

**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, May 18, 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 May 4th
5. Open Forum/Public comment (3 to 5 minutes max.)
6. Dan Franklin, Franklin Sign Company – request minor subdivision of Lot 1, Block 1, Albany Business and Industrial Park, 360 Huskie Drive.
7. Public Hearing – Resolution 2022-21 to consider the adoption of the assessment role for the 2022 Capital Improvements (Midland Avenue 1st to 6th Street, adjacent streets and alleys)
-Jeremy Mathiasen, City Engineer
8. Jeremy Mathiasen, City Engineer – project updates
9. Reports of Boards and Department Heads
 - Councilor Keith Heitzman, Albany Golf Club Liaison – ratify election results of the annual stockholders meeting on May 9th.
 - Councilor John R. Harlander – request by Albany Township for the city to adopt a future land use boundary for residential, commercial, and industrial development that would prohibit construction of solar farms/gardens within the designated sections in the said township.
 - Police Chief Ozzie Carbajal, Police Department
 - Joe Mergen, Public Works Supervisor
 - Tom Schneider, Clerk/Adm. – present the following:
 - Resolution 2022-22 – New Munich Lions request for LG214 MN Lawful Gambling premises permit application at Rookies Sports Bar.
10. Mayor's announcements and letters
11. Mayor to announce next regular Council meeting date (June 1st) 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, May 4, 2022, in the Council Room at 400 Railroad Avenue for the said City.

Other Council members present were: Councilors Keith Heitzman, Al Amdahl, and Adam Rushmeyer. Councilor John R. Harlander was absent.

Other's present were: Tom Schneider, Clerk/Adm., Joe Mergen, Public Works Supervisor, Jeremy Mathiasen, City Engineer with Stantec, Inc., St. Cloud, MN, Ellarry Prentice, Staff Writer, the Star Post, and Jean Pundsack, 211 Railroad Avenue.

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 Al Amdahl to approve/authorize payroll, electronic payments (5804-5808), transfers, and the payment of the following bills: Check Numbers 71794 to 71819. 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 April 20th and hearing none declared them approved.

Open forum/public comments: Ms. Pundsack appeared before the council to inform the council she contacted an individual from the Minnesota Department of Transportation (MnDOT) regarding emissions from semi-trucks that travel on populated main streets that may pose a health risk to individuals. Ms. Pundsack noted the individual from MnDOT will get back to her if they have ever done studies on the issue.

Mr. Mathiasen updated the council on the following projects: 1) 2021 Lake Avenue/Church Avenue Improvements, 2) 1st Street (TH238) and Railroad Avenue Improvements, 3) 2022 Midland Avenue Improvements, 4) Golf View Drive Lift Station Improvements, and 5) right-of-way clarification on Shamrock Lane west of 8th Street (TH238).

Mr. Mergen appeared before the council and presented the following two bids received for the replacement of two street light posts and fixtures at the intersection of Co. Rd. 10/41 and 8th Street (TH238): 1) Liberty Electric, Albany, MN - \$11,465, and JT Electric, Albany, - \$14,140. After due discussion, a motion was made by Adam Rushmeyer and seconded by Keith Heitzman to hire Liberty Electric, Albany, at a bid price of \$11,465, for the project. All voted for the motion and it carried.

Mr. Mergen also informed the council the insurance adjuster for the League of Mn Cities directed him to proceed to replace the control boxes with new variable frequency drives (VFD) in the electrical panel that were damaged by an electrical surge caused by a subcontractor hired by XCEL Energy on April 4th at the Wastewater Treatment Plant. Mr. Mergen noted the cost is \$41,000+/- and insurance coverage may cover a majority of the costs.

Mr. Schneider informed the council the 2001 aerial (snorkel) fire truck is scheduled to be delivered to the Albany Fire Department the week of May 9th. Mr. Schneider noted the Albany Area Fire Board approved the purchase from the City of Sauk Rapids at a cost of \$15,000.

The council took notice of Resolution 2022-20, a resolution to authorize the city to enter into a Master Partnership Contract with the Minnesota Department of Transportation (MnDOT). Mr. Schneider noted the city purchases street maintenance materials from Mn DOT on an annual basis and the contract improves the efficiency of the delivery of such materials and services. Mr. Schneider noted the contract expire will expire on June 30, 2027, which similar contracts have been approved by the council in the past. After due discussion, and upon the recommendation by Mr. Schneider, a motion was made by Al Amdahl who introduced the resolution and moved its adoption:

CITY OF ALBANY
RESOLUTION 2022-20
(Master Partnership Contract)

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, and Keith Heitzman, and none voted against the same whereupon the said resolution was declared duly passed and adopted. The full text of the said resolution is on file at the office of the City Clerk/Administrator for public inspection during regular office hours.

Mr. Schneider also informed the council Karen Pundsack, the Executive Director for the Great River Regional Library system, is requesting a letter of support to encourage Governor Tim Walz to allocate Federal Capital Projects funds to Minnesota public libraries across the state to include library improvements with these funds. Mr. Schneider noted the funds would improve construction/renovations, and facility projects throughout their library system which includes the Albany Library. After due discussion, a motion was made by Al Amdahl and seconded by Adam Rushmeyer to direct Mayor Tom Kasner on behalf of the city, to execute a letter of support and submit to Ms. Pundsack. All voted for the motion and it carried.

Mayor Tom Kasner informed the council fireworks are typically setup around 11:00 AM on the golf course driving range for the 10:00 PM display on Heritage Day. Mayor Tom Kasner noted the Toptracer driving range improvements have been completed and questioned if there is an alternative site to display the fireworks. Mayor Tom Kasner questioned if the Wastewater Treatment Plant may be used to display fireworks or any other location in close proximity to main street where the community event is held. Mayor Tom Kasner informed the council he will discuss the matter with the Chamber of Commerce, the organization planning the community event.

Mayor Tom Kasner announced the next regular council meeting for 6:30 o'clock in the evening on Wednesday, May 18, 2022, and adjourned the meeting at 7:15 PM.

Tom Schneider
Clerk/Adm.



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

CERTIFICATE OF COMPLIANCE

The undersigned, being the duly qualified and acting City Clerk/Administrator of the City of Albany, Minnesota, does hereby approve a Certificate of Compliance for Franklin Properties, LLC, 360 Huskie Drive, Albany, MN, for an administrative subdivision of certain real property located in the City of Albany, with such subdivided property as shown and described on the Certificate of Survey dated February 7, 2022, Exhibit A.

The undersigned further certifies that the City of Albany, through its Council at the May 18th Council meeting, determined that the administrative subdivision is in compliance with all relevant state statutes, ordinances and subdivision regulations of the City of Albany, Minnesota.

Dated this 18th day of May, 2022.

Tom Schneider, Clerk/Adm.

(SEAL)

CERTIFICATE OF SURVEY

RECORDED DESCRIPTION

Lot 1, Block 1, ALBANY BUSINESS AND INDUSTRIAL PARK, according to the recorded plat thereof, Stearns County, Minnesota.

TRACT A

That part of Lot 1, Block 1, ALBANY BUSINESS AND INDUSTRIAL PARK, according to the recorded plat thereof, Stearns County, Minnesota, lying westerly of a line described as follows:

Commencing at the Southwest corner of said Lot 1; thence North 89 degrees 04 minutes 57 seconds East, along the south line of said Lot 1, a distance of 438 feet more or less to the thread of the stream being the point of beginning; thence Northeasterly and westerly along thread of the stream being the point of beginning, a distance of 574 feet more or less from the northwest corner of said Lot 1, and said side line shall be abutting.

TRACT B

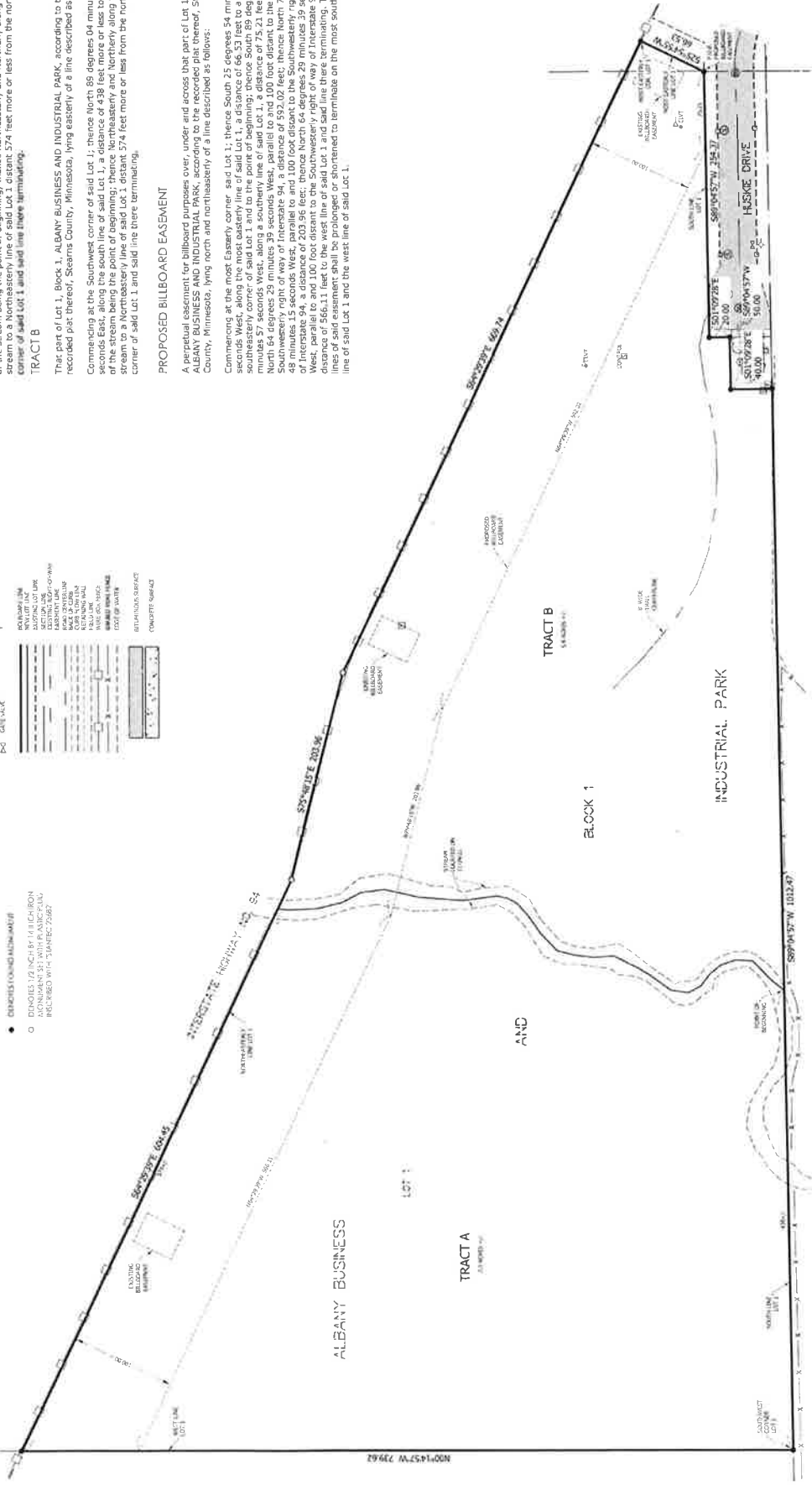
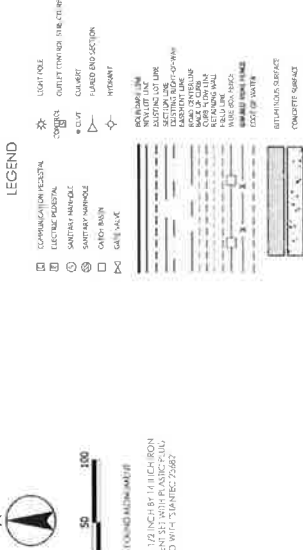
That part of Lot 1, Block 1, ALBANY BUSINESS AND INDUSTRIAL PARK, according to the recorded plat thereof, Stearns County, Minnesota, lying easterly of a line described as follows:

Commencing at the Southwest corner of said Lot 1; thence North 86 degrees 04 minutes 57 seconds East, along the south line of said Lot 1, a distance of 438 feet more or less to the thread of the stream being the point of beginning; thence Northeasterly and northerly along thread of stream to a Northeasterly line of said Lot 1 distant 574 feet more or less from the northwest corner of said Lot 1, and said line there terminating.

PROPOSED BILLBOARD EASEMENT

A proposed easement for billboard purposes over, under, and across that part of Lot 1, Block 1, Albany Business and Industrial Park, according to the recorded plat thereof, Stearns County, Minnesota, lying north and northeasterly of a line described as follows:

Commencing at the most Easterly corner said Lot 1; thence South 25 degrees 54 minutes 55 seconds westerly of said Lot 1 and to the point of beginning; thence South 89 degrees 04 minutes 57 seconds West, along a southerly line of said Lot 1, a distance of 75.21 feet; thence North 64 degrees 29 minutes 39 seconds West, parallel to and 100 foot distant to the Southwesterly right of way of Interstate 94, a distance of 592.07 feet; thence North 75 degrees 04 minutes 33 seconds West, parallel to and 100 foot distant to the Southwesterly right of way of Interstate 94, a distance of 203.96 feet; thence North 64 degrees 29 minutes 39 seconds West, parallel to and 100 foot distant to the Southwesterly right of way of Interstate 94, a distance of 566.11 feet to the west line of said Lot 1 and said line there terminating. The side line of said easement shall be prolonged or shortened to terminate on the most southeasterly line of said Lot 1 and the west line of said Lot 1.



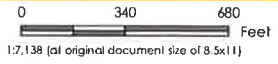


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Legend

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

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



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

Client/Project
 City of Albany
 2022 Proposed Project Location

Figure No.
 1

Project Location Map

NOTICE OF HEARING ON ASSESSMENTS
City of Albany, Minnesota

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

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

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

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

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

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

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

RESOLUTION 2022-21
ADOPTING ASSESSMENT ROLL

WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard, and passed upon all objections to the proposed assessment for the 2022 Capital Improvement Project (Midland Avenue from 1st Street and 6th Street, 2nd Street, 3rd Street, 4th Street, and 5th Street (each between Railroad Avenue and Midland Avenue, and adjacent alleys (the “improvement”))

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefited by the proposed improvement.
2. That such assessment shall be payable in equal annual principal installments extending over a period of fifteen (15) years, the first of the installments to be payable on or before January 2023, and shall bear interest at the rate of ____ per annum from the date of the adoption of this resolution. To the first installment shall be added interest on the entire assessment from the date of the adoption of this assessment resolution until December 31, 2022. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. That the owner of any property so assessed may at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within thirty (30) days from the adoption of the assessment resolution; and they may, at any time thereafter, pay to the City Treasurer, the entire amount of the assessment remaining unpaid, with interest accrued to December 31st of the year in which such payment is made. Such payment must be made before November 15th or interest will be charged through December 31st of the next succeeding year.
4. The City Clerk shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County

Adopted by the City Council of the City of Albany this 18th day of May, 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:	May 12, 2022

Reference: Engineering Update for the 5/18/22 Council Meeting

2021 Capital Improvement Project

Bituminous wearing course will be installed in May/June. We have some driveway apron repairs for the Contractor to make prior to the bituminous work.

Golfview Lift Station Improvements

Construction beginning in late summer when the rest of the materials arrive.

2022 Capital Improvement Project

Tree removal is underway this week and the Contractor is also starting some removal work. Roadway reclaiming was scheduled for this week, but the rain has pushed that work a couple of days. Breitbach will be setting up temporary water for the property owners and starting sanitary sewer installation this coming week.

The project assessment hearing will be held at Wednesday's council meeting. The proposed assessments account for approximately 22% of the total project costs.

1st Street/TH 238 Improvements

The Contractor and MNDOT are planning for a June 6th construction start. Advanced warning signs will be going up a week before the start date. A meeting with adjacent business and property owners is planned for this coming Monday evening at 6:00 PM at City Hall.

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

Jeremy.mathiasen@stantec.com 320.266.5232



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

Date: May 10, 2022
To: Mayor and Council members
From: Tom Schneider, Clerk/Adm.
RE: Albany Golf Club – Annual Stockholders meeting
May 9th

The following individuals were elected to the Board of Directors for the Albany Golf Club, Inc., at their annual stockholders meeting held on Monday, May 9th:

Tim Buerman - treasurer
Joe overman - board member
Chris Kotzer - board member



Albany Township Official Zoning Map

Zoning Ordinance #439
June 22, 2010

Amended By Ordinance #440, June 22, 2010
 Amended By Ordinance #517, August 25, 2015
 Amended By Ordinance #518, September 8, 2015
 Amended By Ordinance #562, October 31, 2017
 Amended By Ordinance #564, November 28, 2017
 Amended By Ordinance #579, October 2, 2018

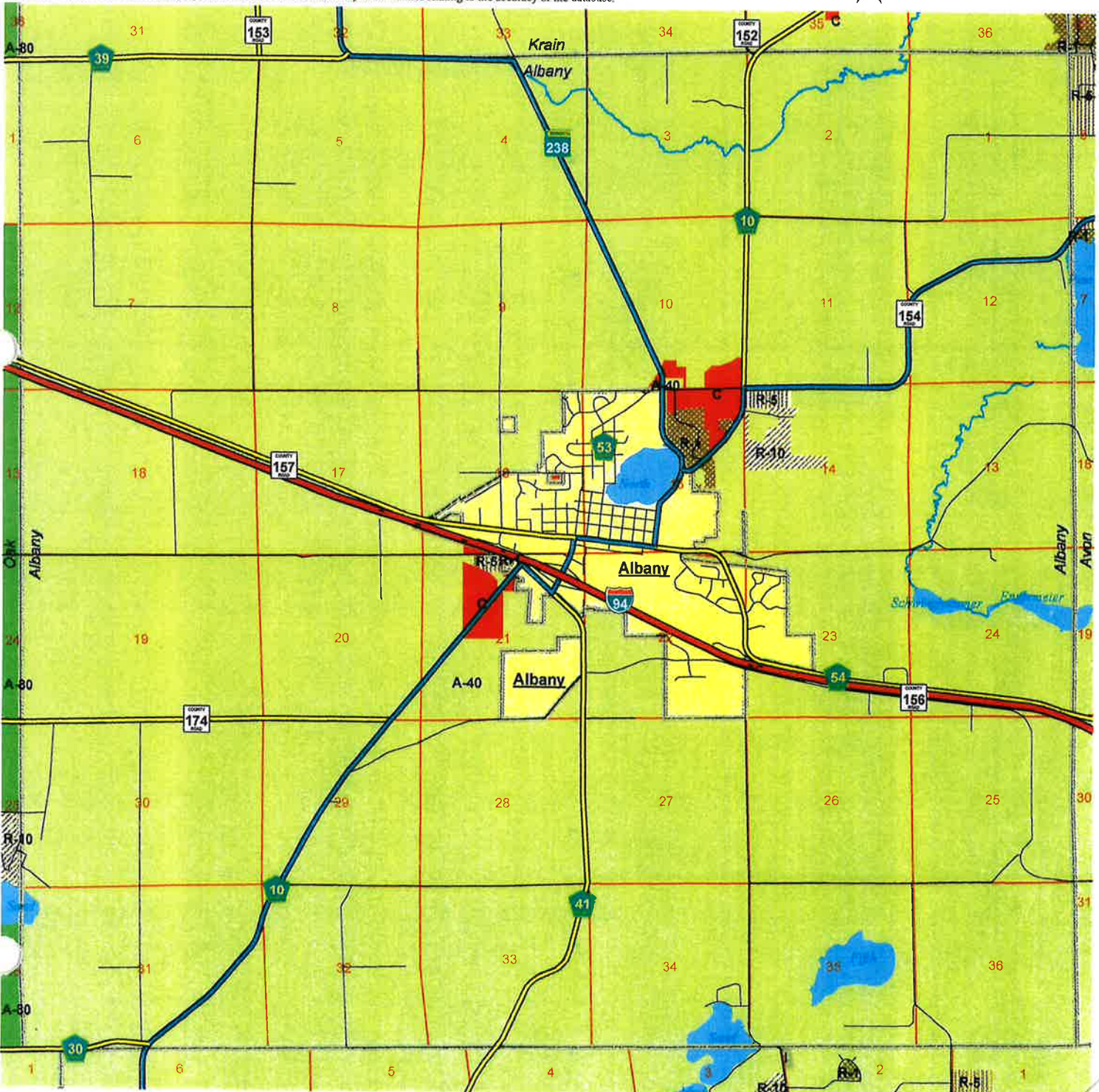
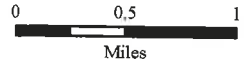
Functional Road Class

- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Roads
- Orderly Annexation Area
- Protected Rivers & Streams
- Townships
- Sections

Zoning Districts

- Agricultural District A-160
- Agricultural District A-80
- Agricultural District A-40
- Commercial (C)
- Educational/Ecclesiastical (EE)
- Industrial (I)
- Municipality
- Protected Lake
- Residential District R-1
- Residential District R-5
- Residential District R-10
- Residential District R-20
- Residential Manufactured Home (RMH)
- Rural Townsite (RT)
- Scenic River District (SR)
- Transition District T-20
- Urban Expansion (UE)

This map is made available on "as is" basis without express or implied warranty of any sort, including specifically, any implied warranties of fitness for a particular purpose, warranties of merchantability or warranties relating to the accuracy of the database.





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

RESOLUTION 2022-22
APPROVING MINNESOTA
LAWFUL GAMBLING LG214 PERMIT APPLICATION

WHEREAS, the New Munich Lions has filed a Minnesota Lawful Gambling LG214 premises permit application at the Rookies Sports Bar, 481 Railroad Avenue; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALBANY, COUNTY OF STEARNS, STATE OF MINNESOTA, does hereby approve the Minnesota Lawful Gambling LG214 premises permit application at Rookies Sports Bar, 481 Railroad Avenue;

Approved by the City Council this 18th day of May, 2022.

Tom Kasner, Mayor

Tom Schneider, Clerk/Adm.

(S E A L)