

A regular meeting of the City Council for the City of Canby, Minnesota was held on April 7<sup>th</sup>, 2015 at 7:00 P.M. in the City Council Chambers.

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

Absent: None

Visitors:	Nicholas Johnson, City Administrator	Adam Evenson
	Gerald Boulton, City Attorney	McKinley Johanson
	Dean Helstrom, City Engineer	Kooper Cleveland
	Ryan Feiock, Canby News	Travis Dinius
	Jody Olson	Alayna Pederson
	Dale Anhalt	Brittany Verhelst
	Dori Harms	Becca Kamrath

The Pledge of Allegiance was recited.

The meeting was called to order.

The minutes of March 17<sup>th</sup> and March 30<sup>th</sup>, 2015 were reviewed. A motion was made by Hanson and seconded by Maas to approve the minutes. All voted in favor. None voted against. The motion was carried.

Dean Helstrom was on hand to give an update on the infrastructure project.

Dori Harms questioned the need to cut down trees on her property.

Dale Anhalt submitted a petition of signatures and discussed the need to pave Division Street between Ring Avenue and Lyon Avenue. No action taken. The petition shall be entered in as part of the record.

Pay Application #1 for the Infrastructure Project in the amount of \$159,751.86 was reviewed. A motion was made by Maas and seconded by Oellien to approve the pay application. All voted in favor. None voted against. The motion was carried.

Invoices from Bolton and Menk for engineering services for the Infrastructure Project in the amount of \$18,353.50 were reviewed. A motion was made by Oellien and seconded by Maas to approve payment of the invoices. All voted in favor. None voted against. The motion was carried.

Resolution 2015-4-7-1, a resolution calling a hearing on the TIF 1-26 modification plan, was reviewed. A motion was made by Varcoe and seconded by Hanson to adopt the resolution. All voted in favor. None voted against. The motion was carried.

CITY OF CANBY

RESOLUTION NO. 2015-4-7-1

RESOLUTION CALLING FOR A PUBLIC HEARING ON THE ADOPTION OF A  
MODIFIED TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING  
DISTRICT NO. 1-26

WHEREAS, on June 17, 1985 the City of Canby (City) established a city development district (Development District No. 1) pursuant Minnesota Statutes, Chapter 472A, now Sections 469.124 through 469.134, to promote development and redevelopment within an area of the City which had not been developed to its full potential; and

WHEREAS, on August 5, 2014 the City also established a tax increment financing district (TIF District No. 1-26) within Development District No. 1 to assist a project which would not have occurred without public assistance; and

WHEREAS, the City wishes to modify the tax increment financing plan (Plan) for TIF District No. 1-26 in order to authorize the expenditure of tax increment for certain public improvements.

NOW, THEREFORE, BE IT RESOLVED By the City Council of the City of Canby, Minnesota as follows:

1. John W. Meyer is authorized and directed to prepare the modified Plan (Modification Number 1) for TIF District No. 1-26.
2. The city council shall hold a public hearing on the modified Plan on May 19, 2015 starting at 7:00 p.m. in the council chambers at city hall.
3. The John W. Meyer is authorized and directed to prepare a notice of the public hearing and cause the notice to be published in the official newspaper at least 10 days prior to the public hearing.
4. The John W. Meyer is authorized and directed to transmit a copy of the modified Plan to the county and school district with a notice of the time and place of the public hearing to be held before the city council.
5. The city staff and John W. Meyer are authorized and directed to take any and all other steps reasonably necessary in order to accomplish these purposes.

Dated: April 7, 2015.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

Resolution 2015-4-7-2, a resolution for the issuance of \$1,630,000 in TIF bonds, was reviewed. A motion was made by Hanson and seconded by Maas to adopt the resolution. Bormann, Maas, Varcoe, and Hanson voted in favor. None voted against. Oellien abstained. The motion was carried.

RESOLUTION NO. 2015-4-7-2

RESOLUTION AUTHORIZING THE ISSUANCE, ESTABLISHING THE TERMS AND PROVIDING FOR THE SALE OF \$1,630,000 GENERAL OBLIGATION TAXABLE TAX INCREMENT FINANCING BONDS, SERIES 2015A

BE IT RESOLVED, by the City Council of the City of Canby, Minnesota (the “City”), as follows:

1. Authorization of Bonds. It is hereby found, determined, and declared to be necessary, and in the best interests of the City and its residents, that the City should issue \$1,630,000 General Obligation Taxable Tax Increment Bonds, Series 2015A (the “Bonds”), pursuant to Minnesota Statutes, Chapter 475, Section 469.178, Subdivision 2, for the purpose of providing funds to support tax increment financing expenditures for activities in City of Canby Tax Increment Finance District 1-25 (\$1,100,000) as well as the Canby Housing and Redevelopment Authority Tax Increment Finance Districts 1-4 (\$530,000).
2. Term and Conditions of the Bonds. The terms and conditions of the Bonds and the sale thereof are set forth in the Official Terms of Offering, a copy of which is attached hereto as Exhibit A. Each and all of the terms and conditions set forth in the Official Terms of Offering are adopted and confirmed as the terms and conditions of the Bonds and the sale thereof, and the City Council shall meet at the time and place fixed therein to consider the bids for the purchase of the Bonds.
3. Sale of the Bonds. John W. Meyer PhD is authorized and directed to negotiate the sale of the Bonds as permitted by Minnesota Statutes, Section 475.60, Subdivision 2(2) and (9).

Adopted April 7, 2015.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

A proclamation celebrating Lawrence Ferguson’s 100<sup>th</sup> birthday on April 23<sup>rd</sup>, 2015 was read. A motion was made by Maas and seconded by Hanson to approve the proclamation. All voted in favor. None voted against. The motion was carried.

Nicholas Johnson discussed the retirement of Tim Falkum and County assessing services. A motion was made by Maas and seconded by Varcoe to approve preliminarily utilizing the County for assessing services pending contract approval. All voted in favor. None voted against. The motion was carried.

Resolution 2015-4-7-3, a resolution electing workmen's compensation coverage for elected officials, was reviewed. A motion was made by Oellien and seconded by Hanson to adopt the resolution. All voted in favor. None voted against. The motion was carried.

### **Resolution 2015-4-7-3**

#### **A Resolution Allowing Elected Officials of the City of Canby to be Covered by Workmen's Compensation**

WHEREAS, the law enables elected or appointed officials of the City to be covered, and

WHEREAS, the Mayor and Council Members intent is that they will be included as employees;

NOW, THEREFORE, BE IT RESOLVED THAT THE Mayor and Council Members of the City of Canby be covered by the Minnesota Worker's Compensation Law.

Dated this 7<sup>th</sup> day of April, 2015.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

Vendor transactions for March 2015 in the amount of \$172,564.31 were reviewed. A motion was made by Hanson and seconded by Maas to approve the vendor transactions. All voted in favor. None voted against. The motion was carried.

The Community Center Rental policy was discussed. The consensus was to leave the current policy in place.

Nicholas Johnson discussed the current disconnect and reconnect fees associated with turning off and on water service. No action taken.

Ordinance 324, an ordinance on fire calls, was reviewed. A motion was made by Oellien and seconded by Maas to adopt the ordinance. All voted in favor. None voted against. The motion was carried.

## **Ordinance 324**

### **An Ordinance Establishing Fees for Emergency Protection Fire Services Under Fire Service Contracts**

THE CITY COUNCIL OF THE CITY OF CANBY, MINNESOTA DOES ORDAIN:

#### **Section One: Purpose and Intent**

This ordinance is adopted for the purpose of authorizing the City of Canby to charge for fire service as authorized by Minn. Stat. §§ 366.011, 366.012, and 415.01.

#### **Section Two: Definitions**

- (A) “Fire service” means any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.
- (B) “Fire service charge” means the charge imposed by the City for receiving fire service.
- (C) “Motor vehicle” means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi-trailers. It does not include snowmobiles, manufactured homes, all-terrain vehicles, or park trailers.
- (D) “Fire protection contract” means a contract between the City and a town or other city for the City to provide fire service.
- (E) “Mutual aid agreement” means an agreement between the City and a town or other city for the City’s fire department to provide assistance to the fire department of a town or other city.

#### **Section Three: Parties Affected**

- (A) Owners of property within the City who receive fire service.
- (B) Anyone who receives fire service as a result of a motor vehicle accident or fire within the City.
- (C) Owners of property in towns or cities to which the City provides fire service pursuant to a fire protection contract.

#### **Section Four: Rates**

- (A) At the time of passage of this ordinance the rate charged per fire call shall be \$750.
- (B) The City's official fee schedule, as amended from time to time, shall govern the rate charged thereafter.

**Section Five: Billing and Collection**

- (A) Parties requesting and receiving fire services may be billed directly by the City. Additionally, if the party receiving fire services did not request services but a fire or other situation exists which, at the discretion of the fire department personnel in charge, requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.
- (B) Parties billed for fire service will have 60 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency.
- (C) If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.
- (D) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor in which the recipient of the services owns real property for collection with property taxes. The county auditor is responsible for remitting to the city all charges collected on behalf of the city. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.
- (E) False alarms will be billed as a fire call.

**Section Six: Mutual Aid Agreement**

When the City fire department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.

**Section Seven: Billing Procedure for Fire Protection Contracts with Towns or Other Cities**

When the City fire department provides fire service to another fire department pursuant to a Fire Protection Contract, the billing will be determined by the Contract. In the absence of such contract language, this ordinance will control.

**Section Eight: Application of Collection to Budget**

All collected fire charges will be city funds and used to offset the expenses of the City fire department in providing fire services.

Adopted by the City Council this 7th day of April, 2015.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

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

\_\_\_\_\_  
City Administrator