

**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, November 7, 2018, in the Council Room at 400 Railroad Avenue for the said City.

AGENDA

1. Convene meeting
2. Pledge of Allegiance
3. Audit Bills
4. Act on regular Council minutes of the meeting held on October 17th
5. Open Forum/Public comment (3 to 5 minutes max.)
6. Public Hearing to Revenue Bonds CentraCare Health System
 - Resolution 2018-22, approving issuance of bonds by the City of St. Cloud, MN on behalf of CentraCare Health System. RE: Albany Clinic, 30 Railroad Avenue
7. Jeremy Mathiasen, City Engineer - project updates
8. Reports of Boards, Commissions, and Department Head
 - Keith Heitzman, Albany Golf Club Liaison - present check register
 - Joseph Mergen, Public Works Supervisor
 - Ozzie Carbajal, Police Chief
 - Tom Schneider, Clerk/Adm. -present the following:
 - LG220 Mn Lawful Gambling Application Church of Seven Dolors
 - Amendment No. 1 to City's 2019 Personnel Policy
 - League of Mn Cities Tort Liability waiver for 2019
9. Mayor's announcements and letters
10. Announce next regular Council meeting date (November 21th) 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, October 17, 2018, in the Council Room at 400 Railroad Avenue for the said City.

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

Also, others present were: Tom Schneider, Clerk/Adm., Jeremy Mathiasen, City Engineer, with Stantec, Inc., Joe Mergen, Public Works Supervisor, Ozzie Carbajal, Police Chief, Andrew Gravidahl, Albany Police Patrol Officer, Adam Rushmeyer, Miles Vogel, Bernie Forster, Angie Gienger, Mike Grienger, Verna Arnold, Pat Timp, Sharon Timp, Don Stiller, Eric Kohorst, Robin Mergen, Josh Hellmann, Karen Hellmann, Steven Mader, Ryan Gaebel, Grant Mayers, and Mike Mayers.

The Council recited the Pledge of Allegiance.

After due discussion, a motion was made by John R. Harlander and seconded by Jack Evens to authorize electronic payments, transfers, and the payment of the following bills: Check Numbers 68601 to 68647 and 17132 to 17146. 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 October 3rd and hearing none declared them approved.

Open forum/public comments: none.

Don Stiller, 131 Whispering Oaks Drive, appeared before the Council to request payment from the City in the amount of \$1,600 for the installation of his private drain tile he connected to the City's drain tile adjacent to the curb within the right-of-way. Mr. Stiller noted that when his connection was made it became apparent that the City's drain tile was plugged and when repaired by a contractor hired by the City it was found that a fiber cable installed in 2005 or shortly thereafter by a private contractor severed the City's drain tile. Mr. Mergen noted that the City had no idea the drain tile was ever damaged years ago or not working properly, but was repaired as soon as it was brought to his attention east or downstream of the Stiller residence. Mr. Schneider noted the purpose of drain tile beneath the curb is to remove ground water beneath the street and not installed to dewater or drain adjacent properties. Mr. Stiller noted that the City's drain tile is now working properly and his sump pump is pumping less ground water than before. Mr. Stiller also noted with the repairs made to the City's drain tile everyone has benefited by his findings; whereby he should be reimbursed. Mayor Tom Kasner informed Mr. Stiller that the City's insurance adjuster will contact him to investigate his request to determine if the City was in fact negligent.

Steve Soyka, a candidate for Stearns County Sheriff and current Sergeant, appeared before the Council to provide background information on his career and experiences in law enforcement. Mr. Soyka noted that he'd like to see increased communication and interaction with businesses, residents, and local law enforcement from the deputies and department heads of the Sheriff's Department. Mayor Tom Kasner thanked Mr. Soyka for attending the meeting.

Pursuant to due notice, Mayor Tom Kasner called the public hearing into session at 6:55 PM to consider full street and utility reconstruction of 8th Street from Railroad Avenue to Midland Avenue, 7th Street from Railroad Avenue to Aliva Avenue, Midland Avenue from 6th Street to 8th Street, Forest Avenue from 6th Street to 7th Street and Lake Avenue from 6th Street to 7th Street. A notice of the public hearing was published in the Albany Enterprise October 3rd and October 10th. Mr. Mathiasen informed the public that the streets had been identified to be reconstructed in the City's Capital Improvement Plan and the estimated cost of the improvements is nearly \$2.1 million dollars. Mr. Mathiasen noted construction will include new streets, sidewalks, water main, sewer main, water and sewer services, curb, and storm sewer. Mr. Mathiasen provided information to the methodology the City intends to use to calculate individual assessments for affected properties. Mr. Heitzman questioned if trees that have been planted too close to the street will be removed due to the construction. Mr. Mathiasen noted that trees will be removed and the

City will replace each at a distance when mature will not damage any utilities, sidewalk, street, or curb. Mr. Mader questioned if new services to a home should be considered now or when would be the best time to replace the old services. Mr. Mathiasen noted that it would be best at this point in time and not in the future. Mr. Mathiasen informed the public that he will be available after the meeting to answer any other questions individuals may have who wish to discuss their questions in private. Mayor Tom Kasner closed the public hearing at 7:20 PM. After due discussion, a motion was made by Jack Evens who introduced the following Resolution and moved its adoption:

**RESOLUTION 2018-18
ORDERING IMPROVEMENT
2019 Capital Improvements
(Street and Utility Reconstruction Improvements)**

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

After due discussion, a motion was made by Keith Heitzman who introduced the following Resolution and moved its adoption:

**RESOLUTION 2018-19
DIRECTING PREPARATION OF
FINAL PLANS AND SPECIFICATIONS
2019 Capital Improvements
(Street and Utility Reconstruction Improvements)**

The motion for the foregoing Resolution was seconded by Jack Evens and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Jack Evens, John R. Harlander, and Keith Heitzman, and none voted against the same whereupon the said Resolution was declared duly passed and adopted. The full text of the said Resolution is on file at the office of the City Clerk/Administrator for public inspection during regular office hours.

Mr. Mathiasen informed the Council that the punch list should be completed in the next two weeks for the 2018 North Lake Storm Water Improvements. Mr. Mathiasen also noted that MnDOT is reviewing the roundabout geometric layout for the 1st Street and Railroad Avenue Improvements proposed in the year 2020 and will provide comments in the upcoming weeks.

Mr. Mathiasen informed the Council that Minnesota Department of Transportation (MnDOT) released its annual submittal for Transportation Alternatives Program funding for the year 2023. Mr. Mathiasen noted that this program provides funding for Safe Routes to School program improvements. Mr. Mathiasen noted that the reconstruction of Forest Avenue has been identified as a safe route to school in the City's Master Bicycle and Pedestrian Plan and recommended that the City submit a letter of intent which is due October 31st. Mayor Tom Kasner, with the consensus of the Council, directed Mr. Mathiasen to complete a letter of intent and forward to MnDOT on behalf of the City.

Councilor Keith Heitzman, Albany Golf Club Liaison, informed the Council that next week the Club will interview two individuals for the position of General Manager. Mr. Heitzman also provided information related to the financial operations of the course.

Mr. Schneider informed the Council that Charter Communications is simplifying its operating structure by reducing the number of operating entities and subsidiaries, and by aligning its cable operations into regional entities. Mr. Schneider noted that Charter Communications is the cable franchise in the City

and will change by merging into another subsidiary of Charter called Spectrum Mid-America, LLC and will assign the cable franchise to this entity. Mr. Schneider noted that if the Council believes that the City's consent is necessary, a resolution can be approved or if no action, consent will be deemed granted upon the expiration of the 120-day review period. After due discussion, a motion was made by Mayor Tom Kasner who introduced the following Resolution and moved its adoption:

**RESOLUTION 2018-20
CONSENT TO ASSIGNMENT OF FRANCHISE**

The motion for the foregoing Resolution was seconded by John R. Harlander and after a full discussion thereon and upon a vote being taken thereon, the following voted in favor thereof: Mayor Tom Kasner, Councilors Jack Evens, John R. Harlander, 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 that the City of St. Cloud, MN will be issuing revenue bonds on behalf of CentraCare Health System to finance certain improvements, some of which are located in the Albany City Limits. Mr. Schneider noted that CentraCare Health Systems is constructing a new medical clinic at 30 Railroad Avenue which will be open in the summer of 2019. Mr. Schneider also noted that the City will not be issuing the bonds and not responsible for any debt service payments. Mr. Schneider noted that a public hearing is scheduled at 6:30 o'clock in the evening or as soon as thereafter on Wednesday, November 7th at the City Hall, 400 Railroad Avenue. After due discussion, a motion was made by Keith Heitzman who introduced the following Resolution and moved its adoption:

**RESOLUTION 2018-21
CALLING FOR A PUBLIC HEARING
ON AN ISSUE OF REVENUE BONDS
BY THE CITY OF ST. CLOUD, MINNESOTA, ON BEHALF OF
CENTRACARE HEALTH SYSTEM**

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

Mayor Tom Kasner informed the Council that the City received a request from a property owner on 7th Street North that "Stop" signs be installed at the intersection of 2nd Avenue and 7th Street or 3rd Avenue and 7th Street. Mayor Tom Kasner noted that the concern is traffic has increased over the years from the development of new homes in the Trails Edge subdivision which has caused the intersections to be more dangerous than in the past. Mr. Carbajal informed the Council that he will have his Patrol Officers observe traffic at each intersection and report back to the Council at a future meeting.

Mr. Schneider informed the Council that the Albany Roller Mill, 730 Church Avenue, is being sold to a local business owner for redevelopment purposes; whereby after a certificate of survey and title review was completed, it was determined that a portion (2,663 +/- sq.ft.) of the mill property appeared to be owned by 303, LLC, 121 8th Street South, a business located west of the mill or across State HWY #238 (8th Street). Mr. Schneider noted that the property at 121 8th Street South was sold to 303, LLC, a few years ago to be redeveloped as a Subway/A&W restaurant and at that time the aforementioned land (2,663 +/- sq.ft.) never was problematic in the sale. Mr. Schneider informed the Council that when Interstate 94 was constructed in Albany in the 1970's which included an interchange, many properties near the interchange had been purchased by the Minnesota Department of Transportation (MnDOT), but ownership and legal descriptions of the excess property has always been an issue when properties are sold near the interchange. Mr. Schneider noted that the properties adjacent to the interchange are described by a meets

and bounds legal description and if platted after the construction of the interchange, there would be no issues with boundaries. Mr. Schneider informed the Council that all necessary documents have been executed to resolve the property in question adjacent to the mill.

Mayor Tom Kasner announced the next regular Council meeting for 6:30 o'clock in the evening on Wednesday, November 7, 2018 and adjourned the meeting at 7:45 PM.

Tom Schneider, Clerk/Adm.

Unofficial

EXHIBIT A

CITY OF ALBANY
400 RAILROAD AVENUE
ALBANY, MINNESOTA

NOTICE OF PUBLIC HEARING ON THE ISSUANCE OF REVENUE BONDS BY THE
CITY OF ST. CLOUD, MINNESOTA, UNDER MINNESOTA STATUTES, SECTIONS
469.152 TO 469.165, ON BEHALF OF CENTRACARE HEALTH SYSTEM

NOTICE IS HEREBY GIVEN that a public hearing shall be conducted by the City Council of the City of Albany, Minnesota (the "City"), in the Council Room of the City Offices located at 400 Railroad Avenue in the City on November 7, 2018, at 6:30 p.m., on a proposal that the City of St. Cloud, Minnesota (the "Issuer"), issue its revenue bonds (the "Bonds") on behalf of CentraCare Health System, a Minnesota nonprofit corporation and its nonprofit affiliates (collectively, the "Corporation"), in one or more series, pursuant to Minnesota Statutes, Sections 469.152 to 469.165, in an amount not to exceed \$[120,000,000]. The Bonds are proposed to be issued for the purpose of (i) financing all or a portion of the costs of (a) the acquisition, construction and equipping of a new hospital and medical services facility to be located in Redwood County, Minnesota, and (b) the renovation, improvement and equipping of the Corporation's existing facilities located at 320 Third Avenue in the City and in the corporate limits of the Issuer; and (ii) refinancing all or a portion of the Health Care Revenue Bonds, Series 2011A (CentraCare Health System), issued by the Issuer on behalf of the Corporation to finance a portion of the costs of improvements to the Corporation's facilities in the corporate limits of the Issuer. The facilities located in the City and financed by the Bonds will be operated by the Corporation. The Bonds will not be issued by the City.

All persons interested may appear and be heard at the time and place set forth above, or may submit written comments with the City Administrator prior to the date of the hearing set forth above.

Dated: October 24, 2018.

By /s/ Tom Schneider
City Administrator
City of Albany, Minnesota

RESOLUTION 2018-22 APPROVING THE ISSUANCE OF BONDS BY THE CITY OF ST. CLOUD, MINNESOTA, ON BEHALF OF CENTRACARE HEALTH SYSTEM UNDER MINNESOTA STATUTES, SECTIONS 469.152 TO 469.165

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

SECTION 1

Recitals and Findings

1.1. CentraCare Health System, a Minnesota nonprofit corporation (the "Corporation"), has advised this Council of its desire to finance the renovation, improvement and equipping of its existing facilities located at 320 Third Avenue in the City (the "Facilities") with the proceeds of revenue bonds (the "Bonds") issued by the City of St. Cloud (the "Issuer") under the authority of Minnesota Statutes, Sections 469.152 through 469.165 (the "Act"). The Bonds are proposed to be issued in an aggregate amount which is not expected to exceed \$130,000,000, the proceeds of which will be used to finance and refinance the acquisition, construction, renovation, remodeling and equipping by the Corporation or its affiliates of health care facilities located in the City of St. Cloud and Redwood County, Minnesota, in addition to the City.

1.2. At a public hearing held on the date hereof, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to approve the issuance of the Bonds under the Act by the Issuer, and interested persons were given the opportunity to submit written comments to the City Administrator before the time of the hearing.

SECTION 2

Approvals

2.1. The issuance of Bonds by the Issuer pursuant to the Act to finance and refinance the Facilities is hereby consented to and approved. The terms of the Bonds shall be as are approved by the governing body of the Issuer.

2.2. The Mayor and City Administrator and other officers of the City are authorized and directed to furnish to the Corporation, the Issuer and the attorneys rendering an opinion on the issuance of the Bonds certified copies of all proceedings and records of the City relating to the Bonds and such other affidavits and certificates as may be required to show the facts relating to the legality and marketability of the Bonds as such facts appear from the books and records in the officer's custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

Adopted by the City Council of the City of Albany on this 7th day of November, 2018.

Tom Kasner, Mayor

Attest: _____
Tom Schneider, City Administrator

To:	Mr. Tom Schneider and Albany City Council City of Albany	From:	Jeremy Mathiasen St. Cloud Office
File:	193801690	Date:	November 1, 2018

Reference: Engineering Update for the 11/7/18 Council Meeting

North Lake Storm Water Improvements

Punch list work should be completed in the next two weeks. The Contractor is preparing their final close out paperwork. We anticipate that project closeout will be at your 2nd meeting in November.

1st Street Intersection Improvements

MnDOT has responded with some roundabout comments that we will briefly discuss at the Council meeting.

2019 Capital Improvements

Field survey work will be completed early next week. We will then start creating the CAD drawings and laying out the final design.

Miscellaneous

We've received a concept map showing some expanded parking areas for the Stearns Leasing expansion project. We will share that concept with you, which includes parking on the south end of their property and on the west side of 13th Street, next to the new Ramler Building.

Have a great weekend!

Jeremy.mathiasen@stantec.com 320.529.4366

**AMENDMENT
Number 1
2019 Personnel Policy**

Section 30, Subp. D, PEACE OFFICERS:

Under Federal Law, the City is not allowed to issue firearms or ammunition or to allow peace officers to carry firearms or ammunition if the peace officer is using a controlled substance, on or off-duty, even if the use is in accordance with the Minnesota Medical Cannabis Patient Registry.

Approved by the City Council of the City of Albany this 7th day of November, 2018.

Tom Kasner, Mayor

Tom Schneider, Clerk/Adm.

(S E A L)



CONNECTING & INNOVATING
SINCE 1913

LIABILITY COVERAGE – WAIVER FORM

LMCIT members purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage. Please return the completed form to your underwriter or email to pstech@lmc.org

This decision must be made by the member's governing body every year. You may also wish to discuss these issues with your attorney.

League of Minnesota Cities Insurance Trust (LMCIT) members that obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

If the member does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits apply regardless of whether the city purchases the optional excess liability coverage.

If the member waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could potentially recover up to \$2,000,000 for a single occurrence. (Under this option, the tort cap liability limits are waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2 million.) The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.

If the member waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name _____

Check one:

The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes Section 466.04.

The member **WAIVES** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council/governing body meeting 11-7-18

Signature _____

Position _____



COUNTY OF STEARNS

Environmental Services Department

Administration Center Rm 343 • 705 Courthouse Square • St. Cloud, MN 56303
320-656-3613 • Fax 320-656-6484 • 1-800-450-0852

DATE: OCTOBER 30, 2018

TO: PROPERTY OWNERS WITHIN 1/4 MILE OF AFFECTED PROPERTY
CHAIR, CLERK & SUPERVISORS FOR ALBANY TOWNSHIP
CLERK, CITY OF ALBANY

FROM: STEARNS COUNTY PLANNING COMMISSION

To consider a request for an **Interim Use Permit** submitted by **CJK Partnership, LLC**, Albany MN according to Sections 4.18, 7.17 and 9.3.6D of Stearns County Land Use and Zoning Ordinance #439 to have a mining operation on 39 acres in the Agriculture 40 zoning district. The property under consideration is in part of the SE1/4 NE1/4, lying west of Sand Lake Road in Section 27, Albany Township (125/31). Property address is 21745 340th St, Albany.

A public hearing regarding the permit will be held by the Stearns County Planning Commission on **Thursday, November 15, 2018** beginning **7:00 p.m. (Item #4)** in Room 121 of the Stearns County Service Center, 3301 County Road 138, Waite Park, MN. You may submit testimony by appearing at the above hearing or by submitting written testimony prior to the hearing date. Written testimony may be submitted to the Stearns County Environmental Services Department, Administration Center, 705 Courthouse Square, Room 343, St. Cloud, MN 56303.

A copy of the Interim Use Permit request is on file in the Environmental Services Department Office, Room 343 of the County Administration Center, and is available for review during normal business hours. The application can also be viewed approximately one week prior to the meeting at co.stearns.mn.us on Board & Committee Meetings. Action taken on this request will be available shortly after the meeting at the same website location.

Attendance at the hearing regarding the permit is not limited to those persons receiving copies of this notice. If you know of any interested property owner, who for any reason has not received a copy of this notice, it would be appreciated if you would inform them of this public hearing.

Sincerely,
STEARNS COUNTY PLANNING COMMISSION

By Heidi Winskowski
Heidi Winskowski, Environmental Services

BARRIER FREE: This meeting will be accessible to the handicapped. Attempts will be made to accommodate any other individual need for special services. Please call (320) 656-3613 early so arrangements can be made.