

A regular meeting of the City Council for the City of Canby, Minnesota was held on October 21st, 2014 at 7:00 P.M. in the City Council Chambers.

Members: Nancy Bormann, Denise Hanson, Nate Oellien, Frank Maas

Absent: None

Visitors: Nicholas Johnson, City Administrator
Gerald Boulton, City Attorney
Ryan Feiock, Canby News
Jody Olson

The Pledge of Allegiance was recited.

The meeting was called to order.

The minutes of October 7th, 2014 were reviewed. A motion was made by Oellien and seconded by Hanson to approve the minutes. All voted in favor. None voted against. The motion was carried.

Resolution 2014-10-21-1, a resolution declaring a vacancy to exist, was reviewed. A motion was made by Oellien and seconded by Maas to adopt the resolution. All voted in favor. None voted against. The motion was carried.

Resolution 2014-10-21-1

A Resolution Declaring a Vacancy to Exist

Whereas, Eugene Bies has resigned as Mayor of the City of Canby, effective October 8, 2014, and

Whereas, City of Canby Charter Chapter 2, Section 2.05 prescribes the procedure to be taken upon resignation of an elected official,

Therefore be it resolved, that the elective office of Mayor of the City of Canby is hereby declared to be vacant, and the council shall forthwith appoint an eligible person to fill the vacancy until the regular election occurring in 2016.

Passed by the Council of the City of Canby on this 21st day of October, 2014.

Attest:

Mayor Pro Tem

City Administrator

Resolution 2014-10-21-2, a resolution authorizing a joint powers agreement between the City of Canby and MNDOT, was reviewed. A motion was made by Maas and seconded by Hanson to adopt the resolution. All voted in favor. None voted against. The motion was carried.

Resolution 2014-10-21-2

**A Resolution Authorizing a Joint Powers Agreement Between
City of Canby and the State of Minnesota Department of Transportation**

BE IT RESOLVED, that the City of Canby enter into a Joint Powers Agreement with the State of Minnesota Department of Transportation for the following purposes to wit:

To provide engineering assistance; including but not limited to developing design plans and special provisions for pedestrian accessibility improvements adjacent to highways 68 and 75. Said agreement, Joint Powers Agreement No. 06983, will provide for the reimbursement to the City of Canby for the engineering assistance provided to the State of Minnesota Department of Transportation.

BE IT FURTHER RESOLVED, that City Administrator is hereby authorized to execute said agreement with State of Minnesota Department of Transportation.

Passed by the City Council this 21st day of October, 2014.

Attest:

Mayor Pro Tem

City Administrator

Resolution 2014-10-21-3, a resolution amending the PFA loans, was reviewed. A motion was made by Hanson and seconded by Oellien to adopt the resolution. All voted in favor. None voted against. The motion was carried.

RESOLUTION NO. 2014-10-2-3

**RESOLUTION APPROVING AND AUTHORIZING A NOTE MODIFICATION FOR
THE GENERAL OBLIGATION IMPROVEMENT NOTE, SERIES 2014A AND
GENERAL OBLIGATION IMPROVEMENT NOTE, SERIES 2014B**

BE IT RESOLVED, by the governing body (the "Council") of the City of Canby, Yellow Medicine County, Minnesota (the "Issuer"), as follows:

Section 1. Recitals. The Issuer makes the following recitals of fact:

A. The Issuer previously issued its General Obligation Improvement Note, Series 2014A and General Obligation Improvement Note Series 2014B, both dated August 25, 2014, payable to the Minnesota Public Facilities Authority (the “Lender”), in the original principal amounts of \$4,266,964 and \$2,667,171 (the “Notes”).

B. In conjunction with the issuance of the Notes:

(i) the Issuer entered into a Bond Purchase and Project Loan Agreement Drinking Water Revolving Fund Loan with Principal Forgiveness (MPFA-14-0032-R-FY15 & MPFG-14-0032-R-FY15) dated July 11, 2014 (the “Drinking Water Loan Agreement”) with Lender, under which the Lender purchased the Issuer’s Series 2014B Note for \$2,667,171 and loaned the proceeds of the Note to the Issuer (the “Drinking Water Loan”), and the Issuer agreed to repay the Loan upon the terms set forth therein; and

(ii) the Issuer entered into a Bond Purchase and Project Loan Agreement Clean Water Revolving Fund Loan (MPFA-14-0014-R-FY15) dated July 11, 2014 (the “Clean Water Loan Agreement”) with Lender, under which the Lender purchased the Issuer’s Series 2014A Note for \$4,266,964 and loaned the proceeds of the Note to the Issuer (the “Clean Water Loan” together with the “Drinking Water Loan,” the “Loans”), and the Issuer agreed to repay the Loan upon the terms set forth therein.

C. The Lender and Issuer have agreed to modify the payment schedules for the Loans.

D. The forms of the following documents are on file in the office of the Property & Public Services Director (the “Documents”):

i. Letter to Lender accepting proposed revisions to the payment schedules for the Loans;

ii. Amendment No. 1 to the Drinking Water Loan Agreement relating to the change in payment schedule for the Drinking Water Loan to be entered into between Issuer and Lender;

iii. Amendment No. 1 to the Clean Water Loan Agreement relating to the change in payment schedule for the Clean Water Loan to be entered into between Issuer and Lender;

iv. an Allonge to the General Obligation Improvement Note, Series 2014A to be entered into between the Issuer and the Lender which will be attached to the Series 2014A Note; and

v. an Allonge to the General Obligation Improvement Note, Series 2014B to be entered into between the Issuer and the Lender which will be attached to the Series 2014B Note.

Section 2. Approval and Execution of Documents.

A. The Documents are made a part of this Resolution as though fully set forth herein and are approved in substantially the form presented to the Board. The Mayor and the City Administrator (the “Authorized Officers”) are authorized and directed to execute, acknowledge and deliver the Documents on behalf of the Issuer with such changes, insertions and omissions therein as the attorney to the Issuer may hereafter deem appropriate, such execution to be conclusive evidence of approval of such documents in accordance with the terms hereof.

B. The Authorized Officers are authorized and directed to execute and deliver all other documents that may be required under the terms of the Documents or by bond counsel, and to take such other action as may be required or deemed appropriate for the performance of the duties imposed thereby to carry out the purposes thereof.

C. The Authorized Officers and other officers of the Issuer are authorized to furnish to the Lender and bond counsel certified copies of all proceedings and records of the Issuer relating to the Documents, and such other affidavits and certificates as may be required to show the facts relating to the transactions described herein as such facts appear from the books and records in the officers’ custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the Issuer as to the truth of all statements contained therein.

D. In the event that for any reason any one of the Authorized Officers are unable to carry out the execution of any of the Documents or other acts provided herein, any other officer of the Issuer or member of its Board as in the opinion of the Issuer’s attorney, are authorized to act in that capacity and undertake such execution or acts on behalf of the Issuer, shall without further act or authorization execute and deliver the Documents and do all things and execute all instruments and documents required to be done or executed by such officers, with full force and effect, which executions or acts shall be valid and binding on the Issuer.

Adopted: October 21, 2014.

Attest:

Mayor Pro Tem

City Administrator

An allonge to the PFA note, Series 2014A was reviewed. A motion was made by Oellien and seconded by Hanson to approve the allonge to note. All voted in favor. None voted against. The motion was carried.

An allonge to the PFA note, Series 2014B was reviewed. A motion was made by Hanson and seconded by Maas to approve the allonge to note. All voted in favor. None voted against. The motion was carried.

The Council heard from the Planning Commission on the proposed Helena project site plan. A motion was made by Hanson and seconded by Maas to approve the plans. Bormann, Maas, and Hanson voted in favor. None voted against. Oellien abstained. The motion was carried.

The developer's agreement with Helena was reviewed. A motion was made by Maas and seconded by Hanson and seconded by Maas to approve the agreement. Bormann, Maas, and Hanson voted in favor. None voted against. Oellien abstained. The motion was carried.

The purchase agreement with Helena for the industrial park land was reviewed. A motion was made by Hanson and seconded by Maas to approve the agreement. Bormann, Maas, and Hanson voted in favor. None voted against. Oellien abstained. The motion was carried.

Ordinance 323, an ordinance relating to the vacation of a certain portion of a city street, was reviewed. A motion was made by Maas and seconded by Oellien to adopt the ordinance. All voted in favor. None voted against. The motion was carried.

Ordinance 323

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

THE CITY COUNCIL OF THE CITY OF CANBY DOES ORDAIN:

That portion of Custer Avenue lying between the northeasterly line of Third Street and the southwesterly line of Fourth Street, is hereby vacated, expressly subject to the reservation by the City of Canby, its successors and assigns, a perpetual easement for purposes of roadway, installing and maintaining water, sewer, storm sewer, telephone, electric, gas, television and other public utility lines, over, under and across the southeasterly 20 feet of said area above vacated.

Passed by the Council this 21st day of October, 2014.

Attest:

Mayor

City Administrator

Resolution 2014-10-21-4, a resolution providing for the issuance, sale, and delivery of \$600,000 GO TIF bonds, series 2014C, was reviewed. A motion was made by Oellien and seconded by Maas to adopt the resolution. All voted in favor. None voted against. The motion was carried. Due to the length of said resolution it is attached to the minutes.

A grant agreement with the Historical Society to receive \$30,000 in grant funds to conduct a historical structure report was reviewed. A motion was made by Maas and seconded by Hanson to approve the agreement. All voted in favor. None voted against. The motion was carried.

Resolution 2014-10-21-5, a resolution supporting a grant application by Midcontinent Communications, was reviewed. A motion was made by Hanson and seconded by Maas to adopt the resolution. All voted in favor. None voted against. The motion was carried.

Resolution 2014-10-21-5

A Resolution Supporting a Grant Application by Midcontinent Communications

WHEREAS Midcontinent Communications will be submitting a Grant Application to the State of Minnesota's Border-To-Border Broadband Grant Program on or about October 24, 2014, for a project to connect the City to Midcontinent's Northern Plains Network to provide high speed Internet connections. The estimated cost of the Project is expected to be \$1,100,000.00, and

WHEREAS the City believes Midcontinent Communications has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration, and

WHEREAS the City believes the sources and amounts of the match to be identified in the application of Midcontinent Communications are committed to the project identified, and

WHEREAS to the best of the City's knowledge and belief, Midcontinent Communications has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

NOW, THEREFORE BE IT RESOLVED that the City of Canby fully supports and backs the application for the Border-To-Border Broadband Development Grant submitted by Midcontinent Communications to the State of Minnesota.

Adopted by the City Council this 21st day of October, 2014.

Attest:

Mayor Pro Tem

City Administrator

Sport Court estimate.

An invoice from RH Sealcoating for sealcoating operations in the amount of \$17,436.11 was reviewed. A motion was made by Maas and seconded by Oellien to approve payment of the invoice. All voted in favor. None voted against. The motion was carried.

The bid bond form for the sale of the series 2014C TIF bonds was reviewed. A motion was made by Hanson and seconded by Oellien to approve the bid bond form. All voted in favor. None voted against. The motion was carried.

The consensus of the Council was to move the Council meeting to Wednesday November 12th, 2014.

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

Attest:

Mayor Pro Tem

City Administrator