

A regular meeting of the City Council of Canby, Minnesota was held on November 16<sup>th</sup>, 2010 at 7:00 P.M.

Members: Gene Bies, Jack Winter, Denise Hanson, Jennie Wittrock-Seidel, Gene Eilers

Absent: None

Visitors: Dean Helstrom (City Engineer)  
Gerald Boulton (City Attorney)  
Nicholas Johnson (City Administrator)  
Isaiah Keating (Police Chief)  
Todd Hagen (Ehlers Inc.)  
Loren Hacker (Canby Public Schools)  
Nancy Bormann  
Jody Olson  
Ellie Beman  
Todd Pesek  
Dick Birk  
Menno Fokken

The Pledge of Allegiance was recited.

The meeting was called to order at 7:00 P.M.

The minutes of November 2<sup>nd</sup> and November 8<sup>th</sup> were reviewed. A motion was made by Hanson and seconded by Winter to approve the minutes of November 2<sup>nd</sup> and November 8<sup>th</sup>. All voted in favor. None voted against. The motion was carried.

Loren Hacker presented information regarding the proposed walking/biking trail.

The Subway tax abatement was discussed. Todd Hagen provided information regarding the Subway tax abatement. A motion was made by Winter and seconded Seidel to approve the Resolution 11-16-2010 for the Subway tax abatement with changes. All voted in favor. None voted against. The motion was carried.

### **RESOLUTION # 2010-**

**INTRODUCED:**

**SECONDED:**

**VOTED: Aye:**

**Nay:**

**Absent:**

**CITY OF CANBY**

**RESOLUTION APPROVING PROPERTY TAX ABATEMENTS TO ASSIST IN FINANCING IMPROVEMENTS TO BE MADE BY 4 LANCERS INC. IN THE CITY OF CANBY, MINNESOTA**

WHEREAS, 4 Lancers Inc. (the "Company") owns property (the "Property") located at 104 Third Street West in the City of Canby: PID Nos. 30-300-0710 and 30-300-0713; and

WHEREAS, the Company has proposed to construct an approximately 1,700 square foot Subway Restaurant; and

WHEREAS, the Company has requested that the City of Canby consider abatement of the City's share of the property taxes on the Property which will be generated by these new improvements and specifically the new restaurant, and property taxes on existing improvements will not be affected by this proposed tax abatement; and

WHEREAS, only land acquisition, public improvement and site improvement costs are eligible expenses for tax abatement and the Company is requesting tax abatement to assist with the parking lot which will be approximately \$48,000; and

WHEREAS, based on estimated eligible expenses, projected increases in property valuation created by the new improvements, and current tax rates, the maximum aggregate amount of the City's share of the abatement (the "Abatement") would be \$21,000; and

WHEREAS, a public hearing on the proposed tax abatement was held before the Canby City Council at its regular meeting on September 7, 2010, following proper legal notice of said public hearing; and

WHEREAS, the Abatement is authorized under *Minnesota Statutes*, Sections 469.1812 through 469.1815 (the "Abatement Law"); and

WHEREAS, the City Council of Canby, Minnesota, makes the following findings concerning the proposed abatement:

1. The Council expects the benefits to the City of the Abatement to at least equal the costs thereof.
2. Granting the Abatement is in the public interest because it will assist in the development of real property, increase or preserve the tax base of the City, and retain or provide employment opportunities in the City.
3. The Council expects the public benefits described above to be derived from the Abatement.

4. During the period of abatement, the Property will not be located in a tax increment financing district.

5. In any year, the total amount of property taxes abated by the City by this and other resolutions does not exceed the greater of ten percent (10%) of the current levy or \$200,000. NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Canby, Minnesota, as follows:

1. The Abatement is hereby approved. The terms of the abatement shall be as follows:

A. The Abatement shall be for a maximum of ten (10) years and shall apply to the taxes payable in the years 2012 through 2021, inclusive.

B. The Abatement shall be for 100% of the City's share of the increased ad valorem property taxes generated by the Property as a result of the proposed development of the Property by the Company. The Abatement will be used to reimburse the Company for its payment of eligible costs of the redevelopment.

C. The Abatement shall be subject to all the terms and limitations of the Abatement Law.

D. In order to be entitled to the Abatement, the Company shall not be in default to the City and County for any of its payment obligations respecting any taxes, assessments, utility charges or other governmental impositions.

2. A Property Tax Abatement Agreement between the City of Canby and 4 Lancers Inc. will be prepared and submitted to the City Council; in accordance with this resolution.

Adopted this 16th day of November, 2010.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Administrator

Dean Helstrom presented project bills related to the Infrastructure Project and an informational update on the progress of the project. The first bill is from CAS Plumbing and Heating for \$2,404.01. The second bill is from Anhalt Plumbing and Heating for \$3,626.96. A motion was made by Eilers and seconded by Seidel to approve the bills from CAS and Anhalt. All voted in favor. None voted against. The motion was carried.

The creation of a Police Advisory Board was discussed. No action taken.

The Assessor's Contract was reviewed. A motion was made by Eilers and seconded by Hanson to approve the Assessor's Contract. All voted in favor. None voted against. The motion was carried. A copy of the contract is available at City Hall.

An ordinance amending the zoning use district boundaries was reviewed. A motion was made Seidel and seconded by Winter to approve the ordinance. All voted in favor. None voted against. The motion was carried.

ORDINANCE NUMBER \_\_\_\_\_

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 Zoning Use District Boundary for the property described as follows:

Lot Numbered One (1) and Two (2) in Block numbered Fifty-seven (57) in the Eighth (8th) Railroad Addition to the Town (now City) of Canby, Minnesota, not including any portion of the vacated alley adjacent to Lot 2 in the Southwesterly side thereof.

From Zoning Use Commercial B (CB) to Residential B (RB) and Commercial B (CB).

(Said rezoned property being located at 1110 St Olaf Ave N, Canby MN)

This ordinance shall be effective 30 days after publication thereof.

ADOPTED BY THE COUNCIL OF THE CITY OF CANBY THIS 16<sup>th</sup> DAY OF November, 2010.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY ADMINISTRATOR

The Snow Policy was discussed. No action taken.

Nicholas Johnson presented the proposed final budget for 2011. No action taken.

Nicholas Johnson presented information regarding the use of orange bags and switching over to can service. The issue was tabled until the next meeting.

Nicholas Johnson presented the special assessment on Central Park in the amount of \$21,000. The suggested method to pay is \$10,500 from the GOIB of 2000 and \$10,500 from the Street crack sealing fund. A motion was made by Eilers and seconded by Hanson to approve the method of payment. All voted in favor. None voted against. The motion was carried.

A motion was made by Hanson and seconded by Seidel to approve all licenses and permits. All voted in favor. None voted against. The motion was carried.

A motion was made by Eilers and seconded by Hanson to adjourn to a closed session. All voted in favor. None voted against. The motion was carried.

The meeting was reopened.

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

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Mayor

ATTEST:

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City Administrator