

A regular meeting of the City Council for the City of Canby, Minnesota was held on December 4th, 2012 at 7:00 P.M. in the City Council Chambers.

Members: Gene Bies, Gene Eilers, Denise Hanson, Nancy Bormann, Rick Bueltel

Absent: None

Visitors: Nicholas Johnson, City Administrator
Gerald Boulton, City Attorney
Dean Helstrom, City Engineer
Jody Olson
Janelle Verke, Canby News
Larry Duis, Fire Chief
Nate Oellien
Dave Verhelst
Chris Picard, Police Officer
Jason Van Engen

The Pledge of Allegiance was recited.

The minutes of November 20th, 2012 were reviewed. A motion was made by Bormann and seconded by Bueltel to approve the minutes. All voted in favor. None voted against. The motion was carried.

The Truth in Taxation hearing was opened to receive public input on the budget and proposed taxes. There were no attendants for the hearing. A motion was made by Bormann and seconded by Eilers to close the hearing. All voted in favor. None voted against. The motion was carried.

The Planning Commission recommended approval of a special use permit for Allyson Yackley to operate a massage therapy business in the house she rents with the condition that it will be valid for one year upon which it will be reviewed. A motion was made by Hanson and seconded by Bormann to approve the special use permit as recommended by the Planning Commission with the condition. All voted in favor. None voted against. The motion was carried.

Dean Helstrom presented Pay Application #15 for the Infrastructure Project in the amount of \$87,737.64. Dean also discussed the progress of the project budget wise. A motion was made by Eilers and seconded by Bueltel to approve the pay application. All voted in favor. None voted against. The motion was carried.

Dean Helstrom presented an estimate in the amount of \$15,000 for providing a GIS rendering of the cemetery lots and blocks. The Council tabled the issue to give further thought on it.

Resolution 2012-12-4-1, a resolution opting to join the voluntary statewide lump-sum volunteer firefighter retirement plan, was reviewed. A motion was made by Hanson and seconded by

Bueltel to adopt Resolution, 2012-12-4-1. All voted in favor. None voted against. The motion was carried.

City of Canby Resolution 2012-12-4-1

**A Resolution Opting to Join the Voluntary Statewide Lump-Sum
Volunteer Firefighter Retirement Plan**

The City Council of Canby, Minnesota, does ordain:

WHEREAS, the City is authorized to join the Voluntary Statewide Lump-Sum Volunteer Firefighter Retirement Plan administered by the Public Employees Retirement Association (PERA); and

WHEREAS, the City and the City's Fire Department Relief Association have jointly consented to and obtained a cost analysis for joining the Voluntary Statewide Lump-Sum Volunteer Firefighter Retirement Plan from PERA not less than 90 days ago; and

WHEREAS, the City highly values the contributions of City Fire Department members to the safety and well-being of our community and wishes to safeguard their pension investments in a prudent manner.

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

1. The City hereby approves coverage by and requests participation in the Voluntary Statewide Lump-Sum Volunteer Firefighter Retirement Plan administered by PERA under the terms provided in the PERA cost analysis at the \$1,250 benefit level per year of service; and
2. The City Administrator and Mayor are hereby authorized to execute all documents necessary to effectuate the intent of this resolution.

Attest:

Mayor

City Administrator

Ordinance 313, an ordinance relating to the vacation of a certain portion of a street within the City of Canby, was reviewed. A motion was made by Bueltel and seconded by Bormann to adopt Ordinance 313. All voted in favor. None voted against. The motion was carried.

Ordinance Number 313

**An Ordinance Relating to the Vacation of a Certain Portion
of a Street within the City of Canby, Minnesota**

The City Council of the City of Canby does ordain:

The Southeasterly Sixty feet (SE'ly 60') of that portion of Third Street lying between Lot Fourteen (14) in Block Nine (9) of the Original Townsite (now City) of Canby, and Block Forty-five (45) of the Sixth Railroad Addition to the City of Canby, is hereby vacated, expressly subject to the reservation by the City of Canby, its successors and assigns, a perpetual easement for purposes of installing and maintaining water, sewer, storm sewer, telephone, electric, gas, television and other public utility lines, over, under and across said area above vacated.

Passed by the Council this 4th day of December, 2012.

Attest:

Mayor

City Administrator

Ordinance 314, an ordinance relating to nuisances, was reviewed. A motion was made by Hanson and seconded by Bueltel to adopt Ordinance 314. All voted in favor. None voted against. The motion was carried.

Ordinance Number 314

An Ordinance Relating to Nuisances

The City Council of the City of Canby hereby ordains as follows:

Section 1 - Declaration of Policy

The City Council of the City of Canby has determined that the health, safety, good order, general welfare and convenience of the public are threatened by certain public nuisances on property within the city limits.

Section 2 - Definitions

- A. Deteriorated Structure: Any structure or part of any structure which because of wind, fire or other natural disaster, or physical deterioration is no longer habitable nor useful.
- B. Junk/Rubbish: Any material or substance stored in the open or not enclosed in a building which does not serve, nor is intended to serve any useful purpose for which it was originally

intended, including but not limited to refuse, debris, used furniture, unused appliances, machinery parts, motor vehicle parts, remnants of wood, metal or any cast off materials.

1. Junk Vehicles: A junk vehicle shall include motor vehicle, trailer, semi-trailer or other vehicle as defined in Minnesota Statute 169.01 which is not in operable condition or is abandoned as defined in Minnesota Statute 168B.

Junk vehicles also include any vehicle which is not in street operable condition, or which is partially dismantled, or which is used for sale of parts, or as a source of repair or replacement parts, or which is kept for scrapping, dismantling or salvage of any kind or which is not licensed for operation in the State of Minnesota or other state.

C. Public Nuisances: The following are hereby defined as public nuisances:

1. Permitting junk vehicles, junk or rubbish, or deteriorated structures to exist or remain on property within the City of Canby, unless housed with a lawfully erected building.
2. Any uncovered well, open cistern or other condition likely to attract children and expose them to danger.
3. Noxious weeds and other uncontrolled growths of vegetation upon public or private property.
4. All trees, hedges, billboards or other obstructions which prevent person from having a clear view of all traffic approaching an intersection.
5. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.
6. Obstruction to the free flow of water in a natural waterway or a public street claim, gutter or ditch.
7. The depositing of garbage or refuse on public lands, public right of way or private property owned by another without the consent of the owner.
8. Accumulations in the open of discarded or disused machinery, household appliances, automobiles, motor vehicles or motor vehicle bodies or parts, garbage, refuse or other material.

Section 3 - Provisions

- A. No person shall park, keep, place, or store or permit the parking or storage of a junk vehicle, parts, engine or related accessories, on a public street or on any private lands or premises which they own, occupy or control unless it shall be within a building on such premises.

- B. No person shall allow to accumulate, place, or store upon any public or private lands or premises which they own, occupy or, control, any junk or rubbish.
- C. No person shall allow or permit any deteriorated structure or unsafe condition to exist on any private lands or premise which they own, occupy, or control.
- D. No person shall allow or permit any public nuisance as herein defined.
- E. No person shall maintain or permit a condition which reasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public.
- F. No person shall interfere with, obstruct, or render dangerous for passage, any public highway or right of way, or waters used by the public.

Section 4 - Penalties

- A. Any person convicted of violating any provision of Ordinance 314 is guilty of a misdemeanor and shall be punished by a fine of not to exceed \$1,000.00 or imprisonment for not more than 90 days, or both, plus the cost of prosecution in either case.

Section 5 - Exceptions

- A. This ordinance shall not apply to any duly licensed junk yard, or to any business duly conducted and maintained in conformity with the City of Canby Zoning Ordinance.

Section 6 - Repealer

Ordinances 244B and 244B.1 are hereby repealed in their entirety.

Adopted by the Council this 4th day of December, 2012.

Attest:

Mayor

City Administrator

Resolution 2012-12-4-2, a resolution setting the utility rate charges for the City of Canby for 2013, was reviewed. A motion was made by Bueltel and seconded by Eilers to adopt the resolution. All voted in favor. None voted against. The motion was carried.

**City of Canby
Resolution 2012-12-4-2**

A Resolution Setting the Utility Rate Charges for the City of Canby for 2013

The City Council for the City of Canby does hereby ordain:

WHEREAS, the City has committed to funding its infrastructure replacement for future years through increased utility rate charges; and

WHEREAS, under the advisement of financial planning completed prior to the 2010 Infrastructure Project the City is to increase its utility rates by 3% each year until 2026;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF CANBY;

The utility rate charges for the City of Canby for 2013 are updated to be as follows:

Water

Base Charge – \$14.75

Use Charge – \$0.004017 per gallon

Sewer

Base Charge – \$13.98

Use Charge – \$0.001678 per gallon

Storm Sewer

Base Charge – \$10.93

Passed by the City Council this 4th day of December, 2012.

Attest:

Mayor

City Administrator

The Council received recommendation from the EDA to approve a loan request from the Bakery for \$15,000 at 4% for 10 years. A motion was made by Hanson and seconded by Eilers to approve the loan request. All voted in favor. None voted against. The motion was carried.

The vendor transactions for November 2012 in the amount of \$562,820.36 were reviewed. A motion was made by Bueltel and seconded by Bormann to approve the transactions. All voted in favor. None voted against. The motion was carried.

A motion was made by Eilers and seconded by Hanson to approve the meal site agreement between the City and Prairie 5 Community Action Council. All voted in favor. None voted against. The motion was carried.

The following Licenses and permits were reviewed:

1. Exempt from Gambling Raffle – Canby Golf Course, April 27, 2013
2. Off-Sale Liquor – Canby Liquor Inc. and Jim’s SuperValu of Canby
3. On-Sale Liquor – BTA, Inc. (Parrot Bay Bar & Grille)
4. Wine License – Gzorkios Inc. (P.K. Egans)
5. Cigarette License – Canby Liquor, Inc., Independent Oil, Casey’s, Farmer’s Co-op Association, and Jim’s SuperValu of Canby
6. Coin Operated Amusement Machine – P.K. Egans, Parrot Bay Bar & Grille
7. Card Playing – Parrot Bay Bar & Grille

A motion was made by Bueltel and seconded by Bormann to approve the licenses and permits. All voted in favor. None voted against. The motion was carried.

The Council was in consensus to move the January 1st, 2013 Council meeting to January 8th, 2013.

Nicholas Johnson presented changes and information on the 2013 budget. The final budget and levy will be adopted at the next meeting.

A motion was made by Eilers and seconded by Bueltel to adjourn the meeting. All voted in favor. None voted against. The motion was carried.

Attest:

Mayor

City Administrator