

A public hearing was held on Tuesday, June 22, 2010 at 6:30 p.m. for citizens to discuss the changes to the Charter of the City of Canby. Residents present voiced their opinions regarding proposed changes to the charter. The hearing was closed at 7:00 p.m.

The regular meeting of the City Council of the City of Canby, Minnesota was held on Tuesday, June 22, 2010 at 7:00 p.m.

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

Absent: None

Visitors: Gerald Boulton, City Attorney  
F. A. Emery-Heise  
Warren Heise  
Ellie Beman  
Gerald Beckius  
Jullie Fairchild  
Matt Wagner  
Sharon Birk  
Dean Helstrom, Bolton & Menk  
Keith Kinner, Kinner & Company  
Isaiah Keating, Chief of Police  
Brandon Stripling  
Charleen Wallert  
Corinne Pesek  
Ron Pesek  
Todd Pesek  
Jody Olson

Eugene Bies, Mayor, called the regular meeting to order at 7:00 p.m.

A motion was made by Eilers and seconded by Hanson to approve the minutes of the June 1, 2010 council meeting. Bies, Winter, Eilers, Hanson and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

A motion was made by Hanson and seconded by Eilers to approve the minutes of the June 8, 2010 council meeting. Bies, Winter, Eilers, Hanson 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 minutes of the June 15, 2010 council meeting. Bies, Winter, Eilers, Hanson and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

Keith Kinner presented the 2009 audit report. One suggestion he made was to have a copy of the bank statements sent to a council member. A motion was made by Hanson and seconded by Wittrock-Seidel to accept the 2009 audit. Bies, Winter, Eilers, Hanson and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

The council discussed the airport grant request. A motion was made by Winter and seconded by Wittrock-Seidel to make a tentative award, subject to receipt of an FAA grant, for the airport terminal area improvements to Neisen's Paving and Excavating Inc., in the amount of \$148,786.50. Bies, Winter, Eilers, Hanson and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

A motion was made by Eilers and seconded by Hanson to adopt Bond Sale Resolution 6-22-2010A. Bies, Winter, Eilers, Hanson and Wittrock-Seidel voted in favor. None voted against. The motion was carried. This resolution is attached to these minutes.

A motion was made by Eilers and seconded by Hanson to adopt Resolution 6-22-2010B adopting City of Canby water and sanitary sewer rates. Bies, Winter, Eilers, Hanson and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

## RESOLUTION 6 22 2010B

### RESOLUTION ADOPTING CITY OF CANBY WATER and SANITARY SEWER RATES

**Whereas**, Ordinance 234 of the City of Canby Code of Ordinances creates the water and sewer service charge system; and

**Whereas**, these charges are intended to and are utilized to fund capital expenditures, operation and maintenance of the water system and wastewater system improvements; and

**Whereas**, the City Council has determined that the existing water system and wastewater system must be upgraded and has undertaken planning to project capital expenditures and operating costs for said systems; and

**Whereas**, upon finding that utilization of the current rates would result in fund deficits in 2010 and beyond, the City Council passed by motion on July 7, 2009 increasing the sewer and water base rates, and increase the usage charge per hundred cubic feet; and

**Whereas**, the City's current rate for sanitary sewer base charge is \$12.79 and the current rate per hundred cubic feet of sanitary sewer charge is \$1.15; and

**Whereas**, the City's current rate for water base charge is \$13.59 and the current rate per hundred cubic feet of water charge is \$2.76; and

**Whereas**, the City retained Bolton & Menk, Inc. and Ehlers & Associates to conduct a sewer fund analysis and to further analyze and project expenditures and costs for the Facility; and

**Whereas**, the City reviewed said water and sewer fund analysis dated July 1, 2009 agrees that a rate increase of 3% for the next 30 years may be required to repay the loan from the Public Facilities Authority for the facility, to operate the facility and to maintain sufficient reserves and

**Whereas**, pursuant to the provisions of Minnesota Statutes, section 444.075, as amended, the City hereby covenants and agrees the City will impose and collect reasonable charges for the service, use and availability of the system to the City and its inhabitants according to the schedules calculated to produce net revenues which will be sufficient to pay one hundred five percent of the principal and interest on the note when due and any other bonds payable therefrom. The full faith and credit and taxing powers of the City shall be and are hereby irrevocably pledged for the prompt and full payment of the principal and interest on the note, and the City covenants and agrees that it will make good any deficiency from the General Fund of the City

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

1. The recitals set forth in the preamble to this Resolution are incorporated into this resolution as if fully set forth herein.
2. The following residential and commercial charges for sanitary sewer are hereby adopted effective July 1, 2009:
  - Sanitary sewer Base Charge per month of \$12.79
  - Sanitary sewer use charge per hundred cubic feet of sanitary sewer charge is \$1.15
  - every year until January 1, 2039 the rates will be increased by 3%
3. The following residential and commercial charges for water are hereby adopted effective July 1, 2009:
  - Water Base Charge per month of \$13.59
  - Water use charge per hundred cubic feet of sanitary sewer charge is \$2.76
  - every year until January 1, 2039 the rates will be increased by 3%
4. The city will undertake periodic rate studies to determine the necessary charge and rate requirements throughout the term of the loan from Public Facilities Authority. Additional rate increases may be necessary based on the outcome of those studies.
5. The City Administrator is directed to take all appropriate action and to prepare all appropriate documents or agreements to facilitate the directives of the city council as provided in this resolution.

\_\_\_\_\_  
Mayor

Attest:

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

The council discussed the Small Cities Grant update. A motion was made by Eilers and seconded by Hanson to have the Housing and Redevelopment Authority be the lead body for administration of the grant. Bies, Winter, Eilers, Hanson and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

A motion was made by Hanson and seconded by Eilers to adopt the Yellow Medicine County All-Hazard Mitigation Plan. Bies, Winter, Eilers, Hanson and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

RESOLUTION OF THE CITY OF CANBY 6-22-2010C

ADOPTION OF THE  
YELLOW MEDICINE COUNTY ALL-HAZARD MITIGATION PLAN

WHEREAS, the City of Canby has participated in the hazard mitigation planning process as established under the Disaster Mitigation Act of 2000, and

WHEREAS, the Act establishes a framework for the development of a multi-jurisdictional County Hazard Mitigation Plan; and

WHEREAS, the Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and businesses; and

WHEREAS, the Yellow Medicine County Plan includes a risk assessment including past hazards, hazards that threaten the County, an estimate of structures at risk, a general description of land uses and development trends and

WHEREAS, the Yellow Medicine County Plan includes a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs; and

WHEREAS, the Yellow Medicine County Plan includes a maintenance or implementation process including plan updates, integration of the plan into other planning documents and how Yellow Medicine County will maintain public participation and coordination; and

WHEREAS, the Plan has been shared with the Minnesota Division of Homeland Security and Emergency Management and the Federal Emergency Management Agency for review and comment; and

WHEREAS, the Yellow Medicine County All-Hazard Mitigation Plan will make the county a participating jurisdictions eligible to receive FEMA hazard mitigation assistance grants; and

WHEREAS, Yellow Medicine County All-Hazard Mitigation Plan updates the existing All-Hazard Mitigation Plan adopted in May, 2005; and

WHEREAS, this is a multi-jurisdictional Plan and cities that participated in the planning process may choose to also adopt the County Plan.

NOW THEREFORE BE IT RESOLVED that the City of Canby supports the hazard mitigation planning effort and wishes to adopt the Yellow Medicine County All-Hazard Mitigation Plan.

This Resolution was declared duly passed and adopted and was signed by the Mayor and attested to by the Interim City Administrator this 22<sup>nd</sup> day of June, 2010.

---

Mayor

Attest:

---

Interim City Administrator

The council tabled the Ordinance regulating motorized golf carts.

The council took no action on the sewer backup insurance coverage.

Alderman Hanson excused herself from the meeting.

A motion was made by Wittrock-Seidel and seconded by Winter to adopt Ordinance Number 297 adopting the amended charter of the City of Canby. Bies, Winter, Eilers and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

CITY OF CANBY, MINNESOTA  
ORDINANCE NUMBER 297

AN ORDINANCE ADOPTING THE AMENDED CHARTER OF THE CITY OF CANBY

The City of Canby hereby ordains:

The City of Canby hereby adopts the amended Charter of the City of Canby effective January 1, 2011 as duly on file and of record in the office of the City of Canby.

Passed and adopted this 22<sup>nd</sup> day of June, 2010.

---

Mayor

ATTEST:

---

Interim City Administrator

A motion was made by Wittrock-Seidel and seconded by Winter, to, in lieu of publication of entire amended ordinance to publish title and summary of ordinance to consist of following highlights. Bies, Winter, Eilers and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

- 1) The City of Canby will now be one ward rather than two.
- 2) All council members will be elected at large.
- 3) Mayor will serve four year term, rather than two.
- 4) Elections to conform to state election laws.
- 5) The official name change is now to City Administrator, not City Administrative Assistant.

- 6) Modernizes and updates franchise provisions.
- 7) Updates initiative and referendum provisions.
- 8) Relies on State Statutes to govern open meetings/recall situations.
- 9) Updates to taxation financing provisions to bring in to line with the current laws and procedures.
- 10) Updates overall language of the charter.
- 11) Eliminates gender references.
- 12) Effective date is January 2, 1011 (Changes in election procedures would not be effective until 2012 elections).

A copy of the proposed amended Charter of the City of Canby is available for public inspection at the City Offices, City Library and [www.canby.govoffice.com](http://www.canby.govoffice.com).

There was no action taken on the board of appeal and equalization training.

A motion was made by Wittrock-Seidel and seconded by Eilers to certify Charleen Wallert as a webmaster with administrator access to the City of Canby web site and accept the proposal of Charleen Wallert to update and improve the website for the sum of \$250.00. Bies, Winter, Eilers and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

A motion was made by Eilers and seconded by Wittrock-Seidel to approve an exempt from gambling permit for St. Peter's Church for September 12, 2010. Bies, Winter, Eilers and Wittrock-Seidel voted in favor. None voted against. The motion was carried.

Isaiah Keating was present and discussed with the council updating computer hardware. There was no action taken.

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

---

Eugene Bies, Mayor

---

Jack Winter, Interim City Administrator