed. The general nature of the improvements is new street, storm sewer, sanitary sewer, water main and residential services (sewer and water) improvements, to wit: 1<sup>st</sup> Street (TH 238) and the adjacent alley east of 1<sup>st</sup> Street in the City of Albany, Minnesota.

The portion of the cost of the Improvement to be paid by the City is hereby declared to be \$260,364.46. The total amount proposed to be assessed is \$175,235.07. Such assessment is proposed to be payable in equal annual installments extending over a period of fifteen (15) years, the first of the installments to be payable on or before the first Monday on January 2019, and will bear interest at the rate of 3.0% per annum from the date of the adoption of the Assessment Resolution.

Written or oral objections will be considered at the hearing.

An 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 Clerk of the City within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or Clerk.

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 Clerk/Administrator 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.

Under the provisions of Minnesota Statutes, Section 435.193 to 435.195, the City may, at its discretion, defer the payment of assessments for any homestead property owned by a person 65 year of age or older for whom it would be a hardship to make the payments.

The amount to be specifically assessed against your particular lot, piece of parcel of land is shown on the attachment.

The City Council may adopt the proposed assessment at the hearing.

You may prepay the entire assessment to the Treasurer of the City until the assessment roll is certified to the County Auditor; after certification to the County Auditor, prepayments of the entire amount remaining due may be made to the Treasurer at any time prior to November 15 of any year.

The City Council has not authorized the partial prepayment of assessments prior to certification of the assessment or the first installment thereof to the County Auditor.

No interest shall be charged if the entire assessment is paid within 30 days from the adoption of the

assessment roll. At any time prior to November 15 of any year, the owner may prepay to the Treasurer the whole assessment remaining due with interest accrued to December 31 of the year in which the prepayment is made.

If the assessment is not prepaid within 30 days from the adoption of the assessment roll, interest will accrue on the assessment at the rate of 3.0%. Interest accrues from the date to be specified in the resolution levying the assessment, but not earlier than the date of such resolution.

Dated: February 21, 2018

BY ORDER OF THE CITY COUNCIL

Tom Schneider  
Clerk/Administrator



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To:	Mr. Tom Schneider and Albany City Council City of Albany	From:	Jeremy Mathiasen St. Cloud Office
File:	193801690	Date:	February 15, 2018

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**Reference: Engineering Update for the 2/21/18 Council Meeting**

### **2018 1st Street Improvements**

MnDOT is working with the Contractor to set a preconstruction conference for early May, as well as an open house for residents to ask additional project questions.

For your consideration at the council meeting will be a resolution declaring the projects costs to be assessed and to officially call the assessment hearing. The City will post the hearing information and will send the information to the affected property owners at least two weeks prior to the hearing.

### **North Lake Storm Water Improvements**

We are planning for a late March preconstruction meeting with the Contractor and the Stearns County SWCD. Additional details will be shared once the specifics are known.

Due to multiple BMP evaluations beyond our original scope of work, rail authority easement coordination, and multiple MnDOT permits for work along the TH 238 right of way, we have reached our estimated budget, with construction activities still ahead of us. While we will be employing cost saving measures for the construction staking and observation, we do expect that the budget may be exceeded, hopefully not more than 3% of the construction cost. The first priority remains the construction of three successful storm water treatment facilities.

### **1st Street / Railroad Avenue Intersection Improvements**

Unfortunately, we learned this week that our Local Road Improvement Program (LRIP) application was not awarded funding from MnDOT. 36 out of the 217 applications were funded with this round of funding (10 out of the 53 small city applications).

I've attached MnDOT's flow chart schedule that shows the process we'll need to follow to construct the proposed improvements at the 1<sup>st</sup> Street intersection. As you can see, we have a significant way to go. At the meeting we should discuss proceeding with the next step of updating the feasibility study (from the original study that contemplated a mini roundabout).

### **Miscellaneous**

The City has been contacted by a property owner who would like to see sidewalk added along the west side of 8<sup>th</sup> Street (from Railroad Avenue to Shamrock Ln) and along the north side of Shamrock Lane from 8<sup>th</sup> Street to approximately 400-feet west. We are preparing some rough preliminary cost estimates for what that might entail. This segment of sidewalk is consistent with the recently

**Design with community in mind**



February 15, 2018  
Mr. Tom Schneider and Albany City Council  
Page 2 of 2

**Reference: Engineering Update for the 2/21/18 Council Meeting**

adopted Albany Master Pedestrian Plan. A quick discussion with MnDOT about the feasibility of sidewalk along 8<sup>th</sup> Street is also planned.

Feel free to let me know if you have any specific questions before the meeting.

[Jeremy.mathiasen@stantec.com](mailto:Jeremy.mathiasen@stantec.com) 320.529.4366

# District 3 Local Initiative Project Development Process

