

**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, March 16, 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 regular Council minutes of the meeting held on March 2nd
5. Open Forum/Public comment (3 to 5 minutes max.)
6. Jason Murray, city financial consultant with the firm of David Drown Associates, Inc., present Resolution 2022-12 authorizing the issuance, sale, and delivery of \$2,235,000 General Obligation Permanent Improvement Revolving Fund Bond, Series 2022A
7. Jeremy Mathiasen, City Engineer – present the following
 - Resolution 2022-13, Authorize execution of an agreement with MnDOT and City of Albany for the 1st Street (TH238) and Railroad Avenue Intersection Improvements.
 - Project updates
8. Reports of Boards and Department Heads
 - Keith Heitzman, Albany Golf Club Liaison – present AGC checkbook register
 - Police Chief Ozzie Carbajal – present the following:
 - recommendation to approve Derek Stommes, Patrol Officer to full-time status
 - Resolution 2022-14, an amendment to Ordinance 71, Animals
 - Joe Mergen, Public Works Supervisor
 - Tom Schneider, Clerk/Adm. – present the following:
 - Resolution 2022-09 to reestablish the precinct and the polling place for the City of Albany for the 2022 Elections per MN Statute Section 204B.14, Subd. 3(d).
 -
9. Mayor's announcements and letters
10. Mayor to announce next regular Council meeting date (April 6th) 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, March 2, 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, and Ellarry Prentice, Staff Writer, the Star Post.

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 Al Amdahl and seconded by John R. Harlander to authorize electronic payments (payroll), transfers, and the payment of the following bills: Check Numbers 71682 to 71703. 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 February 16th and hearing none declared them approved.

Open forum/public comments: none

Dan Behnke, Senior District Manager, Waste Management-Sauk Centre, MN, the city's contracted residential refuse hauler, appeared before the council to report the following for the year 2021: 690 tons of garbage hauled, 232 tons of recycling, and 265 tons of yard waste. Mr. Behnke noted the tonnage is a bit less than 2020 which is surprising because many individuals worked from home due to COVID-19. Mr. Heitzman questioned when the refuse contract expires. Mr. Schneider informed the council March 31, 2023. Mr. Behnke instructed the council residents with questions may contact their Sauk Centre office at 320.351-7831 during regular office hours. Mayor Tom Kasner thanked Mr. Behnke for attending the meeting and providing the yearly activity report.

Mr. Mathiasen presented to the council a proposed Professional Services Agreement between Stantec and the city for the 2022 Midland Avenue Capital Improvement Project. Mr. Mathiasen noted the estimated engineering services is \$357,960. Mr. Schneider noted the same language in the said agreement has been used in the past for capital improvement projects. After due discussion, a motion was made by John R. Harlander and seconded by Adam Rushmeyer to authorize Mayor Tom Kasner to execute the said agreement on behalf of the city. All voted for the motion and it carried.

The council took notice of Resolution 2022-10, a resolution to the Minnesota Department of Natural Resources for the Federal Recreational Trail Program. Mr. Mathiasen informed the council the application is a request to seek partial funding assistance to reconstruct 0.35+/- miles of a paved trail in North Park, along TH #238, and in Country Estates; whereby funding requires a twenty-five percent (25%) cash match from the city of the total project costs. After due discussion and upon the recommendation from the Park Board, a motion was made by Al Amdahl who introduced the following resolution and moved its adoption:

RESOLUTION 2022-10
MN DEPT. OF NATURAL RESOURCES
FOR FEDERAL RECREATIONAL TRAIL PROGRAM

The motion for the foregoing resolution was seconded by Keith Heitzman 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, Al Amdahl, John R. Harlander, and Keith Heitzman, and none voted against the same; whereupon the said resolution was declared duly passed and adopted.

Mr. Mathiasen informed the council the Stearns County Highway Department is currently planning a date for a public open house at the Albany City Hall for the proposed 2024 County Road 157 Improvement Project.

Councilor Keith Heitzman, Albany Golf Club Liaison, presented to the council the Albany Golf Club's checkbook register. After due discussion, a motion was made by Keith Heitzman and seconded by Adam Rushmeyer to approve electronic payments, transfers, and the payment of the following: checks 40064-40090. Voting for the motion were Councilors Keith Heitzman, John R. Harlander, Al Amdahl, and Adam Rushmeyer, and none voted against. Mayor Tom Kasner abstained and the motion carried. Mr. Heitzman informed the council the new bathroom is under construction at the Toptracer driving range, landscaping near the front entrance of the clubhouse is being designed, and miscellaneous improvements are wrapping up between the clubhouse and Toptracer driving range.

Mr. Heitzman informed the Council the golf board approved the execution of a Promissory Note between the City and Albany Golf Club, Inc. for the purpose of purchasing a new Toro lawn mower in the amount of \$52,000+/- . Mr. Heitzman noted the club agreed to pay the city one-percent (1%) interest over a five-year (5) period. Mr. Schneider informed the council the city has issued Promissory Notes in the past and no delinquent payments have ever been received. After due discussion, a motion was made by Keith Heitzman and seconded by John R. Harlander to approve the Promissory Note in the amount of \$52,000+/- at one-percent (1%) interest to be paid over a five-year (5) period. Voting for the motion were Councilors John R. Harlander, Adam Rushmeyer, Al Amdahl, and Keith Heitzman and none voted against. Mayor Tom Kasner abstained and the motion carried.

Mayor Tom Kasner, Albany Area Fire Board liaison, informed the council the board held a meeting on February 22nd at the fire hall to discuss the 2021 operation reimbursement schedule, 2022 capital equipment fund, delivery of 2021 Rosenbauer Pumper truck, sale of 2000 Darley Pumper truck, and other activities of the Albany Fire Department. Mayor Tom Kasner noted each jurisdiction reimbursements for 2021 fire department operations is higher than previous years, but overall, the department was slightly under their 2021 budget (\$245,101). Mayor Kasner also noted the 2001 aerial fire truck purchased from the Sauk Rapids Fire Department will be delivered at the end of the month.

Councilor Al Amdahl, Park Board Liaison, informed the council the Albany Area Jaycees donated \$28,000 to the city Park fund for future park improvements. Mayor Tom Kasner, with the consensus of the council, thanked the Jaycees for their generous donation to the parks.

Police Chief Ozzie Carbajal appeared before the council to request permission to consider hiring a fourth full-time Patrol Officer for the department. Mr. Carbajal informed the council it's been difficult for part-time Patrol Officers to work weekends, holidays, and evenings due to other personal interests. Mr. Carbajal informed the council his 2022 budget will be amended accordingly once the 2021 budget has been completed by the city auditor. After due discussion, a motion was made by John R. Harlander and seconded by Keith Heitzman to offer to part-time Patrol Officers within the department a full-time Patrol Officer position. All voted for the motion and it carried.

The council took notice of two Minnesota Lawful Gambling applications submitted by the Albany Lions for the purpose of conducting a raffle, bingo, pull-tabs, and paddlewheel on April 23rd at Shady's Hometown Tavern and Events Center and a raffle on August 6th at the Albany American Legion Park. After due discussion, a motion was made by Mayor Tom Kasner who introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-08
APPROVING LG230 MINNESOTA
LAWFUL GAMBLING APPLICATION
(April 23, 2022)

RESOLUTION NO. 2022-11
APPROVING MINNESOTA
OFF-SITE LAWFUL GAMBLING APPLICATION
(August 6, 2022)

The motion for the foregoing resolutions were 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 resolutions were declared duly passed and adopted.

Mr. Schneider informed the council nineteen applications were received for the position of Administrative Assistant in the Administration/Police Department. Mr. Schneider noted the hiring committee recommended the position be readvertised and existing applicants notified instructing them they may re-apply. After due discussion, a motion was made by Adam Rushmeyer and seconded by John R. Harlander to authorize Mr. Schneider to publish a job opening notice in the Star Post for the aforesaid position. All voted for the motion and it carried. Mr. Schneider noted the deadline to submit an application is 9:00 AM, Monday, March 21st.

Mr. Schneider informed the council he failed to make the February 1st principal and interest payment on the \$1,773,000 G.O. Permanent Improvement Revolving Fund Bonds, Series 2020A in a timely manner. Mr. Schneider informed the council he could not recall receiving an invoice, but shortly thereafter the due date, made an immediate payment to rectify the oversight. Mr. Schneider noted the error was reported to David Drown Associates and S & P Global Ratings, a credit rating agency, as per law.

Mr. Schneider also informed the council of the following:

- The city received a notice from Stearns County they received a valid petition for redetermination of benefits for County Ditch 28; whereby the Stearns County Board of Commissioners, the Drainage Authority, will proceed according to MN state law at their March 22nd meeting to direct staff to seek out drainage viewers for the redetermination proceeding. Property owners in or near County Ditch 28 drainage system natural watershed are being notified of the aforesaid meeting which includes all properties within the city limits of the City of Albany. Costs incurred by the Drainage Authority will be shared with the property owners at a formal hearing to give everyone an opportunity to ask questions and submit comments based on the viewers report.
- The new state budget forecast projects the state will end the biennium with a record setting \$9.253 billion surplus.
- MN Recapture Program: May 1, 2012, 641 Forest Avenue, debt cancelled as per confirmation number 0-716-777-120, submitted January 27, 2022. Original amount of debt for unpaid water bill was \$740+/-, remaining debt cancelled \$335+/-.

Mayor Tom Kasner announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, March 16, 2022, and adjourned the meeting at 7:20 PM.

Tom Schneider
Clerk/Adm.

RESOLUTION NO. 2022-12

RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$2,235,000 GENERAL OBLIGATION PERMANENT IMPROVEMENT REVOLVING FUND BOND, SERIES 2022A

BE IT RESOLVED, by the City Council of the City of Albany, Stearns County, Minnesota (the "Issuer"), as follows:

Section 1. Bond Purpose, Authorization, and Award.

1.01 Authority and Purpose.

A. Pursuant to authority contained in Minnesota Statutes, Chapters 429 and 475, the City Council directs the issuance and sale of \$2,235,000 General Obligation Permanent Improvement Revolving Fund Bond, Series 2022A (the "Bond"), for the purpose of financing (i) a portion of the costs of local public improvements, including the 2022 improvements to Midland Avenue Area (1st Street to 6th Street and adjacent streets and alleys), including new water, sanitary sewer, storm sewer and roadway improvements (the "Project"); (ii) to pay a part of the interest cost of the Bond; and (iii) to provide for the costs of issuance of the Bond.

B. The Bond is to be paid for in part by (i) special assessments levied or to be levied upon benefited property (the "Special Assessments") and (ii) ad valorem taxes herein levied (the "Taxes"). The Special Assessments and Taxes are referred to herein as the "Pledged Revenues."

C. The total cost of the Project, which shall include all costs enumerated in Minnesota Statutes, Section 475.65, is estimated to be at least equal to the amount of the Bond. Work on the Project shall proceed with due diligence to completion. The Issuer covenants that it shall do all things and perform all acts required of it to assure that work on the Project proceeds with due diligence to completion and that any and all permits and studies required under law for the Project are obtained.

1.02 Municipal Advisor. The Issuer has retained the services of David Drown Associates as its municipal advisor.

1.03 Award of Sale. The Issuer has received a proposal for a loan to be evidenced by the Bond from First Independent Bank, located in Russell, Minnesota (the "Lender"), in the amount of \$2,235,000 to pay costs of the Project, upon condition that the Bond matures and bears interest at the times and annual rates set forth in Section 2. The Issuer, after due consideration, finds such offer reasonable and proper and the offer of the Lender is accepted. All actions of the Mayor and the Administrator/Clerk-Treasurer taken with regard to the sale of the Bond are ratified and approved.

2.01. Interest Rate and Principal Maturities. The Bond shall be dated the date of its closing and delivery as the date of original issue, shall be issued in the denomination equal to the principal amount thereof, shall be issued in fully registered form and lettered and numbered R-1. The Bond shall bear interest at the annual rate of 2.25 percent and shall on the dates and in the installment amounts shown below:

<u>Date</u>	<u>Principal Amount</u>
2/1/2024	\$127,000
2/1/2025	\$130,000
2/1/2026	\$133,000
2/1/2027	\$136,000
2/1/2028	\$139,000
2/1/2029	\$142,000
2/1/2030	\$145,000
2/1/2031	\$148,000
2/1/2032	\$152,000
2/1/2033	\$155,000
2/1/2034	\$158,000
2/1/2035	\$162,000
2/1/2036	\$166,000
2/1/2037	\$169,000
2/1/2038	\$173,000

2.02 Prepayment. The Bond is prepayable, in whole or in part, beginning on February 1, 2030, and on any day thereafter without notice at a price of par plus accrued interest to the prepayment date.

2.03 Interest Payment Dates. The Bond shall bear interest at the annual rate stated therefor in Section 2.01. The interest shall be payable semiannually on February 1 and August 1 in each year (each referred to herein as an “Interest Payment Date”) commencing on February 1, 2023. Interest will be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

B. The Registrar designated below shall make all interest payments with respect to the Bond by check or draft mailed to the registered owner of the Bond shown on the bond registration records maintained by the Registrar at the close of business on the 15th day (whether or not on a business day) of the month next preceding the Interest Payment Date at such owners’ address shown on such bond registration records.

2.04 Preparation and Execution. A. The Bond shall be prepared for execution in accordance with the approved form and shall be signed by the manual signature of the Mayor and attested by the manual signature of the Administrator/Clerk-Treasurer. The corporate seal of the Issuer may be omitted from the Bond as permitted by law. In case any officer whose signature shall appear on the Bond shall cease to be an officer before delivery of the Bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery.

B. The Administrator/Clerk-Treasurer is authorized and directed to obtain a copy of the proposed approving legal opinion of Fryberger, Buchanan, Smith & Frederick, P.A., Duluth, Minnesota, which is to be complete thereof and cause the opinion to be attached to the Bond.

2.05 Registrar. The Issuer appoints the Administrator/Clerk-Treasurer as registrar, authenticating agent, paying agent and transfer agent for the Bond (the "Registrar"). The Issuer reserves the right to name a substitute, successor Registrar upon giving prompt written notice to each registered bond holder.

2.06 Registered Owner. The Bond shall be registered in the name of the Lender.

2.07 Bond Register. The Issuer shall cause to be kept by the Registrar a bond register in which, subject to such reasonable regulations as the Registrar may prescribe, the Issuer shall provide for the registration of the Bond and the registration of transfers of the Bond entitled to be registered or transferred as herein provided. In the event of the resignation or removal of the Registrar or its incapability of acting as such, the bond registration records shall be maintained at the office of the successor Registrar as may be appointed by the Issuer.

2.08 Payment. A. The Issuer and the Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and interest on such Bond and for all other purposes whatsoever, whether or not such Bond be overdue, and neither the Issuer nor the Registrar shall be affected by notice to the contrary.

B. The principal of and interest on the Bond shall be payable by the Registrar in such funds as are legal tender for the payment of debts due the United States of America. The Issuer shall pay the reasonable and customary charges of the Registrar for the disbursement of principal and interest.

2.09 Delivery. Delivery of the Bond and payment of the purchase price shall be made at a place mutually satisfactory to the Issuer and the Lender. A typewritten and executed Bond shall be furnished by the Issuer without cost to the Lender. The Bond, when prepared in accordance with this resolution and executed, shall be delivered by or under the direction of the Treasurer to the Lender upon receipt of the purchase price plus accrued interest.

Section 3. Form of the Bond.

3.01 The Bond shall be printed or typewritten in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF STEARNS

R-1

\$2,235,000

CITY OF ALBANY
GENERAL OBLIGATION PERMANENT IMPROVEMENT
REVOLVING FUND BOND, SERIES 2022A

<u>Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>
2.25%	February 1, 2038	April 4, 2022

REGISTERED OWNER: FIRST INDEPENDENT BANK

PRINCIPAL AMOUNT: TWO MILLION TWO HUNDRED THIRTY-FIVE THOUSAND DOLLARS

The City of Albany, Stearns County, Minnesota (the "Issuer"), for value received, promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above, and to pay interest on said principal amount to the registered owner hereof from the date of original issue set forth above, or from the most recent Interest Payment Date (defined below) to which interest has been paid or duly provided for, until the principal amount is paid, said interest being at the rate per annum specified above.

Interest is payable semi-annually on February 1 and August 1 of each year (each referred to herein as an "Interest Payment Date") commencing on February 1, 2023. Interest will be computed upon the basis of a 360-day year of twelve 30-day months. The Bond is payable in the principal installment amounts and at the times described below. Payments shall be applied first to interest due on the outstanding principal balance and thereafter to reduction of the principal balance.

<u>Date</u>	<u>Principal Amount</u>
2/1/2024	\$127,000
2/1/2025	\$130,000
2/1/2026	\$133,000
2/1/2027	\$136,000
2/1/2028	\$139,000
2/1/2029	\$142,000
2/1/2030	\$145,000
2/1/2031	\$148,000
2/1/2032	\$152,000
2/1/2033	\$155,000
2/1/2034	\$158,000
2/1/2035	\$162,000
2/1/2036	\$166,000
2/1/2037	\$169,000
2/1/2038	\$173,000

Both principal hereof and interest hereon are payable in lawful money of the United States of America by check or draft at the main office of the Administrator/Clerk-Treasurer, as Registrar, authenticating agent, paying agent and transfer agent (the "Registrar"), or at the office of such successor Registrar as may be designated by the governing body of the Issuer. The Registrar shall make all payments with respect to this bond directly to the registered owner hereof shown on the bond registration records maintained on behalf of the Issuer by the Registrar at the close of business on the 15th day of the month next preceding the Interest Payment Date

(whether or not a business day) at such owner's address shown on said bond registration records, without, except for final payment of principal of the Bond, the presentation or surrender of the Bond, and all such payments shall discharge the obligation of the Issuer to the extent of the payments so made. The final payment of principal of the Bond shall be made upon presentation and surrender of the Bond to the Registrar when due.

For the prompt and full payment of such principal and interest as they become due, the full faith and credit and taxing power of the Issuer are irrevocably pledged. The Issuer has designated the Bond as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The Bond comprises the entire amount of this series issued by the Issuer as one fully registered Bond without coupons, in the aggregate amount of \$2,235,000, pursuant to the authority contained in Minnesota Statutes, Chapters 429 and 475 and all other laws thereunto enabling, and pursuant to an authorizing resolution adopted by the governing body of the Issuer on March 16, 2022 (the "Resolution"), for the purpose of financing local public improvements of the Issuer, as more fully described in the Resolution. The principal of and interest on the Bond are payable primarily from special assessments levied or to be levied against benefited property and ad valorem taxes pledged to the Permanent Improvement Revolving Sinking Fund of the Issuer, as set forth in the Resolution to which reference is made for a full statement of rights and powers thereby conferred.

The Bond is prepayable, in whole or in part, beginning on February 1, 2030, and on any day thereafter without notice at a price of par plus accrued interest to the prepayment date.

The principal amount evidenced by this Bond was drawn upon by Issuer in accordance with the Loan Agreement between Issuer and Lender dated as of the date of the date hereof.

The Issuer will, at the request of the registered owner, issue one new fully registered note in the name of the registered owner in the aggregate principal amount equal to the unpaid principal balance of this Bond, of like tenor except as to number and principal amount. This Bond is transferable by the registered owner hereof upon surrender of this Bond for transfer at the principal corporate office of the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar and executed by the registered owner hereof or the owner's attorney duly authorized in writing. Thereupon the Issuer shall execute and the Registrar shall authenticate, if required by law or the Resolution, and deliver, in exchange for this Bond, one new fully registered note in the name of the transferee, in an aggregate principal amount equal to the unpaid principal amount of this Bond, of the same maturity, and bearing interest at the same rate. No service charge shall be made for any transfer or exchange hereinbefore referred to, but the Issuer may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection therewith.

IT IS CERTIFIED AND RECITED that all acts and conditions required by the laws and the Constitution of the State of Minnesota to be done and to exist precedent to and in the issuance of this Bond, in order to make it a valid and binding general obligation of the Issuer in accordance with its terms, have been done and do exist in form, time and manner as so required; that all taxable property within the limits of the Issuer is subject to the levy of ad valorem taxes to the extent needed to pay the principal hereof and the interest hereon when due, without

limitation as to rate or amount and that the issuance of this Bond does not cause the indebtedness of the Issuer to exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Albany, Stearns County, Minnesota, by its governing body, has caused this Bond to be executed in its name by the manual signature of the Chair and attested by the manual signature of the Clerk as of the date of original issue set forth above.

ATTEST:

(form- no signature required)
Administrator/Clerk-Treasurer

(form-no signature required)
Mayor

REGISTRATION CERTIFICATE

This Bond must be registered as to both principal and interest in the name of the owner on the books to be kept by the Administrator/Clerk-Treasurer of the Issuer, as Registrar. No transfer of this Bond shall be valid unless made on said books by the registered owner or the owner's attorney thereunto duly authorized and similarly noted on the registration books. The ownership of the unpaid principal balance of this Bond and the interest accruing thereon is registered on the books of the Issuer in the name of the registered owner last noted below.

<u>Date</u>	<u>Registered Owner</u>	<u>Signature of Administrator/Clerk-Treasurer</u>
4/4/2022	First Independent Bank 300 Front Street P.O. Box 360 Russell, MN 56169 Federal Tax I.D. No. 41-0680294	<u>(form-no signature required)</u>

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto _____

(Name and Address of Assignee)

Social Security or Other
Identifying Number of Assignee

the within Bond and all rights thereunder and does irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

(Bank, Trust Company, member of
National Securities Exchange)

THIS INSTRUMENT HAS NOT BEEN REGISTERED UNDER THE FEDERAL SECURITIES ACT OF 1933, AS AMENDED, AND MAY NOT BE SOLD OR OTHERWISE DISPOSED OF FOR VALUE, OR TRANSFERRED, WITHOUT (i) AN OPINION OF COUNSEL THAT SUCH SALE, DISPOSITION OR TRANSFER MAY LAWFULLY BE MADE WITHOUT REGISTRATION UNDER THE FEDERAL SECURITIES ACT OF 1933, AS AMENDED AND UNDER APPLICABLE STATE SECURITIES LAWS, OR (ii) SUCH REGISTRATION. THE TRANSFERABILITY OF THIS INSTRUMENT IS SUBJECT TO RESTRICTIONS REQUIRED BY (1) FEDERAL AND STATE SECURITIES LAWS GOVERNING UNREGISTERED SECURITIES; AND (2) THE RULES, REGULATIONS, AND INTERPRETATIONS OF THE GOVERNMENTAL AGENCIES ADMINISTERING SUCH LAWS. THIS INSTRUMENT HAS NOT BEEN REGISTERED UNDER CHAPTER 80A OF MINNESOTA STATUTES OR OTHER APPLICABLE STATE BLUE SKY LAWS AND MAY NOT BE SOLD, TRANSFERRED, OR OTHERWISE DISPOSED OF FOR VALUE EXCEPT PURSUANT TO REGISTRATION OR OPERATION OF LAW.

Section 4. Covenants, Accounts and Tax Levies.

4.01 Covenants. It is determined that the Project will directly and indirectly benefit abutting property, and the Issuer covenants with the holders from time to time of the Bond as follows:

A. The Issuer has caused or will cause the Special Assessments to be promptly levied and will take all steps necessary to assure prompt collection, and the levy of the Special Assessments is authorized for purposes of Minnesota Statutes, Section 475.55, Subdivision 3. The City Council will cause all further actions and proceedings to be taken with due diligence that are required for the construction of each portion of the Project financed wholly or partly from the proceeds of the Bond, and for the final and valid levy of the Special Assessments and the appropriation of any other funds needed to pay the Bond and interest thereon when due.

B. It is recognized that the Issuer's liability on the Bond is not limited to the Pledged Revenues and the City Council covenants and agrees that in the event of any current or anticipated deficiency in Pledged Revenues, it will levy upon all taxable property within the Issuer and cause to be extended, assessed, and collected, any

additional taxes found necessary for full payment of the principal of and interest on the Bond, without limitation as to rate or amount.

C. The Issuer will keep complete and accurate books and records showing: receipts and disbursements in connection with the improvements and Special Assessments levied therefor and other funds appropriated for their payment, collections and disbursements thereof, monies on hand and the balance of unpaid Special Assessments.

D. The Issuer will cause its books and records to be audited and will furnish copies of such audit reports to any interested person upon request.

E. The City Council covenants and agrees with the holder of the Bond and with its taxpayers that it will assess against benefited property not less than 20% of the cost of each project financed hereunder within the meaning of Minnesota Statutes, Section 475.58, Subdivision 1(3).

F. The Issuer covenants and agrees that it will let all construction contracts not heretofore let within one year after ordering each Project financed hereunder unless the resolution ordering the Project specifies a different time limit for the letting of construction contracts.

G. The Issuer further covenants and agrees that it will do and perform as soon as they may be done all acts and things necessary for the final and valid levy of such Special Assessments, and in the event that any such assessment be at any time held invalid with respect to any lot, piece or parcel of land due to any error, defect, or irregularity in any action or proceedings taken or to be taken by the Issuer or the City Council, or any of the Issuer officers or employees, either in the making of the Special Assessments or in the performance of any condition precedent thereto, the Issuer and the City Council will forthwith do all further acts and take all further proceedings as may be required by law to make the assessments a valid and binding lien upon such property.

4.02 The Revolving Fund and the Sinking Fund.

A. *Revolving Fund.* The Issuer, by prior resolution, has heretofore created a special fund designated the "Permanent Improvement Revolving Fund" (the "Revolving Fund"), administered and maintained by the Administrator/Clerk-Treasurer as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the Issuer. The Revolving Fund shall continue to be maintained in the manner heretofore specified in the prior resolution and as herein and hereafter specified until the Bond and any other obligations made payable from the Revolving Fund (the "Additional Bonds") and the interest thereon and all improvements to be paid from the Revolving Fund have been fully paid.

B. *Purpose of Revolving Fund.* The Revolving Fund is intended for the payment, in whole or in part, of the costs (i) of "improvements" (as defined in Minnesota Statutes, Chapter 429) designated by the Issuer for funding therefrom for which at least twenty percent (20%) of the costs thereof are to be assessed against benefited properties; (ii) of water works, sewer system, or storm sewer system improvements described in Minnesota Statutes, Section 444.075;

and/or (iii) of such other improvements as may be permitted in accordance with the terms of Section 429.091.

C. *Sinking Fund.* The Issuer, by prior resolution, has heretofore created a special fund within the Revolving Fund designated the “Permanent Improvement Revolving Sinking Fund,” (the “Sinking Fund”), administered and maintained by the Administrator/Clerk-Treasurer as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the Issuer. The Sinking Fund shall continue to be maintained in the manner heretofore specified in the prior resolution and as herein and hereafter specified until the Bond and Additional Bonds and the interest thereon have been fully paid.

D. *Funds Established.* There shall be maintained in the Revolving Fund a separate account with respect to the Bond, to be designated the “2022 Bond Construction Fund” and referred to herein as the “Construction Fund.” There shall be maintained in the Sinking Fund a separate account with respect to the Bond, to be designated the “2022 Bond Debt Service Fund” and referred to herein as the “Debt Service Fund.”

E. *Construction Fund.*

(1) On receipt of the purchase price of the Bond, the Issuer shall credit (a) proceeds from the sale of the Bond, less amounts allocated as capitalized interest funded from Bond proceeds (the “Capitalized Interest”) and less amounts used to pay part of the interest cost of the issue as allowed by Minnesota Statutes, Section 475.56 (the “Additional Interest”) and less Accrued Interest; plus (b) any Special Assessments levied with respect to the Project and collected prior to completion of the Project and payment of the costs thereof, to the Construction Fund.

(2) From the Construction Fund there shall be paid all costs and expenses of making the Project, including the cost of any construction contracts heretofore let and all other costs incurred and to be incurred of the kind authorized in Minnesota Statutes, Section 475.65; and the monies in said account shall be used for no other purpose except as otherwise provided by law; provided that the proceeds of the Bond may also be used to the extent necessary to pay interest on the Bond due prior to the anticipated date of commencement of the collection of Taxes or Special Assessments levied or covenanted to be levied; and provided further that if upon completion of the Project there shall remain any unexpended balance in the Construction Fund, the balance (other than any Special Assessments) may be transferred by the City Council to the Revolving Fund to be used to pay the cost of any other improvement instituted pursuant to Minnesota Statutes, Chapter 429, and provided further that any Special Assessments credited to the Construction Fund shall only be applied towards payment of the costs of the Project upon adoption of a resolution by the City Council determining that the application of the Special Assessments for such purpose will not cause the Issuer to no longer be in compliance with Minnesota Statutes, Section 475.61, Subdivision 1. Other costs for which payment from the Construction Fund is authorized shall include costs of legal, financial advisory, and other professional services, printing and publication costs, and costs of issuance of the Bond.

(3) The Issuer reserves the right granted by Minnesota Statutes, Section 429.091, Subdivision 7a to establish a separate construction account within the Permanent Improvement Revolving Fund into which the Issuer may deposit the proceeds of Additional Bonds.

F. *Debt Service Fund.*

(1) There is pledged and appropriated and there shall be credited to the Debt Service Fund: (i) the Accrued Interest; (ii) the Capitalized Interest; (iii) the Additional Interest; (iv) Special Assessments levied or to be levied for the Project and either initially credited to the Construction Fund and not already spent as permitted above and required to pay any principal and interest due on the Bond or collected subsequent to the completion of the Project and payment of the costs thereof; (v) the Taxes; (vi) all funds remaining in the Construction Fund after completion of the Project and payment of the costs thereof, not so transferred to the Revolving Fund; (vii) any and all other monies which are properly available and are appropriated by the governing body of the Issuer to the Debt Service Fund; and (x) investment earnings on the monies identified in the foregoing clauses (i) through (vii). The proceeds of the Bond described in clauses (i) through (iii) of the preceding sentence shall be used for payment of interest on the Bond.

(2) The money in such account shall be used for no purpose other than the payment of principal and interest and redemption premium, if any, on the Bond and any other general obligation bonds of the Issuer hereafter issued by the Issuer and made payable from said account as provided by law; provided, however, that if any payment of principal or interest shall become due when there is not sufficient money in the Debt Service Fund, the Administrator/Clerk-Treasurer shall pay the same from any other fund of the Issuer, which fund shall be reimbursed from the Debt Service Fund when the balance therein is sufficient.

(3) If any monies remain on deposit in the Debt Service Fund or any Special Assessments are collected after payment in full of the Bond, said funds may be transferred to or deposited in the Sinking Fund and used by the Issuer in accordance with applicable law.

4.03 Tax Levy. A. For the prompt and full payment of the principal and interest on the Bond when due, the full faith and credit and taxing power of the Issuer are irrevocably pledged. There is levied a direct annual ad valorem tax upon all taxable property in the Issuer (the "Taxes") which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the Issuer. Said levies are for the years and in the amounts set forth below:

<u>Levy Year</u>	<u>Collection Year</u>	<u>Amount</u>
2022	2023	\$140,465
2023	2024	\$140,614
2024	2025	\$140,693
2025	2026	\$140,701
2026	2027	\$140,638
2027	2028	\$140,504
2028	2029	\$140,299
2029	2030	\$140,024
2030	2031	\$140,727
2031	2032	\$140,286
2032	2033	\$139,774
2033	2034	\$140,242
2034	2035	\$140,614
2035	2036	\$139,843
2036	2037	\$140,050

B. The tax levies are such that if collected in full they, together with the Special Assessments, estimated collections of investment earnings and other funds herein pledged and appropriated for payment of the Bond, will produce at least 5% in excess of the amount needed to meet when due the principal and interest payments on the Bond.

C. The tax levies shall be irrevocable so long as the Bond is outstanding and unpaid; provided, however, that on November 30 of each year, while any Bond issued hereunder remains outstanding, the Issuer shall reduce or cancel the above levies to the extent of funds available in the Debt Service Fund to pay principal and interest due during the ensuing year, and shall direct the County Auditor to reduce the levy for such calendar year by that amount.

4.04 Investments. Monies on deposit in the Revolving Fund, the Construction Fund and in the Debt Service Fund may, at the discretion of the Administrator/Clerk-Treasurer, be invested in securities permitted by Minnesota Statutes, Chapter 118A, that any such investments shall mature at such times and in such amounts as will permit for payment of project costs and/or payment of the principal and interest on the Bond when due.

Section 5. Certificates of Proceedings; Miscellaneous.

5.01 Filing of Resolution; County Auditor Certificate. The Administrator/Clerk-Treasurer is directed to file a certified copy of this Resolution in the office of the County Auditor of Stearns County, along with such other information as the County Auditor may require, and to obtain from the County Auditor a certificate stating that the Bond herein authorized have been duly entered on the Auditor's register and that the tax required by law for the payment of said Bond has been levied.

5.02 Certified Proceedings. The officers of the Issuer are authorized and directed to prepare and furnish to the Lender of the Bond and to bond counsel certified copies of all proceedings and records of the Issuer relating to the authorization and issuance of the Bond and other affidavits and certificates as may reasonably be requested to show the facts relating to the

legality and marketability of the Bond as such facts appear from the official books and records of the officers' custody or otherwise known to them. All of such certified copies, certificates and affidavits, including any heretofore furnished, constitute representations of the Issuer as to the correctness of facts recited therein and the actions stated therein to have been taken.

5.03 Offering Circular. No official statement or prospectus has been prepared or circulated by the Issuer in connection with the sale of the Bond and the Lender has made its own investigation concerning the Issuer as set forth in an investment letter.

5.04 Absent or Disabled Officers. In the event of the absence or disability of the Mayor or the Administrator/Clerk-Treasurer, such officers or members of the City Council as in the opinion of the Issuer's attorney may act in their behalf shall, without further act or authorization, execute and deliver the Bond, and do all things and execute all instruments and documents required to be done or executed by such absent or disabled officers.

Section 6. Tax Covenants.

6.01 General.

The Issuer covenants and agrees with the holders of the Bond that the Issuer will (i) take all action on its part necessary to cause the interest on the Bond to be exempt from federal income taxes including, without limitation, restricting, to the extent necessary, the yield on investments made with the proceeds of the Bond and investment earnings thereon, making required payments to the federal government, if any, and maintaining books and records in a specified manner, where appropriate, and (ii) refrain from taking any action which would cause interest on the Bond to be subject to federal income taxes, including, without limitation, refraining from spending the proceeds of the Bond and investment earnings thereon on certain specified purposes.

6.02 Small-Issuer Rebate Exception. For purposes of qualifying for the small issuer exception to the federal arbitrage rebate requirements, the Issuer finds, determines and declares:

- (a) the Issuer is a governmental unit with general taxing powers;
- (b) the Bond is not a "private activity bond" as defined in Section 141 of the Internal Revenue Code of 1986, as amended (the "Code");
- (c) 95% or more of the net proceeds of the Bond is to be used for local governmental activities of the Issuer; and
- (d) the aggregate face amount of the tax exempt obligations (other than private activity bonds) issued by the Issuer during the calendar year in which the Bond is issued is not reasonably expected to exceed \$5,000,000, all within the meaning of Section 148(f)(4)(D) of the Code.

6.03 Bank Qualification. In order to qualify the Bond as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code, the Issuer hereby makes the following factual statements and representations:

- A. the Bond is not a “private activity bond” as defined in Section 141 of the Code;
- B. the Issuer hereby designates the Bond as a “qualified tax exempt obligation” for purposes of Section 265(b)(3) of the Code;
- C. the reasonably anticipated amount of tax exempt obligations (other than private activity bonds, treating qualified 501(c)(3) bonds as not being private activity bonds) which will be issued by the Issuer (and all entities whose obligations will be aggregated with those of the Issuer) during the calendar year in which the Bond is being issued will not exceed \$10,000,000; and
- D. not more than \$10,000,000 of obligations issued by the Issuer during the calendar year in which the Bond is being issued have been designated for purposes of Section 265(b)(3) of the Code.

The Issuer shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this Section.

Section 7. Loan Agreement. The proceeds of the Bond will be advanced to the Issuer in accordance with the terms of this Resolution and with a Loan Agreement between the Issuer and the Lender (the “Loan Agreement”). The Mayor and Administrator/Clerk-Treasurer of the Issuer are hereby authorized and directed to execute the Loan Agreement substantially in the form currently on file in the office of the Issuer.

Section 8. Post-Issuance Compliance Policy and Procedures. The Issuer has previously approved a Pre- and Post-Issuance Compliance Policy and Procedures which applies to qualifying obligations to provide for compliance with all applicable federal regulations for tax-exempt obligations or tax-advantaged obligations (collectively, the “Policy and Procedures”). The Issuer hereby ratifies the Policy and Procedures for the Bond. The Administrator/Clerk-Treasurer continues to be designated to be responsible for post-issuance compliance in accordance with the Policy and Procedures.

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Adopted March 16, 2022.

Mayor

ATTEST:

Administrator/Clerk-Treasurer

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RESOLUTION 2022-13
RESOLUTION TO ENTER INTO AND EXECUTE MN/DOT AGREEMENT
1st Street (TH 238) Intersection and Utility Improvements & 8th Street Sidewalk
Improvements

WHEREAS, the City of Albany wishes to make improvements to Railroad Avenue and 1st Street (TH 238) intersection, along with sidewalk improvements along 8th Street (TH 238) between Shamrock Lane and Railroad Avenue, and wishes to enter into a cost sharing agreement with MN/DOT for associated construction costs.

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

1. That the City of Albany enter into Mn/DOT Agreement No. 1031434 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the City of the State's share of the costs of the grading, roadway pavement, sidewalk, ADA improvements, storm sewer construction, and other associated construction to be performed upon, along and adjacent to Trunk Highway No. 238 (1st Street, Railroad Avenue, and 8th Street), from approximately Shamrock Lane to Railroad Avenue and from Railroad Avenue to approximately 160-feet north of Railroad Avenue under State Project No. 7323-14 (TH238 = 238)

2. The Mayor and the City Administrator/Clerk-Treasurer is hereby authorized to execute the Agreement and any amendments to the Agreement.

Adopted by the City Council this 16th day of March 2022.

Tom Kasner, Mayor

Tom Schneider, Clerk/Adm.

(S E A L

To:	Mr. Tom Schneider and Albany City Council City of Albany	From:	Jeremy Mathiasen St. Cloud Office
File:	193801690	Date:	March 11, 2022

Reference: Engineering Update for the 3/16/22 Council Meeting

2021 Capital Improvement Project

Construction work is on hold until the spring of 2022. Project record plan work is continuing.

Golfview Lift Station Improvements

A preconstruction meeting is being planned for the end of March.

2022 Capital Improvement Project

We have received signed contracts back from Breitbach Construction Co. The insurance and bonds are being reviewed by the City Attorney. An early-April preconstruction meeting is being planned with the Contractor.

1st Street/TH 238 Improvements

The project bids will be opened on March 16th and we will provide a summary at your council meeting. We do have a resolution in your packets that authorizes entering into the cost sharing agreement with MnDOT. The bids will be awarded at a future council meeting, most likely on April 6th.

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

Jeremy.mathiasen@stantec.com 320.266.5232

**CITY OF ALBANY
AMENDMENT TO ORDINANCE NO. 71 ANIMALS**

The City Council for the City of Albany, HEREBY ORDAINS as follows:

- 1) That the definition of POTENTIALLY DANGEROUS ANIMAL as stated in City

Code Section 71.08, Subd. 3 is hereby amended to read:

"POTENTIALLY DANGEROUS ANIMAL. An animal which has:

- (a) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (b) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
- (c) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals."

- 2) That City Code Section 71.08, Subd 4 is hereby amended to read:

"Subd. 4. Designation as potentially dangerous animal. The Police Chief shall designate any dog as a POTENTIALLY DANGEROUS ANIMAL upon receiving evidence that the animal has, when unprovoked, inflicted bites on a human or domestic animal on public or private property; chased or approached a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals as stated in Subd. 3."

- 3) That City Code Section 71.08, Subd 5 is hereby amended to read:

"Subd. 5. Dangerous Animal.

- (a) Designation as dangerous animal. The Police Chief shall designate any animal as a DANGEROUS ANIMAL upon receiving evidence that the animal has, caused bodily injury or disfigurement to any person on public or private property; engaged in any attack on any person under circumstances which would indicate danger to personal safety; exhibited unusually aggressive behavior, such as an attack on another animal; bitten one or more persons on two or more occasions; or the animal has been declared potentially dangerous and the animal has then bitten, attacked, or threatened the safety of a person or domestic animal as stated in Subd. 3.

- (b) Exemption. Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog; who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or who was committing or attempting to commit a crime.”

4) That City Code Section 71.08, Subd 7 is hereby amended to read:

“Subd.7. Appeal Procedure. The Police Chief, after having determined that an animal is a POTENTIALLY DANGEROUS ANIMAL or DANGEROUS ANIMAL, may proceed in the following manner: The Police Chief shall cause one (1) owner of the animal to be notified in writing that the animal is potentially dangerous or dangerous and may order the animal seized or make orders as deemed proper. Notice may be accomplished by mail, or by posting or personal delivery to a person residing on the property where the animal is kept, and by telephone, if possible. The notice shall include the following:

- (a) a description of the animal, the authority for and purpose of the declaration and/or seizure;
- (b) the time, place and circumstance under which the animal was declared dangerous or potentially dangerous;
- (c) the telephone number and contact person where the animal is kept (for seized animals only);
- (d) a statement that the owner may request a hearing of the declaration and that failure to do so within fourteen (14) days of the date of the notice will terminate the owner’s right to a hearing;
- (e) a statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of Section 71.09, Subd. 1(e) and (i) until such time as the hearing officer issues an opinion;
- (f) a statement that if the hearing officer affirms the declaration, the owner will have 14 days from receipt of that decision to comply with all other requirements of Section 71.09, Subd. 1;
- (g) a form to request a hearing under this subdivision; and
- (h) a statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

If an owner requests a hearing for determination as to the dangerous nature, or potentially dangerous nature of the animal, the hearing shall be held before an independent hearing officer appointed by the City Council, who shall set a date for hearing within fourteen (14) days of receipt of the demand for the hearing. The records of the Police Department and/or City Clerk/Administrator’s office shall be admissible for consideration by the hearing officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the hearing officer shall make an order as it deems proper. In the event that the declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be

the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten (10) days after the hearing.

No person shall harbor an animal after it has been found to be dangerous and ordered into custody for destruction.”

5) That City Code Section 71.09 is hereby amended to read:

“Section 71.09: POTENTIALLY DANGEROUS AND DANGEROUS ANIMAL REQUIREMENTS.

Subd. 1. Requirements. If the owner desires to keep an animal that has been declared potentially dangerous or dangerous, the owner must comply with all of the following:

- a) The owner shall have a microchip implanted in the animal for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Police Chief. All costs related to purchase and implantation of the microchip must be borne by the owner.
- b) The owner shall provide and maintain a proper enclosure for the animal.
- c) The owner shall post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in M.S. § 347.51 as may be amended from time to time;
- d) The owner shall provide and show proof annually a surety bond issued in the sum of at least \$300,000, payable to any person injured by the animal, or a policy of liability insurance in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the animal;
- e) If the animal is outside the proper enclosure, the animal must be muzzled and restrained by a substantial chain or leash (not to exceed six (6) feet in length) and under the physical restraint of a person sixteen (16) years of age or older. The muzzle must be of a design as to prevent the animal from biting any person or animal, but will not cause injury to the animal or interfere with its vision or respiration;
- f) The animal must have an easily identifiable, standardized tag identifying the animal as dangerous affixed to its collar at all times as specified in M.S. § 347.51 as it may be amended from time to time, and shall have a microchip implant as provided by M.S. § 347.151, as it may be amended from time to time;
- g) The animal shall be registered with the city within fourteen (14) days after the date the animal was so deemed and provide satisfactory proof thereof to the Police Chief.
- h) The animal must be up to date on rabies vaccination.
- i) An owner of the animal must notify the Police Department in writing of the death or transfer of ownership of the animal and must, if requested by the Police Department, execute an affidavit under oath setting forth either the circumstances of the animal's death and disposition or the complete name, address, and

telephone number of the person to whom the animal has been transferred or the address where the animal has been relocated.

- j) The animal shall be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the Police Department shall seize the animal and have it sterilized at the owner's expense.
- k) A person who owns a potentially dangerous or dangerous animal and who rents property from another where the animal will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a potentially dangerous or dangerous animal that will reside at the property.
- l) A person who transfers ownership of a potentially dangerous or dangerous animal must notify the new owner of the designation. The current owner must also notify the Police Department in writing of the transfer of ownership and provide the Police Department with the new owner's name, address, and telephone number.”

This Ordinance Amendment shall be effective upon publication.

This Ordinance was approved by the majority of the City Council of Albany on this ___th day of March, 2022.

Tom Kasner, Mayor

Tom Schneider, Clerk/Administrator

(S E A L)

This amendment was published in the *Star Post* on March ____, 2022

**CITY OF ALBANY
ORDINANCE 71 ANIMALS
SUMMARY PUBLICATION**

The City of Albany has approved an amendment to Ordinance 71 ANIMALS.

The Ordinance amendment (1) revises the definition of potentially dangerous animals; (2) revises when an animal may be declared potentially dangerous and dangerous; (3) revises the notice and appeal process (4) uniform criteria for the keeping of potentially dangerous and dangerous animals.

This material is a summary of the amendment to Ordinance 71. 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 March ___, 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 March ___, 2022.

RESOLUTION NO. 2022-09

A RESOLUTION TO REESTABLISHING THE PRECINCT AND THE POLLING PLACE FOR THE CITY OF ALBANY FOR THE ELECTIONS OF 2022

WHEREAS, the Legislature of the State of Minnesota has been redistricted;

WHEREAS, Minnesota Statute Section 204B.14 Subdivision 3 (d) requires that precinct boundaries must be established within sixty (60) days of when the legislature has been redistricted or at least nineteen (19) weeks before the State Primary Election, whichever comes first;

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF ALBANY, COUNTY OF STEARNS, STATE OF MINNESOTA hereby reestablishes the boundaries of the voting precincts and polling places as follows:

Precinct Boundaries – to be reestablished as they currently exist, which is one precinct within the corporate limits of the City of Albany.

Polling Place – to reestablish the current polling place as the Albany City Hall, 400 Railroad Avenue, Albany, Minnesota; and

The City of Albany designates the Albany City Hall at 400 Railroad Avenue, Albany, MN, as the polling place for the 2022 Elections.

BE IT FURTHER RESOLVED, that the City Council of the City of Albany hereby reestablishes the boundaries of the voting precincts and polling places as described above.

Passed by the City Council of Cold Spring, Minnesota this 16th day of March, 2022.

Tom Kasner, Mayor

Tom Schneider, Clerk/Adm.

(S E A L)