

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, November 16, 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 November 2nd
5. Open Forum/Public comment
6. Tom Schneider, Clerk/Adm. - City Council, the canvassing board, to ratify the election results for the November 8th Municipal and General Election.
7. Public Hearing to consider and possibly adopt the proposed assessment for unpaid sidewalk repair services incurred in relation to ordinance 41.
8. Public Hearing to consider and possibly adopt the proposed assessment for single-family residential lots, forfeited properties, within the Whispering Oaks at Two River for costs related to utilities, streets, and other municipal improvements.
9. Jeremy Mathiasen, City Engineer - Project Updates
10. Joe Mergen, Public Works Supervisor
11. Laurie Dingmann, Park Board and Community Education Liaison
12. John R. Harlander, Street Department and Albany Township Liaison
13. Tom Kasner, Fire Department, EDA Board, and Equipment
14. Ozzie Carbajal, Police Chief
15. John Greer, Police Department and Planning Commission – recommendation by Planning Commission to 1) approve an interim ordinance declaring a moratorium on the construction or installation of solar panels and solar facilities within the City, and 2) approval of amendment to Ordinance 80 prohibiting tube lighting within Core Commercial (C1) and Residential Districts.
16. Daron Gersch, Utility Department and Albany Golf Club
17. Tom Schneider, Clerk/Adm. -present amendment to Armella Bueckers, 101 Railroad Avenue, lease agreement
-request by Albany Lions Club to approve Resolution 2016-26, Mn Lawful Gambling Exempt Permit application to conduct a raffle in February.
-present Resolution 2016-27 that would certify to the Stearns County Auditor an uncollected special assessment from the 1999 Capital Improvements for payments to begin in the year 2017.
-recommendation not to waive the monetary limits on municipal tort liability (LMCIT)
-Clerk/Adm. Annual Performance Review
18. Mayor's announcements and letters
19. Announce next meeting date and adjourn

Tom Schneider
Clerk/Adm.



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Results last updated: 11/9/2016 4:06:25 PM CT

Results are unofficial until after canvassing

2016

General Election - November 8, 2016

Voter Turnout Map **81.71%**

99 out of 99 Precincts Reporting **100.0%**

Mayor - City of Albany

Follow This Contest

Precincts Reported: 1 / 1

Export

Daron Gersch

97

1,125

Write-In

2%

31

Total Votes **1,156**

Precinct Results

Council Member - City of Albany Vote for Up to Two

Follow This Contest

Precincts Reported: 1 / 1

Export

Keith Heitzman

46%

883

John R. Harlander

52%

989

Write-In 1%

26

Total Votes 1,898

Precinct Results

Mayor - City of Avon

Follow This Contest

Precincts Reported: 1 / 1

Export

John Grutsch 50%

400

Jeff Manthe 49%

394

Write-In 0%

0

Total Votes 794

Precinct Results

Council Member - City of Avon
Vote for Up to Two

Follow This Contest

Precincts Reported: 1 / 1

Export

James Stang 35%

449

Jesse Springer 30%

383

Kurt A Marthaler 33%

419

Write-In 0%

4

Total Votes 1,255

Precinct Results

NOTICE OF PUBLIC HEARING
ON PROPOSED ASSESSMENT FOR
COSTS OF SIDEWALK REPAIR ACTION

NOTICE IS HEREBY GIVEN that the Albany City Council will hold a public hearing at 6:30 PM or as soon as possible on Wednesday, November 16, 2016 in the Council Room at 400 Railroad Avenue, Albany, MN to consider and possibly adopt the proposed assessment for unpaid sidewalk repair services incurred in relation to Ordinance 41. Adoption by the City Council of the proposed assessment may occur at the hearing.

The proposed assessment is as follows:

<u>Property:</u>	<u>Amount:</u>
905 1 st Avenue	\$212.50
801 Macalester Ct.	\$975.00

Written or oral objections will be considered at the hearing, but the Council may consider any objections to the amount of the proposed individual assessments at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

Such assessment is proposed to be payable in one (1) installment. You may pay the entire assessment on such property to the City of Albany on or before November 15, 2016. If not paid by this date, the amount will be certified to the Stearns County Auditor-Treasurer for payment in 2017. The assessment shall be payable in equal annual installments including principal and interest extending over a period of three (3) years, with interest at the rate of 4.0% per annum, in the amount annually required to pay the principal over such period at such rate, the first of said installments to be payable with general taxes for the year 2017, collectible with such taxes during the year 2017. You may at any time thereafter pay to the Stearns County Auditor-Treasurer the entire amount of the assessment.

An owner may appeal an assessment to District Court pursuant to Minnesota Statutes Sections 429.081 by serving notice of the appeal upon the Mayor or City Administrator 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 City Administrator.

No such appeal as to the amount of an assessment as to a specific parcel of land may be made unless the owner has either filed a signed written objection to the assessment with the City Administrator prior to hearing or has presented the written objection to the presiding officer at the hearing.

Tom Schneider
City Administrator

Published in the Albany Enterprise this 2nd day of November, 2016.

**NOTICE OF PUBLIC HEARING
ON PROPOSED ASSESSMENT FOR
WHISPERING OAKS AT TWO RIVER
(Forfeited properties sold-assessment)**

NOTICE IS HEREBY GIVEN that the Albany City Council will hold a public hearing at 6:30 PM or as soon as possible on Wednesday, November 16, 2016, in the Council Room at 400 Railroad Avenue, Albany, MN to consider and possibly adopt the proposed assessment for single-family residential lots, forfeited properties that have been sold, within the Whispering Oaks at Two River for costs related to the installation of utilities, streets and other municipal improvements. Adoption by the City Council of the proposed assessment may occur at the hearing.

The proposed assessment for the benefitted properties is as follows:

<u>Property:</u>	<u>Amount:</u>
122 Schwinghammer Drive	\$15,891.44
127 Schwinghammer Drive	\$15,891.44
106 Oak Leaf Drive	\$15,441.44
125 Whispering Oaks Drive	\$17,691.44
127 Whispering Oaks Drive	\$17,691.44
131 Whispering Oaks Drive	\$17,691.44

Written or oral objections will be considered at the hearing, but the Council may consider any objections to the amount of the proposed individual assessments at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

Such assessment is proposed to be payable in one (1) installment. You may pay the entire assessment on such property to the City of Albany on or before November 15, 2016. If not paid by this date, the amount will be certified to the Stearns County Auditor-Treasurer for payment in 2017. The remaining delinquent amount shall be payable in full with general taxes for the year 2017. The remaining balance shall be payable in equal annual installments including principal and interest extending over a period of seven (7) years, with interest at the rate of 4.0% per annum, in the amount annually required to pay the principal over such period at such rate, the first of said installments to be payable with general taxes for the year 2017, collectible with such taxes during the year 2017. You may at any time thereafter pay to the Stearns County Auditor-Treasurer the entire amount of the assessment.

An owner may appeal an assessment to District Court pursuant to Minnesota Statutes Sections 429.081 by serving notice of the appeal upon the Mayor or City Administrator 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 City Administrator.

No such appeal as to the amount of an assessment as to a specific parcel of land may be made unless the owner has either filed a signed written objection to the assessment with the City Administrator prior to hearing or has presented the written objection to the presiding officer at the hearing.

Tom Schneider
City Administrator

Published in the Albany Enterprise this 2nd day of November, 2016.

**CITY OF ALBANY
INTERIM ORDINANCE DECLARING A MORATORIUM
ON THE CONSTRUCTION OR INSTALLATION OF SOLAR PANELS AND SOLAR
FACILITIES WITHIN THE CITY OF ALBANY**

WHEREAS, The City Council of the City of Albany finds that in order to appropriately site solar panels and solar facilities in an orderly manner compatible with varying land uses, sustainable development and the changing energy goals of the State of Minnesota, it is necessary to allow the Planning Commission to review existing and proposed regulations and conduct a study of potential ordinance changes that may better achieve these goals.

The City Council further finds that the public health, safety and welfare will best be served if the status quo, with respect to solar panels and solar facilities is preserved until review and study of the regulations can be completed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALBANY HEREBY ORDAINS that it is necessary to impose a moratorium on solar panels and solar facilities of any kind in order to allow sufficient time for said study, and to protect the enforcement of zoning regulations and the health, safety and welfare of the citizens of the City of Albany.

The moratorium shall prohibit the construction or installation of all solar panels and solar facilities within the City of Albany. No conditional use permits, building permits or other approvals shall be issued by the City during the moratorium.

The moratorium shall not apply to requests in regards to solar panels or facilities already existing. The moratorium shall continue in full force and effect for one year from the date of adoption, or until such time as the City Council has amended the zoning ordinances. The City Council reserves the right to extend the effective period of this Interim Ordinance in accordance with Minn.Stat. 462.355, Subd. 4.

This ordinance is adopted pursuant to the recommendation of the Planning Commission of the City of Albany to the City Council on _____, 2016.

This Interim Ordinance is adopted the _____ day of _____, 2016, and shall be effective upon publication.

Daron Gersch, Mayor

Tom Schneider, Clerk/Administrator

(SEAL)

This Interim Ordinance was published in the *Albany Enterprise* on _____, 2016

**CITY OF ALBANY
AMENDMENT TO ORDINANCE 80
ZONING ORDINANCE**

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

1. That Section 80.15, Subd. 5, Minimum Building Standards in the R-1 Low Density Residential District is hereby amended by the addition of Subparagraph (f) which shall read as follows:

“(f) Tube Lighting Prohibited. Tube lighting is lighting that is commonly found bordering gas station canopies or such lighting that has a similar look and effect. No tube lighting may be installed on any building, structure or sign within the R-1 Low Density Residential District.”

2. That Section 80.16, Subd. 5, Minimum Building Standards in the R-2 Medium Density Residential District is hereby amended by the addition of Subparagraph (f) which shall read as follows:

“(f) Tube Lighting Prohibited. Tube lighting is lighting that is commonly found bordering gas station canopies or such lighting that has a similar look and effect. No tube lighting may be installed on any building, structure or sign within the R-2 Medium Density Residential District.”

3. That Section 80.17, Subd. 5, Minimum Building Standards in the R-3 Multiple Residence District is hereby amended by the addition of Subparagraph (f) which shall read as follows:

“(f) Tube Lighting Prohibited. Tube lighting is lighting that is commonly found bordering gas station canopies or such lighting that has a similar look and effect. No tube lighting may be installed on any building, structure or sign within the R-3 Multiple Residence District.”

4. That Section 80.18, Subd. 5(n), Design Standards in the R-4 RMH Manufactured Home Park District is hereby amended by the addition of Subparagraph (3) which shall read as follows:

“3. Tube Lighting Prohibited. Tube lighting is lighting that is commonly found bordering gas station canopies or such lighting that has a similar look and effect. No tube lighting may be installed on any building, structure or sign within the R-4 RMH Manufactured Home Park District.”

5. That Section 80.19 C-1 Core Commercial District, is hereby amended by the addition of Subd. 9, which shall read as follows:

“Subd. 9. Tube Lighting Prohibited. Tube lighting is lighting that is commonly found bordering gas station canopies or such lighting that has a similar look and effect. No tube lighting may be installed on any building, structure or sign within the C-1 Core Commercial District.”

This Amendment was approved by the majority of the City Council of Albany on this _____ day of _____, 2016.

Daron Gersch, Mayor

Tom Schneider, Clerk/Administrator

(S E A L)

This amendment was published in the *Albany Enterprise* on _____, 2016

To:	Mr. Tom Schneider and Albany City Council City of Albany	From:	Jeremy Mathiasen St. Cloud Office
File:	193801690	Date:	November 10, 2016

Reference: Engineering Update for the 11/16/16 Council Meeting

2015 Capital Improvements

The Contractor is hopeful that they will have all needed closeout paperwork in time for our first December council meeting.

5th Street Roadway and Utility Improvements

The Contractor was on site this week taking care of a few additional punch list items before the end of the season.

We have been working in the office to complete the project record plans. They will be delivered to the City at Wednesday's meeting.

1st Street Utility Improvements (2017)

A meeting is scheduled for this Monday to further discuss the Railroad Avenue and 1st Street intersection with MnDOT staff. We want to be sure we have the correct alignment and intersection control being designed, so that changes won't be needed a few years after the project is complete.

If you have any specific project questions for me before the council meeting feel free to give me a call or shoot me an email.

Jeremy

Jeremy.mathiasen@stantec.com

320.529.4366

**AMENDMENT TO
RESIDENTIAL LEASE**

This Amendment is entered this 16th day of November, 2016, by and between the City of Albany, a Minnesota municipal corporation, ("Landlord") and Armella Bueckers, an unmarried person, ("Tenant").

RECITALS:

- a. The parties entered into a lease agreement dated May 1, 2012 (the "Lease").
- b. The parties desire to amend the Lease in accordance with the terms herein.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES contained herein, and other good and valuable consideration, the parties agree as follows:

1. Paragraph 4(d) provided for a termination of the Lease if the Tenant fails to reside in the home for a period of 90 days. The parties hereby extend that time frame to 150 days. Upon the expiration of the time frame, Tenant shall surrender the premises to Landlord, and any personal property left within the premises shall be deemed abandoned.

2. All other terms and conditions of the Lease not expressly modified herein remain in full force and effect.

LANDLORD

CITY OF ALBANY

By _____
Daron Gersch, Mayor


ATTEST

By _____
Tom Schneider, Clerk/Administrator

TENANT

Armella Bueckers

Armella Bueckers



**RESOLUTION 2016-26
APPROVING MINNESOTA
LAWFUL GAMBLING EXEMPT PERMIT APPLICATION**

WHEREAS, the Albany Lions has filed a Minnesota Lawful Gambling LG230 application for Exempt Permit to conduct a raffle on February 10, 2017, 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 exists; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALBANY, COUNTY OF STEARNS, STATE OF MINNESOTA, does hereby approve the Off-Site Lawful Gambling at Shady's Hometown Tavern and Event Center, 461 Railroad Avenue, by the Albany Lions Club

Approved by the City Council this 16th day of November, 2016.

**_____
Daron Gersch, Mayor**

**_____
Tom Schneider, Clerk/Adm.**

(S E A L)

DRAFT

RESOLUTION 2016-27
ADOPTION OF ASSESSMENT

WHEREAS, the City constructed the Stonebrooke Improvements of 1999 and held a public hearing on November 17, 1999, to adopt assessments to benefitted properties, and

WHEREAS, the City Council approved a request for a deferred an assessment in the amount of \$3,924.09, from Margaret Dinndorf, 931 Forest Avenue, (Parcel No. 40.25395.0000) as per MN Statutes 435.193 through 435.195 and

WHEREAS, no principal or interest payments have been received by the City, and

WHEREAS, the property at 931 Forest Avenue has been transferred via Quit Claim Deed on October 11, 2016, to Patricia Burns, 301 6th Street, Albany, MN.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Albany, Minnesota, the total due to the City for the aforesaid deferred assessment is \$10,853.90. A special assessment shall be payable in equal annual installments including principal and interest extending over a period of fifteen (15) years, with interest at the rate of 6% per annum, in the amount annually required to pay the principal over such period at such rate, the first of said installments to be payable with general taxes beginning for the year 2017.

Adopted by the City Council this 16th day of November, 2016.

Daron Gersch, Mayor

Tom Schneider, Clerk/Adm.

(S E A L)