

## NOTICE OF ALBANY CITY COUNCIL MEETING

There will be a 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, April 20, 2016, 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 April 6th
5. Open Forum/Public comment
6. Public Hearing – 1<sup>st</sup> Street (State HWY #238) Utility Improvements  
-Jeremy Mathiasen, City Engineer: present proposed Resolutions 2016-17 Ordering Improvement and 2016-18 directing preparation of final plans and specifications
7. Jeremy Mathiasen, City Engineer – 2016 5<sup>th</sup> Street Roadway & Utility Improvements
  - discuss and award alternate number one (restoration)
  - present Resolution 2016-13 declaring cost to be assessed, ordering preparation of proposed assessment, and calling for a public hearing on assessments.

Project Updates:

  - 2015 Capital Improvements –recommendation to approve payment to Loren's Tree & Landscaping and payment to Lange Trenching for additional drainage work at the golf club.
8. Joe Mergen, Public Works Supervisor
9. Laurie Dingmann, Park Board and Community Education Liaison
10. John R. Harlander, Street Department and Albany Township Liaison
11. Tom Kasner, Fire Department, EDA Board, and Equipment
12. Ozzie Carbajal, Police Chief
13. John Greer, Police Department and Planning Commission
14. Daron Gersch, Utility Department and Albany Golf Club (AGC)
15. Tom Schneider, Clerk/Adm.
16. Mayor's announcements and letters
17. Announce next meeting date and adjourn

Tom Schneider  
Clerk/Adm.

## EXHIBIT A

### NOTICE OF PUBLIC HEARING

#### City of Albany, Minnesota

<b>Date, time and place:</b>	Notice is given that the City Council of the City of Albany, Minnesota (the "City"), will meet on Wednesday, April 20, 2016, at 6:30 p.m. or as soon as thereafter at the City Hall, 400 Railroad Ave, Albany, Minnesota to consider the Improvement referred to below.
<b>General nature of the Improvement:</b>	The 1 <sup>st</sup> Street (State HWY #238) Improvements will consist of a Utility reconstruction (the "Improvement").
<b>Estimated cost of the proposed Improvement:</b>	The total estimated cost of the Improvement is \$323,358.
<b>Area proposed to be assessed:</b>	The area proposed to be assessed consists of every lot, piece or parcel of land abutting and benefited by the Improvement.
<b>Written or oral objections:</b>	Such persons as desire to be heard with reference to the Improvement will be heard at this meeting. Written and oral objections will be considered.
<b>Materials available at hearing:</b>	A reasonable estimate of the impact of the assessment will be available at the hearing, including a reasonable estimate of the total amount to be assessed and a description of the methodology used to calculate individual assessments for affected parcels.
<b>Legal Authority:</b>	The City Council proposes to proceed under the authority granted in Minnesota Statutes, Sections 429.011 to 429.111.

Published in the The Enterprise March 30<sup>th</sup>, 2016 and April 6<sup>th</sup>, 2016.

RESOLUTION 2016-17  
ORDERING IMPROVEMENT  
1<sup>st</sup> Street Utility Improvements

WHEREAS, a resolution by the City Council of the City of Albany, Minnesota (the "City"), adopted on March 16, 2016, (the "Resolution"), fixed a date for a public hearing for consideration of certain improvements consisting of sanitary sewer, water main and service improvements, to wit: 1st Street Utility Improvements from 150 feet north of Railroad Avenue to approximately 250 feet north of Lake Avenue, as described in and in accordance with the preliminary plans and report prepared by Stantec Consulting Services, Inc., consulting engineers for the City; and

WHEREAS, after due notice of such hearing, given in accordance with Minnesota Statutes, Chapter 429 (the "Act"), the hearing was held thereon on April 20, 2016, at which time the City Council heard all persons desiring to be heard on the matter and fully considered the same.

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

1. It is advisable, expedient and necessary that said Improvement be constructed, and the Improvement is hereby ordered as proposed in the Resolution.
2. The Improvement shall be known as the 1<sup>st</sup> Street Utility Improvements.
3. The Improvements are scheduled to be constructed in 2018 and the contract will be let in late 2017 or early 2018.

Adopted by the City Council on April 20, 2016.

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Daron Gersch, Mayor

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Tom Schneider, Clerk/Adm.

( S E A L )

RESOLUTION 2016-18  
DIRECTING PREPARATION OF  
FINAL PLANS AND SPECIFICATIONS  
1<sup>ST</sup> STREET UTILITY IMPROVEMENTS

WHEREAS, the City Council (the "City Council") of the City of Albany, Minnesota (the "City") by resolution adopted on April 20, 2016 ordered the following improvement: to-wit: 1<sup>st</sup> Street from 150' north of Railroad Avenue to approximately 250 feet north of Lake Avenue (the "Improvement"); as described in and in accordance with the preliminary plans and report prepared by Stantec Consulting Services, Inc., consulting engineers; and

WHEREAS, the City Council wishes that plans and specifications be prepared for the Improvement.

NOW THEREFORE, BE IT RESOLVED by the City Council, that Stantec Consulting Services, Inc., consulting engineer to the City is hereby directed to prepare the final plans and specifications for the Improvement.

Adopted by the City Council on April 20, 2016.

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Daron Gersch, Mayor

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Tom Schneider, Clerk/Adm.

( S E A L )

RESOLUTION 2016-13  
DECLARING COST TO BE ASSESSED; ORDERING PREPARATION  
OF PROPOSED ASSESSMENT; AND CALLING FOR PUBLIC  
HEARING ON ASSESSMENTS

2016 Street & Utility Improvements (5<sup>th</sup> Street, Linden Avenue,  
2<sup>nd</sup> Avenue & Meyer Avenue)

WHEREAS, total costs have been determined for the construction of certain improvements consisting of The 2016 Street & Utility Improvements (5<sup>th</sup> Street, Linden Avenue, 2<sup>nd</sup> Avenue & Meyer Avenue) (the "Improvement") in the amount of \$1,522,943.01.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Albany, Stearns County, Minnesota (the "City"):

1. Allocation of Costs. The portion of the cost of the Improvement to be paid by the City is hereby declared to be \$1,150,100.39 and the portion of the cost of the Improvement to be assessed against benefited property owners is declared to be \$372,842.62.
2. Interest Rate; Term. Assessments will be payable in annual installments extending over a period of fifteen (15) years, the first of the installments to be payable on or before the first Monday on January, 2017 and to bear interest at the rate of 4.5% per annum from the date of the assessment resolution.
3. Preparation of Assessment Roll. The Administrator/Clerk-Treasurer, with the assistance of counsel to the City, the City's consulting Engineer and the independent financial advisor to the City, as needed, is authorized and directed to forthwith calculate the proper amount to be specially assessed for the Improvement against every assessable lot, piece or parcel of land within the area affected, without regard to cash valuation, as provided by law, and a copy of such proposed assessment roll will be filed in the office of the Administrator/Clerk-Treasurer and be open to public inspection.
4. Public Hearing Scheduled. A public hearing will be held at the City Hall on May 18, 2016 at 6:30 PM or as soon as thereafter to consider such proposed assessment, and at such time and place, all persons owning property affected by the Improvement will be given an opportunity to be heard with reference to such assessment.
5. Published and Mailed Notice of Public Hearing. The Administrator/Clerk-Treasurer is hereby directed to cause a notice of the hearing on the proposed assessment stating the total cost of the Improvement to be published in the official newspaper of the City once at least two weeks prior to the date set for the hearing. The published notice must be in substantially the form set forth on Exhibit A attached hereto. Mailed notice will be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the date set for the hearing. The mailed notice must be in substantially the form set forth on Exhibit B attached hereto.

6. Payment in Full of Assessments Allowed. The owner of any property so assessed may, at any time prior to the certification of the assessment or the first installment thereof to the County Auditor, which will be on or before November 15, 2016, pay the entire assessment on such property to the City Treasurer. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of the final assessment roll. An owner may at any time prior to November 15<sup>th</sup> of any year pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31<sup>st</sup> of the year in which such payment is made. Interest will accrue on the assessments at the annual rate set forth above.

Adopted by the City Council of the City of Albany this 20<sup>th</sup> day of April, 2016

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Daron Gersch, Mayor

Attest:

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Tom Schneider, Clerk/Adm

**EXHIBIT A**  
**NOTICE OF PUBLIC HEARING ON ASSESSMENTS FOR THE**  
**2016 STREET AND UTILITY IMPROVEMENTS**  
**(5<sup>TH</sup> STREET, LINDEN AVENUE, 2<sup>ND</sup> AVENUE, MEYER AVENUE)**

NOTICE IS HEREBY GIVEN: That the City Council of the City of Albany, Minnesota, will meet in the City Hall in the City of Albany, MN, on Wednesday, the 18th of May, 2016, at 6:30 PM or as soon thereafter as possible to consider objections, if any, to the proposed assessments for the 2016 Street and Utility Improvements heretofore ordered by the City Council.

The proposed assessment roll is on file with the City Clerk and open to public inspection. Properties abutting on and or benefiting from the improvements are proposed to be assessed. The general nature of the improvements are: new street, storm sewer, sanitary sewer, and water main improvements, to wit: 5<sup>th</sup> Street Improvements from Linden Avenue to Soo Line Avenue, on Linden Avenue from 5<sup>th</sup> Street to 6<sup>th</sup> Street, on 2<sup>nd</sup> Avenue from 50' east of the 6<sup>th</sup> Street centerline to the 2<sup>nd</sup> Avenue cul-de-sac, and on Meyer Avenue from 100' east of 6<sup>th</sup> Street to the Meyer Avenue Cul-de-sac in the City of Albany, Minnesota as described in and in accordance with the preliminary plans and report prepared by Stantec, Inc., consulting engineers for the City.

The total amount proposed to be assessed is \$372,842.62 such assessment is proposed to be payable in equal annual installments extending over a period of fifteen (15) years. Written or oral objections will be considered at the hearing. An owner of property to be assessed may appeal the assessment to the district court of Stearns County pursuant to MN Statutes, Section 429.081 by serving notice of appeal upon the Mayor or Clerk of the City within 30 days after the adoption of the assessment and filing such notice with the district court within ten (10) days after service upon the Mayor or Clerk.

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

Under the provisions of Minnesota Statutes, Section 435.193 to 435.195, the City may, at its discretion, defer the payment of assessments for any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make the payments. The notice of this hearing mailed to property owners contains additional information.

Dated: April 20, 2016.

BY ORDER OF THE CITY COUNCIL

Tom Schneider  
Clerk/Administrator

Published in the The Enterprise May 4th and May 11th, 2016.

## **EXHIBIT B**

### **NOTICE OF PUBLIC HEARING ON ASSESSMENTS FOR THE 2016 Street and Utility IMPROVEMENTS (5<sup>th</sup> Street, Linden Avenue, 2<sup>nd</sup> Avenue, Meyer Avenue)**

NOTICE IS HEREBY GIVEN: That the City Council of the City of Albany, Minnesota, will meet in the City Hall in the City of Albany, MN, on Wednesday the 18th of May, 2010, at 6:30 PM or as soon thereafter as possible to consider objections, if any, to the proposed assessments for the 2016 Street and Utility Improvements heretofore ordered by the City Council.

The proposed assessment roll is on file with the City Clerk and open to public inspection. Properties abutting on and or benefiting from the improvements are proposed to be assessed. The general nature of the improvements is new street, storm sewer, sanitary sewer, and water main improvements, to wit: 5<sup>th</sup> Street Improvements from Linden Avenue to Soo Line Avenue, on Linden Avenue from 5<sup>th</sup> Street to 6<sup>th</sup> Street, on 2<sup>nd</sup> Avenue from 50' east of the 6<sup>th</sup> Street centerline to the 2<sup>nd</sup> Avenue cul-de-sac, and on Meyer Avenue from 100' east of 6<sup>th</sup> Street to the Meyer Avenue Cul-de-sac in the City of Albany, Minnesota.

The portion of the cost of the Improvement to be paid by the City is hereby declared to be \$1,150,100.39. The total amount proposed to be assessed is \$372,842.62. Such assessment is proposed to be payable in equal annual installments extending over a period of fifteen (15) years, the first of the installments to be payable on or before the first Monday on January 2017, and will bear interest at the rate of 4.5% per annum from the date of the adoption of the Assessment Resolution.

Written or oral objections will be considered at the hearing.

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

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

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

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

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

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



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

No interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment roll. At any time prior to November 15 of any year, the owner may prepay to the Treasurer the whole assessment remaining due with interest accrued to December 31 of the year in which the prepayment is made.

If the assessment is not prepaid within 30 days from the adoption of the assessment roll, interest will accrue on the assessment at the rate of 4.5%. Interest accrues from the date to be specified in the resolution levying the assessment, but not earlier than the date of such resolution.

Dated: April 20, 2016.

BY ORDER OF THE CITY COUNCIL

Tom Schneider  
Clerk/Administrator