

**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, July 19, 2023, 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 the regular council meeting minutes held on July 5th.
5. Open Forum/Public comment (3 to 5 minutes max.)
6. Public Hearing – to consider a moratorium prohibiting the establishment of new uses or expansion of existing uses to allow the retail sale of edible cannabis products and lower potency hemp edibles as defined in Minn. Stat. 342.01, Subd. 31 and 50. (Interim Ordinance 2023-01)
  - Susan Dege, City Attorney – Memorandum
7. Jeremy Mathiasen, City Engineer – project updates
8. Reports of Boards and Department Heads
  - Keith Heitzman, Albany Golf Club liaison – present checkbook register and update other club activities.
  - Police Chief Ozzie Carbajal
  - Joseph Mergen, Public Works Supervisor – present the following:
    - Revised dog park regulations per Lake Country Veterinary Service
9. Mayor Tom Kasner – announce the next regular council meeting date (August 2nd) and adjourn.

Heather Cruz  
Deputy Clerk

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, July 5, 2023, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were councilors Keith Heitzman, John R. Harlander, Al Amdahl and Adam Rushmeyer. Other's present were Heather Cruz, Deputy Clerk, Police Chief Ozzie Carbajal, Joseph Mergen, Supervisor, Public Works Department, Jeremy Mathiasen, the city engineer with the firm Stantec, Inc., St. Cloud, Tim Hennagir, Staff Writer, the Star Post, Molly Hoppe, Aaron Kleinschmidt, and Ann Studinski.

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 Keith Heitzman and seconded by Adm Rushmeyer to approve/authorize payroll (3726-3745), electronic payments, transfers, and the payment of the following bills: Check Numbers 72764 to 72790. All voted for the motion and it carried.

Mayor Tom Kasner also called for any corrections or additions to the minutes of the regular meeting of the council held on June 21st and hearing none declared them approved.

Open forum/public comments:

Aaron Kleinschmidt, General Manager, Albany Golf Club, Inc., appeared before the council to request an amendment to Ordinance 60.04, Subdivision 5, "Sunday Sales" to allow the sale of intoxicating liquor on Sundays in conjunction with the sale of food beginning at 8:00 AM on Sundays. Mr. Kleinschmidt informed the council the current language is 10:00 AM on Sundays and it would be ideal to have the option available to members and the public when tournaments are held prior to 10:00 AM. After due discussion, a motion was made by John Harlander and seconded by Al Amdahl to approve the request for the amendment to the mentioned ordinance.

Mr. Mathiasen presented to the council Payment Voucher No. 2 for the 2023 Capital Improvement Project. Mr. Mathiasen noted the payment voucher generally includes sanitary sewer, water main, storm sewer, and service installation along with some of the street reconstruction work. Mr. Mathiasen updated the council on the progress of the construction projects. He noted that the first round of curb and gutters has started, utility work will be finishing up in the next week or two. After due discussion and upon recommendation from the city engineer, a motion was made by Al Amdahl and seconded by Adam Rushmeyer to approve Payment Voucher No. 2 to Breitbach Construction Company, Elrosa, MN, in the amount of \$622,027.01. All voted for the motion and it carried.

Police Chief Ozzie Carbajal appeared before the council to update the council of Officer Slone's first few days of training. He will start with three days of administrative tasks and then proceed to FTO process through fall of 2023. He noted that Officer Bjork applied for an educational tobacco compliance grant, in which checks were performed at local tobacco licensed establishments. Two establishments failed to comply, no citations given, educational material was provided to help prevent future compliance failure. Chief Carbajal presented to the council a resignation letter received by Derek Stommes, Part-time Patrol Officer in the Albany Police Department. Mayor Tom Kasner and other council members thanked Mr. Stommes for his years of service in the said Department. After due discussion, a motion was made by Tom Kasner and seconded by John Harlander to approve Mr. Stommes resignation as a part-time Patrol Officer.

Mr. Mergen appeared before the council to update the council on the progress of the North Park improvements. Mr. Mergen presented to the council proposed Dog Park regulations for those dog owners using the new dog park located south of the softball field in North Park.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o'clock or as soon as thereafter on Wednesday, July 19th and adjourned the meeting at 6:55 PM.

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Heather Cruz, Deputy Clerk

UNOFFICIAL

**ORDINANCE NO. \_\_\_\_**  
**AN INTERIM ORDINANCE PROHIBITING THE**  
**ESTABLISHMENT OF NEW USES OR THE**  
**EXPANSION OF EXISTING USES RELATED TO THE**  
**RETAIL SALE OF EDIBLE CANNABIS PRODUCTS**  
**AND LOWER POTENCY HEMP EDIBLES**

**THE CITY OF ALBANY DOES ORDAIN:**

PREAMBLE: The following ordinance is necessary for the immediate preservation of the public peace, health, morals, safety, and welfare because of the inherent risk of injury to persons related to the recently legalized sale of edible cannabis products and lower potency hemp edibles as defined in Minn. Stat. 342.01, Subd. 31 and 50. A prohibition on the retail sale of such products is necessary to ensure that the City has sufficient time to study reasonable time place and manner restrictions that will protect the health and safety of the residents of Albany.

**Section 1. Authority and Findings.**

- A. The Minnesota Legislature recently enacted Minnesota Statutes, §342.01, et seq. relating to the sale of edible cannabis products and lower potency hemp edibles. The new law permits the City to adopt an interim ordinance to regulate, restrict, or prohibit the operation of a cannabis business within the City until January 1, 2025 for the purpose of conducting studies for considering reasonable restrictions on the time, place, and manner of the operation of a cannabis business.
- B. The City Council believes that authorizing a study regarding the types of uses that involve the retail sale of edible cannabis products and lower potency hemp edibles is necessary to evaluate the regulatory options available to the City and is for the purpose of protecting the health and safety of Albany's residents.

**Section 2. Study.** The City Council hereby authorizes and directs City staff to conduct a study of the issues relating to the retail sale of edible cannabis products and lower potency hemp edibles. Staff will then make a recommendation to the City Council about whether the City should amend its zoning, business- licensing, or other general Code provisions related to these types of uses to better protect the residents of Albany.

**Section 3. Moratorium.** In accordance with the findings set forth herein, a moratorium is established as follows:

- A. The establishment or new uses or expansion of existing uses for the retail sale of edible cannabis products and lower potency hemp edibles is hereby prohibited, for a period ending on January 1, 2025, or until the Council repeals this Ordinance, whichever occurs first.
- B. During the term of this Ordinance, the City staff will not issue any registration, nor will it accept or process any applications for uses related to the retail sale of edible cannabis products and lower potency hemp edibles.
- C. The moratorium adopted as Ordinance 2022-01 is hereby rescinded and replaced with this interim Ordinance.

**Section 4. Enforcement.** In addition to any criminal penalties allowed by law, the City may enforce this Interim Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City's general penalty in Section 14.02 of the Albany City Code.

**Section 5. Severability.** Every section, subsection, provision, or part of this Ordinance is declared severable from every other section, subsection, provision, or part. If any section, subsection, provision, or part of this interim ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, subsection, provision, or part.

**Section 6. Effective Date; Duration.** This interim ordinance shall become effective immediately upon its approval by all members of the Council; however no prosecution based on the provisions of this Ordinance shall occur until twenty-four hours after the Ordinance has been filed with the city clerk and published, unless the person charged with violation had actual notice of the passage of the Ordinance prior to the act or omission complained of. It shall be effective until the earlier of the following events: (a) on January 1, 2025 or (b) the date upon which the City Council adopts an ordinance repealing this Ordinance.

**Section 7. Summary.** That the following summary clearly informs the public of the intent and effect of the Ordinance and is approved for publication: "The purpose of this Ordinance is to authorize a study related to the retail sales of recently legalized of edible cannabis products and lower potency hemp edibles. Staff will then make a recommendation to the City Council about whether the City should amend its zoning, business-licensing, or other general Code provisions related to these types of products and associated uses to better protect the residents of Albany. During the term of this Ordinance, the retail sale of edible cannabis products and lower potency hemp edibles is prohibited."

Passed by the City Council this \_\_\_\_\_ day of July, 2023.

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Tom Kasner, Mayor

ATTEST:

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Heather Cruz, Deputy City Clerk

## MEMORANDUM

**TO: ALBANY CITY COUNCIL**

**FROM: SUSAN DEGE, CITY ATTORNEY**

**RE: CANNIBIS MORATORIUM**

**DATE: JULY 14, 2023**

The state legislature recently passed legislation to legalize the sale of intoxicating cannabis products. The new legislation provides for a new state agency, the Office of Cannabis Management, which will become the licensing agency for both cannabis businesses and low potency hemp businesses. Cities will be required to register the licensees and are entitled to charge a registration fee equal to ½ the state license fee. The term “low potency hemp” replaces edible THC products that were legalized last year, so in essence the new law swallows the provisions of the old law. However, THC retailers who are already in operation may continue without a license for the time being by registering with the state by the end of October. Ultimately, they will have to go through the licensing process once the OCM is up and running.

The new legislation provides that City will have the ability to limit the number of licenses issued within the City, but not exclude cannabis retailers entirely. The City will have to allow at least 1 license within city limits.

The legislation allows cities to adopt time place and manner restrictions pursuant to recommendations from the OCM which will be issued in the future. In the interim, the City is allowed to pass a moratorium until January 1, 2025 on cannabis and low potency hemp retailers to allow the City to plan for how retail sales should be allowed in the City.

Cities are also authorized to have a municipal dispensary, which could be the sole licensed retailer within the city. The League of MN Cities has not taken a position on this as of yet. Certainly the fact that the cannabis products are still considered controlled substances under Federal law causes some concern about the City participating in the sale.

It is my recommendation that the Council adopt a moratorium at this time so that the City can study the issue and await on the time place and manner restrictions that will be allowed under the new law. The City would then have time to consider whether a restriction on the number of retail licenses for low potency hemp products and cannabis products is appropriate. The moratorium will preclude the sale of low potency hemp products (THC products), including beverages which will be allowed to be sold by establishments otherwise holding an on-sale liquor license.

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To:	Heather Cruz & Albany City Council City of Albany	From:	Jeremy Mathiasen St. Cloud Office
File:	193801690	Date:	July 13, 2023

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**Reference:     Engineering Update for the 7/19/23 Council Meeting**

**2022 Capital Improvement Project (Midland Avenue)**

Final wear course paving remains on this project. The paving is tentatively scheduled for the week of July 24<sup>th</sup>.

**2023 Capital Improvement Project (Forest Avenue)**

The underground utility work will likely be completed by the time of the council meeting. Street reconstruction work is continuing, and the next round of concrete work is scheduled for the end of next week.

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

A couple of cracked concrete panels outside of the roadway will be replaced in the next few weeks and we are anticipating a final closeout at the second council meeting in August.

**Future CIP – Preliminary Reports**

The preliminary field survey work is 75% complete and the preliminary drawings are being prepared for the report.

**Miscellaneous:**

- We'll be attending the upcoming planning commission meeting scheduled for August 1<sup>st</sup> and preparing review comments for the former Mill property.

Please feel free to call or email me with any specific project or general questions that you might have.

Jeremy Mathiasen  
320.266.5232  
Jeremy.mathiasen@stantec.com

Dear Albany City Council,

We respectfully ask you to consider this slightly revised version of the dog park regulations. The dog park regulations are important for protecting the city from liability and for protecting the health and safety of the people and dogs that use the park. We have added that puppies under 4 months of age be prohibited (and this is in several other cities regs). The medical reason behind this is that no puppy can be completely protected against parvo virus until they have had a final DHPP booster at 16 weeks of age or greater. Parvo virus is a highly contagious and often fatal GI disease of dogs. We have also added a prohibition against glass containers. Finally, there is quite a bit of information on this sign and as people are frequently disinclined to read through everything, we suggest pulling out and bullet pointing the things that are expressly prohibited in hopes that this information will catch their attention.

Thank you for your consideration,  
Lake Country Veterinary Service



## Dog Park Regulations

### Please Remember:

- The city does not supervise use of the off-leash area. Anyone using the area does so at his/her own risk. The city is not responsible for injuries to you or your dog(s).
- All dog attacks should be immediately reported to the Albany Police Department at 320-845-2200
- Owners or custodians of a dog are responsible and legally liable for the acts and conduct of their dog at all times in the off-leash area.
- Keep in mind that dog behavior can be unpredictable, particularly around other dogs and strangers. Use toys and balls with caution.
- No more than 2 dogs per visitor. At least 1 person must accompany the dog(s) at all times
- An adult must accompany youth under the age of 16. No children under the age of 4 are allowed unless confined to a stroller
- Aggressive or anti-social behaving dogs must be removed from the off-leash area immediately.
- Bag and dispose of your pet's waste using the canisters provided.
- All dogs must be up to date with their vaccinations and parasite control. Owner/custodian should be prepared to provide proof of vaccination.
- Dogs should respond to voice commands
- Owners or custodians are to fill any hole(s) their dogs create
- The city reserves the right to trespass dogs and their owners/custodians

### Prohibited

- |                             |                                 |
|-----------------------------|---------------------------------|
| - Human and dog food/treats | - Sick dogs                     |
| - Glass containers          | - Aggressive dogs               |
| - Female dogs in heat       | - Puppies under 4 months of age |
| - Alcoholic beverages       | - Smoking                       |

Thank you for your cooperation



320.845.4244  
P. O. Box 370  
Albany, Minnesota 56307

## DOG PARK REGULATIONS

Please Remember:

- The city does not supervise use of the off-leash area, and anyone using the area does so at his/her own risk. The city is not responsible for injuries to you or your dog(s).
- All dog attacks should be immediately reported to the Albany Police Department at 320-845-2200.
- Owners or custodians of a dog are responsible and legally liable for the acts and conduct of their dog at all times in the off-leash area.
- Keep in mind that dog behavior can be unpredictable, particularly around other dogs and strangers. Use toys and balls with caution.
- No more than two dogs per visitor. At least one person must accompany the dog(s) at all times.
- An adult must accompany youth under the age of 16. No children under the age of 4 are allowed unless confined to a stroller.
- Bag and dispose of your pet's waste using the canisters provided.
- Aggressive or anti-social behaving dogs must be removed from the off-leash area immediately.
- Female dogs in heat are not permitted in the off-leash area.
- All dogs, including puppies, must be up to date with their vaccinations. Owner/custodian should be prepared to provide proof of vaccination.
- Dogs should respond to voice commands.
- Owners or custodians are to fill any hole(s) from their dog.
- No food, dog treats or alcoholic beverages are allowed in the off-leash area.
- The city reserves the right to trespass dogs and their owners/custodians.
- No smoking is allowed in the off-leash area.