

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, March 18, 2015, in the Council Room at 400 Railroad Avenue for the said City.

AGENDA

1. Convene meeting
2. Audit Bills
3. Act on regular Council minutes of the meeting held on March 4th
4. Open Forum/Public comment
5. Robert J. and Patrice Hanauer – discuss City fine related to sidewalk snow/ice removal Ordinance 41.01, Subd. 1.
6. Ozzie Carbajal, Police Chief – present and discuss proposed draft of golf cart ordinance
7. Jeremy Mathiasen – Project updates
8. Joseph Mergen, Public Works Supervisor
9. Laurie Dingmann, Park Board and Community Education Liaison
10. John R. Harlander, Street Department and Albany Township Liaison – recommendation to schedule a public hearing on a request to vacate a drainage and utility easement in the Sterling Heights Addition for a new home construction.
-request by CJK Partnership, LLC, (Chris Kotzer) for a letter of support to operate a mining and processing operation in Albany Township.
11. Tom Kasner, Fire Department, EDA Board, and Equipment
12. Ozzie Carbajal, Police Chief
13. John Greer, Police Department and Planning Commission Liaison
14. Daron Gersch, Utility Department and Albany Golf Club
-Mn Lawful Gambling Exempt Permit Application – Seven Dolores Church (June 22nd)
-MN Lawful Gambling Exempt Permit Application – Seven Dolores Church (Aug. 2nd)
-Mn Dept. of Public Safety application for temporary on-sale Liquor license - Mother of Mercy Foundation
15. Mayor's announcements and letters
16. Announce next meeting date and adjourn

Tom Schneider
Clerk/Adm.

ALBANY CITY ORDINANCE:

Section 52.12: MOTORIZED GOLF CARTS.

Subd. 1: Operation. Motorized golf carts are allowed on City streets not subject to the State of Minnesota's jurisdiction, if the owner obtains a permit under this Section.

Subd. 2: Permit. Any Person desiring a permit to operate a golf cart shall submit an application to the City Clerk/Administrator along with a fee established Appendix A and the following information:

- a) Applicant's Name
- b) Application Date
- c) Street or streets upon which Applicant wishes to drive
- d) Time periods within which Applicant wishes to drive
- e) Insurance Company and Policy Number

All permits shall be valid for a period not to exceed one (1) year and shall be annually renewed. The City shall issue permits only to a Person having a valid Minnesota Driver's License. The City may revoke the permit at any time if there is evidence that the permittee cannot safely operate a motorized golf cart on the designated roadway.

Subd. 3: Hours of Operation. Motorized golf carts may be operated on City streets with a permit only between sunrise and sunset.

Subd. 4: Requirements.

- a) The City Clerk/Administrator may designate on the permit the street and hours of operation as the Clerk determines is in the public's safety interest.
- b) No Person shall operate a motorized golf cart in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light to clearly see persons in vehicles on the roadway at a distance of 500 feet.
- c) Motorized golf carts shall display the slow moving vehicle emblem provided for in Minn. Stat. §169.522, as amended.
- d) The operation and regulation of all motorized golf carts is governed by this Ordinance and Minn. Stat. §169.045, as amended.

**REPEAL AND RE-ENACTMENT OF ORDINANCE SECTION 52.12
REGULATION OF THE USE OF MOTORIZED GOLF CARTS.**

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

1. That the City Council reviewed and proposed changes to Ordinance 52.12 of the Albany City Code pertaining to motorized golf carts;
2. That the proposed Ordinance 52.12, set forth below, is hereby approved;
3. That the current Ordinance 52.12 is hereby revoked in its entirety and the new Ordinance 52.12, set forth below is enacted in its place.

Section 52.12: MOTORIZED GOLF CARTS.

Subd. 1: Purpose. The purpose of this Section is to provide authority for the use of motorized golf carts on city streets that are located within the Albany City Limits pursuant to the authority granted by Minn. Statute § 169.045 and St. Louis County Ordinance No. 500. The provisions of this Section are intended to ensure public safety and prevent a public nuisance.

Subd. 2: Definitions. For the purpose of this section, the following shall mean:

Designated Streets: That portion of city streets which are located within the jurisdictional boundaries of the City of Albany and upon which the City has formally requested the County allow the use of such vehicles. Designated Streets shall be all City streets except MN State HWY #238 (operation of motorized golf carts is prohibited on 1st Street, Railroad Avenue, and 8th Street south of Railroad Avenue). However, crossing MN State HWY #238 is permitted, including Railroad Avenue and 8th Street south of Railroad Avenue.).

Driver: The person driving and having physical control over the motorized golf cart.

Motorized Golf Cart: Any passenger conveyance, being driven with three or four low pressure tires, that is limited to engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

Subd. 3: Severability. The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

Subd. 4: General Provisions.

Use of motorized golf carts may be allowed on City streets only if the following conditions are met:

- a) The posted speed limit on the street is 30 mph or less
- b) A permit for the use of such motorized golf carts has been obtained from Stearns County in addition to a permit from the City of Albany, as provided in Subd. 5.
- c) The operator shall be a licensed driver.
- d) Motorized golf carts shall be operated only from place of storage to and from the Albany Golf Course.

Subd. 5: Permit Required.

It shall be unlawful for any person to operate a motorized golf cart on streets under the jurisdiction of the City of Albany except when the vehicle is traveling on a designated street and is prominently displaying a valid permit obtained from both Stearns County and from the City of Albany.

Every application for a City permit shall be made on a form supplied by the City and shall contain all of the following information:

- a) The name and address of the applicant
- b) Model name, make, and year and number of the motorized golf cart or neighborhood electric vehicle.
- c) Current valid driver's license
- d) Proof of insurance
- e) Other information as the City may require.

The annual permit fee shall be as set forth in the City of Albany fee schedule which may be amended from time to time. Permits shall be granted for a period of one year and may be renewed annually January 1st to December 31st.

No permit shall be granted or renewed unless the following conditions are met:

- a) The applicant may be required to submit a certificate signed by a physician, that the applicant is able to safely operate a motorized golf cart on the roadways designated.
- b) The applicant must provide evidence of insurance equivalent to that required by the provisions of Minn. Statute § 65B.48 Subdivision 5, as it may be amended from time to time.
- c) The applicant has not had his/her driver's license suspended, revoked or cancelled.

Subd. 6: Rights and Duties.

Every person operating a motorized golf cart under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Statute Chapter 169, except when those provisions cannot reasonably be applied to the vehicle.

Motorized golf carts may only be operated on designated streets from sunrise to sunset, unless the original equipment includes headlights, taillights, and turn signals in which case the motorized golf carts may be operated between 5:00 AM and 10:00 PM. Motorized golf carts may not be operated in inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons, and vehicles on the roadway at a distance of 500 feet.

Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Statute § 169.522 and shall be equipped with a rear view mirror to provide the driver with adequate vision from behind as required by Minn. Statute § 169.70.

The number of occupants on the motorized golf cart may not exceed the design occupant load.

It is unlawful to operate a golf cart or electric vehicle upon roadways or public rights of way as follows:

- a) At a speed in excess of the posted speed limit.
- b) Other than single file on a roadway.
- c) Carelessly or recklessly
- d) On a public sidewalk provided for pedestrian travel.
- e) On boulevards within any public right of way
- f) While under the influence of alcohol or drugs, as defined by Minn. State Statutes 169A.20, which is incorporated by reference.

Subd. 7: Penalties.

A violation of this Section shall be petty misdemeanor, except that violations committed under circumstances that endanger or are likely to endanger persons or property, shall be misdemeanors. A violation of this Section within twelve (12) months or a conviction for a prior violation of this ordinance shall be a misdemeanor and shall result in revocation of the violator's permit to operate the motorized golf cart on designated streets for a period of twelve (12) months following conviction.

Subd. 8: Adoption of Ordinance.

This ordinance is effective upon publication in accordance with law.

Adopted this 18th day of March, 2015.

Daron Gersch, Mayor

Tom Schneider, Clerk/Adm.

This amendment was published in the *Albany Enterprise* on _____, 2015.

DRAFT

COUNTY OF STEARNS
STATE OF MINNESOTA

STEARNS COUNTY.

Ordinance Regulating the Use of Motorized Golf Carts and Neighborhood Electric Vehicles

ORDINANCE NO. 500

SECTION 1. PURPOSE/INTENT

The purpose of this ordinance is to provide authority for the use of motorized golf carts and neighborhood electric vehicles on county roads that are located within cities that have 1) adopted an ordinance establishing standards and permitting the use of such vehicles on designated roadways within its jurisdiction pursuant to the authority granted by Minn. Stat. § 169.045, and 2) formally requested the county to allow use of such vehicles on certain roadways within city limits through an official council action. The provisions of this ordinance are intended to ensure the public safety and prevent a public nuisance.

SECTION 2. DEFINITIONS

For the purpose of this ordinance, the following shall mean:

Designated Roadway: that portion of county roads or county state-aid highways within Stearns County which are located within the jurisdictional boundaries of a city that has enacted an Ordinance authorizing, providing standards, and establishing a permitting process for the use of motorized golf carts and neighborhood electric vehicles on roadways under its jurisdiction pursuant to Minn. Stat. § 169.045 and upon which the city has formally requested the county allow the use of such vehicles.

Driver: the person driving and having physical control over the motorized golf cart or neighborhood electric vehicle

Motorized Golf Cart: any passenger conveyance being driven with three or four wheels with three or four low pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

Neighborhood Electric Vehicle: an electrically powered motor vehicle that has four wheels, and has a speed attainable in one mile of at least 20 miles per hour, but not more than 25 miles per hour, on a paved level surface.

SECTION 3. SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

SECTION 4. GENERAL PROVISIONS

Use of motorized golf carts and neighborhood electric vehicles may be allowed on Stearns County roadways only if the following conditions are met:

- (a) The roadway is not classified as a minor or principal arterial
- (b) The posted speed limit on the roadway is 30 mph or less
- (c) The city in which the roadway is located has adopted an ordinance allowing the use of said vehicles on its streets
- (d) The city, through an official council action of record, has requested that the county allow the use of said vehicles on the specific roadway

SECTION 5. PERMIT REQUIRED

It shall be unlawful for any person to operate a motorized golf cart or a neighborhood electric vehicle on roadways under the jurisdiction of Stearns County, except when the vehicle is traveling on designated roadways and is prominently displaying a valid permit obtained from both the county and the city in which the designated roadway is located.

Every applicant for a county permit shall be made on a form supplied by Stearns County and shall contain all of the following information:

- (a) The name and address of the applicant
- (b) Model name, make and year and number of the motorized golf cart or neighborhood electric vehicle
- (c) Current driver's license
- (d) Proof of insurance
- (e) Other information as the city may require.

The annual permit fee shall be as set forth in the Stearns County fee schedule which may be amended from time to time. Permits shall be granted for a period of one year and may be renewed annually January 1 to December 31.

No permit shall be granted or renewed unless the following conditions are met:

- (a) The applicant may be required to submit a certificate signed by a physician, that the applicant is able to safely operate a motorized golf cart on the roadways designated.
- (b) The applicant must provide evidence of insurance equivalent to that required by the provisions of Minnesota Statutes § 65B.48 Subdivision 5, as it may be amended from time to time
- (c) The applicant has not had his/her driver's license suspended, revoked or cancelled

SECTION 6. RIGHTS AND DUTIES

Every person operating a motorized golf cart or neighborhood electric vehicle under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat. Chapter 169, except when those provisions cannot reasonably be applied to the vehicle.

Motorized golf carts and neighborhood electric vehicles may only be operated on designated roadways from sunrise to sunset, unless the original equipment includes headlights, taillights and

turn signals. Motorized golf carts and neighborhood electric vehicles may not be operated in inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Motorized golf carts and neighborhood electric vehicles shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.522 and shall be equipped with a rear view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.

The number of occupants on the motorized golf cart or neighborhood electric vehicle may not exceed the design occupant load.

It is unlawful to operate a golf cart or electric vehicle upon roadways or public rights of way as follows:

- (a) At a speed in excess of the posted speed limit.
- (b) Other than single file on a roadway
- (c) Carelessly or Recklessly
- (d) On a public sidewalk provided for pedestrian travel.
- (e) On boulevards within any public right of way.
- (f) While under the influence of alcohol or drugs, as defined by Minnesota Statute §169A.20, which is incorporated by reference.

SECTION 7. SUNSET DATE

This ordinance shall expire on May 31, 2015 at which time the Stearns County Board of Commissioners will review the policies set forth herein.

SECTION 8. REVOCATION

Law enforcement officers shall report all violations of this ordinance to the office responsible for issuing the required permit for travel on designated roadways for determination of revocation of the permit.

SECTION 9. PENALTIES

Violations of this ordinance shall be petty misdemeanors, except that violations committed under circumstances that endanger or are likely to endanger persons or property, which shall be misdemeanors. A violation of this ordinance within twelve (12) months of a conviction for a prior violation of this ordinance shall be a misdemeanor and shall result in revocation of the violator's permit to operate the motorized golf cart or neighborhood electric vehicle on designated roadways for a period of twelve (12) months following conviction.

SECTION 10. ADOPTION OF ORDINANCE.

This ordinance is effective upon publication in accordance with law.

Duly adopted this 6th day of May, 2014

Mark J Bromenschenkel
Chair, Stearns County Board of Commissioners

ATTEST:

Randy Schreifels
Stearns County Auditor-Treasurer

To:	Mr. Tom Schneider and Albany City Council City of Albany	From:	Jeremy Mathiasen St. Cloud Office
File:	193801690	Date:	March 12, 2015

Reference: Engineering Update for 3/18/15 Council Meeting

Railroad Avenue Improvements

Curb replacement scheduled to start on or before June 1st (depending on the weather) and will likely take about 5-7 working days. At Wednesday's meeting I'd like to discuss with you the proposed concrete grinding for phase two. I'd like to confirm if this is still something that the Council would like to see done. We're also currently working with the Contractor to address a street light issue at Railroad and 9th Street.

2014 Church Avenue Improvements (5th Street to 8th Street)

The record plans for the project have been completed and submitted to Public Works. No other new information for this project. Hopefully the weather stays warm and we can complete the work sooner rather than later.

2015 Capital Improvements

The project is out for bids and the opening is scheduled for March 26th. We held a pre-bid meeting this week with prospective bidders to review the site, highlight the critical parts of the project, and to address questions. We had a good turnout of seven Contractors in attendance.

If you have any questions prior to the Council meeting feel free to contact me at 320.529.4366 or by email at Jeremy.mathiasen@stantec.com

STANTEC CONSULTING SERVICES INC.

NOTICE
DRAINAGE AND UTILITY EASMENT VACATION
CITY OF ALBANY, MINNESOTA

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Council of Albany, MN, at 400 Railroad Avenue, the Albany City Hall, on the 15th day of April, 2015, at 6:30 o'clock in the evening or as soon as thereafter to hear all persons present upon action taken by the City Council for the vacation of an existing 5.00 foot drainage and utility easement over, under and across the southeasterly 5.00 feet of Lot 6, Block 3, STERLING HEIGHTS, according to the recorded plat thereof, Stearns County, Minnesota and the northwesterly 5.00 feet of Lot 7, Block 3, said STERLING HEIGHTS, except that part of said Lot 6 lying 10.00 feet southwesterly of and parallel with the southwesterly right of way line of Stonebrooke Drive, said STERLING HEIGHTS and except that part of said Lot 7 lying 10.00 feet westerly of and parallel with the westerly right of way line of Pond View Court, said STERLING HEIGHTS and except the southwesterly 5.00 feet as measured at right angles to and parallel with the southwesterly lines of said Lots 6 and 7.

Dated this 18th day of March, 2015.

Tom Schneider
Clerk/Adm.

Published in the Albany Enterprise on March 25th and April 1, 2015.


**PETITION FOR VACATION OF DRAINAGE AND
UTILITY EASEMENT IN THE STERLING HEIGHTS PLAT
IN THE CITY OF ALBANY**

To the City Council of the City of Albany, Minnesota:

The undersigned, a majority of owners of property as set forth opposite their respective names, respectfully petition the City Council to vacate an existing 5.00 foot drainage and utility easement over, under and across the northern 5.00 feet of Lot 7, Block 3, Sterling Heights, according to the recorded plat thereof, Stearns County, Minnesota and the southern 5.00 feet of Lot 6, Block 3, said Sterling Heights, as depicted in the attached Exhibit "A".

Name(s)

Legal Description



Lot 6, Block 3, Sterling Heights

Lot 7, Block 3, Sterling Heights

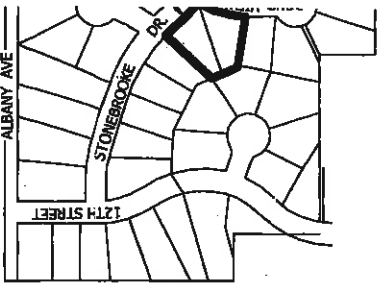
The petitioner(s) agree to pay for all out of pocket costs incurred by the City of Albany.

Received this 9th day of March, 2014.5 pm



Tom Schneider, Clerk/Adm.

KEY MAP



PROPOSED LEGAL LOTS FOR LOT 6 & 7, E

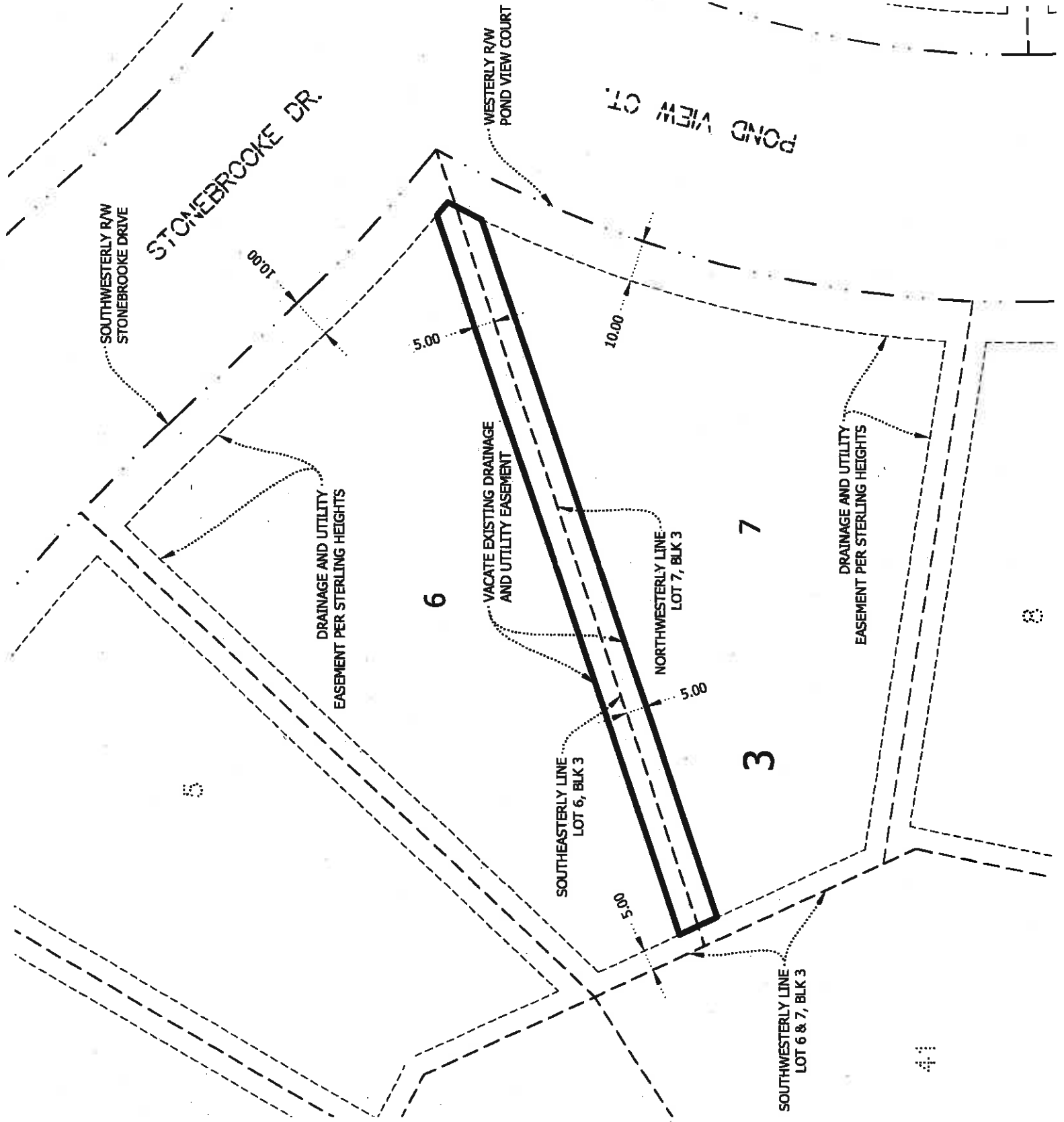
Lots 6 and 7, Block 3, Sterling Heights, Stearns County, Minnesota

EASEMENT VACATION

Vacate an existing 5.00 foot wide easement and across the southeast and across the southeast HEIGTHS, according to the Minnesota and the northwesterly HEIGTHS, except southwesterly of and parallel of Stonebrooke Drive, said said Lot 7 lying 10.00 feet right of way line of Pond View except the southwesterly 5 parallel with the southwest

I hereby certify that this plat was prepared by me or under my supervision as a Licensed Land Surveyor in the State of Minnesota.

John E. Flinn
 John E. Flinn
 Licensed Land Surveyor

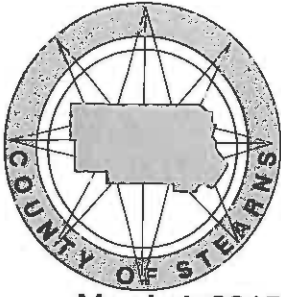


CJK Partnership LLC
21745 340th Street
Albany, MN 56307
Ph: (320) 980-0015
Fax: (320) 845-6211
Email: ckotzer@albanytel.com

Attention: Tom From: Chris Kotzer

Date: 3/12/15 Re: Gravel pit

Tom, we are asking the request of having the city's support in opening a gravel pit in Albany township. This pit would be opened at 34026 207th ave and will benefit the city as approximately half of our material goes to city street and building projects. If you could please send a short letter to Jennifer Buckentine that would be great! Her email is Jennifer.Buckentine@co.stearns.mn.us Any questions don't hesitate to call Thank You!



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

March 4, 2015

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

FROM: STEARNS COUNTY PLANNING COMMISSION

A request to consider an **interim use permit** application has been submitted by **CJK Partnership LLC**, Albany MN, according to the requirements of Sections 4.18, 7.17 and 9.3.6F of Stearns County Land Use and Zoning Ordinance #439 to operate a mining and processing operation. The property under consideration lies southerly of County Road 156 and 207th Ave and is in part of the N1/2SW1/4 of Section 25 and part of the SE1/4NE1/4 and NE1/4SE1/4 of Section 26, Albany Township (125/31).

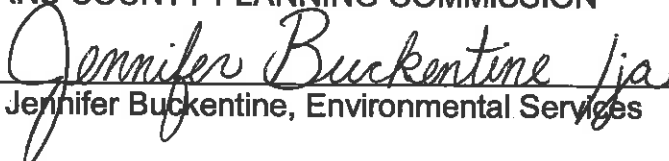
A public hearing regarding the permit will be held by the Stearns County Planning Commission on **Thursday, MARCH 19, 2015** beginning at **7:00 P.M. (Item 4)** in Room 121 of the Stearns County Service Center, 3301 County Road 138, Waite Park, MN. You may submit testimony by appearing at the above hearing or by submitting written testimony prior to the hearing date. Written testimony may be submitted to the Stearns County Environmental Services Department, Administration Center, Rm 343, 705 Courthouse Square, St. Cloud, MN 56303.

A copy of the request for interim use permit is on file in the Environmental Services Department Office, Rm 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 and 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


Jennifer Buckentine, Environmental Services

JB/ja

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.

3-9-15

Rec'd
TMS
3-9-15

To the City Council,

I read your comments about the parking ordinance Section 51-06 and the reason for changing it to 24 hrs. We cause the police could not enforce this. Do they enforce the 48 hr with warnings no fines and how many of these? This ordinance is worthless to tax paying home owners and business but favors the renters. Let me point out to you that we never had this problem when signage was posted. You said the signs were an eye sore to the city on the new lamppost BUT parking lots on the main street are not eye sores? Bring back the signs to clean up this mess.

Take a look at the renter next to me with his delapated truck and all his friends in and out day after day. He has city hall on his side and uses it to circumvent the alternate parking available. Do you see this as fair and equitable to us who abide the law?

Which brings me to the Winter Parking when it snows. It is unlawful to park between 7-6 AM. If a violation, should there be a fine - esp. when plows need to go around the violator? As a property owner on Railroad we are subject to do the bidding of the city

by removing snow when the City does not clean the sidewalks We receive a letter telling us our responsibility even though this is a public sidewalk and we do not own it. A driver that violates the NO parking 3-6 is not responsible to allow plows to clean the street to avoid dangerous conditions to the public. What say you to this inequality?

I have asked for violators to Section 72-01 to be charged. Now here we have an ordinance that is hard to deal with by the police if they are not in the area 34-7. A citizens complaint does not suffice. Therefore this is a non-enforceable ordinance and citizens rights are ignored.

You may wonder why I am so adamant on these issues. It is because being a lifelong resident I have never had to be ignored to my valid complaints I am angered by the disregard to the violations of my rights as a citizen of Albany. I know 2 of the council members heard the sermon of "righteous anger". Share this with the others. Let me also quote the Catholic Historian Lord Acton "Power tends to corrupt and absolute power corrupts absolutely". Think about this. Is this what I'm dealing with?

Jean Pundsock

Tom

3-11-15

Tell Jeremy that the piece of
side walk they put in last
fall has 2 divots that if someone
catches a toe or shoe it could cause
a fall I don't want to be held
liable.

Also tell Joe Mergan that the paint is
chipping off the mail box he painted. Needs
a sanding and new paint.

Thank You

Jean Pundack

