

A special assessment hearing for the 2010 Infrastructure Project Special Assessments was held at the Community Center in Canby, Minnesota on September 21<sup>st</sup>, 2010 at 6:00 P.M. Dean Helstrom gave a presentation on the background, implementation, and financing of the project. Dean also presented on the special assessments for the project. Todd Hagen was on hand to field questions as well. No objections to the special assessment were noted verbally or in writing.

A regular meeting of the City Council of the City of Canby, Minnesota was called to order on Tuesday, September 21<sup>st</sup>, 2010 at 7:00 P.M.

The following members were present: Eugene Bies (Mayor), Eugene Eilers (Alderman), Denise Hanson (Alderman), Jack Winter (Alderman), and Jennie Wittrock-Seidel (Alderman).

Absent: None

Visitors: Gerald Boulton (City Attorney)  
Nicholas Johnson (City Administrator)  
Dean Helstrom (City Engineer)  
Todd Hagen (Ehlers)  
Jeff Pederson  
Brad Lueders  
Darold Snortum  
Darrel Peterson  
Janet Peterson  
David Verhalst  
Margie Keimig  
Susan Alley  
Jay Christianson  
Jody Olson  
Steven Benson  
John Meyer  
Lloyd Cleveland  
Daniel Gallegos  
Nancy Bormann  
Ellie Beman

The Pledge of Allegiance was recited.

Eugene Bies (Mayor) called the regular meeting to order at 7:00 P.M.

The public hearing for the Wellhead Protection Plan was opened. Brad Lueders, Jeff Pederson, and Terry Bovee presented the Wellhead Protection Plan. Discussion was had with the citizens and the Council.

A motion was made by Wittrock-Seidel and seconded by Eilers to approve the minutes of September 7<sup>th</sup> council meeting. Bies, Eilers, Hanson, Winter, and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

A motion was made by Winter and seconded by Wittrock-Seidel to approve the Wellhead Protection Plan. Bies, Eilers, Hanson, Winter, and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

John Meyer spoke on behalf of the H.R.A. The H.R.A. would like Subway to retain the abatement monies should they receive it. John Meyer asked the Council to use funds to call the bond on TIF district 1-21. No action taken.

Resolution 9-21-2010, Resolution Adopting Assessments for 2010 Infrastructure Replacement Project, was introduced and read by Eugene Bies (Mayor). A motion was made by Hanson and seconded by Wittrock-Seidel to adopt the resolution as amended. Bies, Eilers, Hanson, Winter, and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

**RESOLUTION NO. 9-21-2010**  
**RESOLUTION ADOPTING ASSESSMENTS**  
**FOR 2010 INFRASTRUCTURE REPLACEMENT PROJECT**

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to the proposed assessment, and has amended such proposed assessment as it deems just, for the 2010 Infrastructure Replacement Project improvements, in the area within enclosed by 1<sup>st</sup> Street (MN TH 68) to Fairgrounds Street and between Poplar Avenue and Haarfager Avenue, along with 6<sup>th</sup> Street from CSAH 13 to St. Olaf (US TH 75) in the City of Canby, Minnesota.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CANBY, MINNESOTA:

1. Such proposed assessment, as amended, 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 included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of 29 years, the first of the installments to be payable on or before the first Monday in January, 2011 and shall bear interest at the rate of 3.23 per cent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2010. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. 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 administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and the owner may, at any time thereafter, pay to the city administrator the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.

4. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

**Adopted by the council this 21<sup>th</sup> day of September, 2010.**

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City Administrator

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Mayor

The Business Subsidy Policy and Criteria was discussed. Todd Hagen fielded questions anyone had. No action taken.

The Subway Tax Abatement was tabled until the Business Subsidy Policy and Criteria is approved.

The demolition costs of the Canby Inn and Suites was discussed. Nicholas Johnson presented figures and costs to the city per cubic yard of demo fill. Discussion was had with the Council and the citizens. The item was tabled.

Ordinance #299 was read aloud by Eugene Bies (Mayor). A motion was made by Eilers and seconded by Hanson to adopt Ordinance #299. Bies, Eilers, Hanson, Winter, and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

#### Ordinance Number 299

An Ordinance amending the zoning use district boundaries shown on the map which is a part of the Comprehensive Zoning Ordinance number 125 of the City of Canby, Minnesota.

The City of Canby does ordain:

That the map entitled "Zoning Use District, City of Canby, Minnesota" which is incorporated by reference, as part of Comprehensive Zoning Ordinance number 125, be and hereby is amended so as to reflect a change in the Zoning Use District Boundary for the property described as follows:

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and the SW'ly 74 feet of Lots 1, 2, 3, and 4, Block 1, Original Plat to the City of Canby

From Zoning Use Residential B (RB) to Commercial A (CA).

(Said rezoned property being located at 205 through 213 1<sup>st</sup> Street East, Canby, MN)

Adopted by the Council of the City of Canby this 21<sup>st</sup> day of September, 2010.

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Mayor

Attest:

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City Administrator

A motion was made by Eilers and seconded by Winter to approve payment to AET. Bies, Eilers, Hanson, Winter, and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

A motion was made by Hanson and seconded by Winter to approve the election judges. Bies, Eilers, Hanson, Winter, and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

Denise Hanson left the meeting.

A motion was made by Eilers and seconded by Wittrock-Seidel to approve the private utility work completed by Vick's Plumbing and Heating, CAS Plumbing and Heating, and Anhalt Plumbing and Heating for \$989.62, \$3338.41, and \$3023.48, respectively. Bies, Eilers, Winter, and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

A motion was made by Wittrock-Seidel and seconded by Winter to approve the gaming permit for St. Peter's Church for November 21<sup>st</sup>, 2010. Bies, Eilers, Winter, and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

A motion was made by Winter and seconded by Wittrock-Seidel to adjourn the meeting. Bies, Eilers, Winter, and Wittrock-Seidel voted in favor. None voted against. The motion was carried.