

A regular meeting of the City Council for the City of Canby, Minnesota was held on May 15st, 2012 in the City Council Chambers at 7:00 P.M.

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

Absent: Rick Bueltel

Visitors: Nicholas Johnson, City Administrator
Gerald Boulton, City Attorney
Dean Helstrom, City Engineer
Darci Anderson, Kinner and Company
Melissa Wicklace, Canby News
Jody Olson
Jeff Varcoe
Lamonde Dalle
Ingrid Gottelcalleson
Gerald Beckius
James Schmidt
Nate Oellien
Jerry Kockelman
Dane Nordquist

The Pledge of Allegiance was recited.

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

The minutes of May 1st, 2012 were reviewed. A motion was made by Eilers and seconded by Bormann to approve the minutes. All voted in favor. None voted against. The motion was carried.

A public hearing to consider the modification of the TIF 1-4 plan was opened at 7:00 P.M.

There were no attendees or comments on the modification of the TIF 1-4 plan.

The public hearing was closed at 7:05 P.M.

Resolution 2012-5-15-1, a resolution adopting modification number two to the TIF plan for TIF 1-4, was reviewed. A motion made by Bormann and seconded by Hanson to adopt Resolution 2012-5-15-1. All voted in favor. None voted against. The motion was carried.

City of Canby
Resolution 2012-5-15-1

**RESOLUTION ADOPTING MODIFICATION NUMBER TWO TO THE TAX INCREMENT
FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 1-4**

BE IT RESOLVED By the City Council (the Council) of the City of Canby, Minnesota (the City) as follows:

Section 1. Recitals.

- 1.01. On June 17, 1985, the Council adopted a Development Program for Development District No. 1, pursuant to and in accordance with Minnesota Statutes Sections 469.124 through 469.134 (previously Chapter 472A).
- 1.02. It has been proposed that the City modify a Plan for Tax Increment Financing District No. 1-4.
- 1.03. The Council has investigated the facts and has caused to modify the Tax Increment Financing Plan (Plan) for Tax Increment Financing District No. 1-4.
- 1.04. The City has performed all actions required by law to be performed prior to the adoption of the Plan, including, but not limited to, notification of Yellow Medicine County and the Independent School District and holding a public hearing regarding the modification of the Plan upon such notice as is required by law.
- 1.05. The modification number two to the Plan is contained in a document entitled "Modification Number Two to Tax Increment Financing Plan, for Tax Increment Financing District No. 1-4, City of Canby" dated May 15, 2012, on file at city hall.
- 1.06. The City Council has fully reviewed the contents of the modification of the Plan and has on this date conducted a public hearing thereon at which the views of all interested persons were heard.

Section 2. Findings Relating to the Plan for Tax Increment Financing District No. 1-4.

- 2.01. It is found and determined that it is necessary and desirable for the sound and orderly development of the District and the City as a whole, and for the protection and preservation of the public health, safety, and general welfare, that the authority of the TIF Act be exercised by the City to modify the Plan for Tax Increment Financing District No. 1-4.
- 2.02. It is further found and determined, and it is the reasoned opinion of the City, that the actions proposed in the modification of the Plan for Tax Increment Financing District No. 1-4, could not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that therefore the use of tax increment financing is necessary to assist the project.
- 2.03. The expenditures proposed to be financed through tax increment financing are necessary to permit the City to realize the full potential of the District in terms of development intensity and tax base.

- 2.04. The modification of the Plan for Tax Increment Financing District No. 1-4 will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development of the tax increment financing district by private enterprise.
- 2.05. The Plan conforms to the plans for development of the City as a whole.
- 2.06. The City Council has relied upon the opinions and recommendations of its advisor and the personal knowledge of the members of the council in reaching its conclusions regarding the modification of the Plan.
- 2.07. Tax Increment Financing District No. 1-4 is a redevelopment tax increment financing district within the meaning of Minnesota Statutes Section 469.174, Subd. 10.

Section 3. Approval of the Tax Increment Financing Plan.

- 3.01. The modification of the Plan for Tax Increment Financing District No. 1-4 is hereby adopted and the district is hereby modified.
- 3.02. The advisor is authorized and directed to file a copy of the modification of the Plan for Tax Increment Financing District No. 1-4 with the Minnesota Department of Revenue and the State Auditor Office.

Dated: May 15, 2012.

Attest:

Mayor

City Administrator

Dean Helstrom presented an invoice from American Engineering Testing, Inc. in the amount of \$503.00. The Council raised issue with whether or not the contractor should pay for the work since it was replacement work for concrete on Service Drive East. The issue was tabled until more information is gathered.

Dean Helstrom discussed televising the potential future infrastructure area (5th Street East to 68, and 75 to the southeast edge of town). The Water dept. indicated they would be lacking manpower to accomplish the necessary jetting. The issue was tabled until the next meeting.

Darci Anderson from Kinner and Company was present to discuss the 2011 Audit. A motion was made by Bormann and seconded by Eilers to approve the 2011 Audit. All voted in favor. None voted against. The motion was carried.

A town hall meeting to discuss Ordinance 309 was opened. The Council and audience engaged in discussion over the details over the parking regulations. Discussion was had on amending the ordinance to allow up to 72 hours of parking with a permitting process to allow up to 1 week.

The town hall meeting was closed.

Ordinance 309 was discussed. A motion was made by Eilers and seconded Hanson to adopt Ordinance 309 with amendments. All voted in favor. None voted against. The motion was carried.

Ordinance Number 309

An Ordinance Regulating the Use of Highways Within the City of Canby, Incorporating Provisions of the State Highway Traffic Regulation Act by Reference, and Imposing a Penalty for the Violation Thereof.

The Council of the City of Canby ordains:

Section 1. Highway Traffic Regulation Act Incorporated by Reference.

- A. The regulatory provisions of Minnesota Statutes, Ch. 169, as amended, are hereby adopted as a traffic ordinance regulating the use of highways, streets and alleys within the City of Canby and are hereby incorporated in and made a part of this ordinance as completely as if set out here in full. Unless the language or context clearly indicates that a different meaning is intended, the words and phrases herein shall be given the meanings as set forth in Minnesota Statute 168.002.
- B. Any violation of the statutes adopted by this Section shall be a violation of this Code when it occurs within the City. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine or imprisonment or both, not to exceed the maximum penalty authorized by State law for a misdemeanor, plus, in either case, the costs of prosecution. Each act of violation and each day a violation occurs or continues shall constitute a separate offense.

Section 2. Removal of Violating Vehicles; Authority to Provide Removal Service. Any vehicle parked in violation of this Ordinance may be removed by the Street Superintendent or other authorized City employee, including the Sheriff, and Police Officers and towed away and stored at the expense of the owner. The City Council may make reasonable agreements with persons, firms or corporations who have garages in regard to the towing and storage of vehicles. The firms may be authorized by City representatives to tow and store vehicles located on any streets or alley in violation of this Section. The storage fee for vehicles stored shall be as set in the fee schedule adopted from time to time by the Council.

Section 3. Authority to Place Temporary “No Parking” Signs; Obedience Required.

Temporary “No Parking” signs may be placed by City employees on any street of the City to permit construction, repair, snow removal, street cleaning or similar temporary activities. While the signs are in place, it shall be unlawful to park any vehicle on the streets or portion thereof so posted.

Section 4. Unlawful to Abandon Vehicles. It shall be unlawful to abandon any vehicle or place any abandoned vehicle on any public street, alley, public parking lot or other public place in the City.

Section 5. Vehicle Parking. The term "recreational vehicle" shall mean a vehicle designed and used for recreational purposes and enjoyment including, but not limited to, self-propelled motor homes, truck campers, camping trailers, all-terrain vehicles, boats, race cars and race car trailers, snowmobiles, construction trailers, all other trailers, vehicles used to transport goods, refuse or merchandise, semi-tractors and trailers and vehicles converted into storage or camping vehicles.

Subd. 1. Residential Areas. With the exception of construction trailers, the vehicles described above shall not be allowed to park on any public street, for longer than 72 hours to load/unload and to perform maintenance on the vehicle. Construction trailers may be parked on City streets only when they are being used in conjunction with an adjacent construction project and only while attended.

Subd. 2. Semi-trailers, truck-tractor. The parking of semi-trailers, truck-tractor and semi-trailer combinations, and trucks exceeding a capacity of one ton, on the streets and highways in the City of Canby, or in a residential area whether on public or private property, is hereby prohibited, except while loading or unloading.

Subd. 3. Permits Required. The parking of vehicles described above for longer than 72 hours is permissible by permit only. A permit may be obtained by filing application with the City Administrator. The application will contain such information as identification numbers of the vehicle, make, model, coloring and distinctive markings, where the vehicle will be located for the duration of the permit, and any other information which may be deemed necessary. Permit durations will be for more than 72 hours but in no case shall it be for longer than 1 week. No more than 3 permits may be issued to any one person per year. Permits may be denied for any reason the City Administrator deems appropriate. The fee for the permit will be \$10 at the passage of this ordinance with all future changes in fees set by the City’s fee schedule.

Section 6. Parking During Snow Removal Operations:

1. The parking of any vehicle on any street or avenue in the City of Canby is hereby prohibited from 10:00 A.M. on any day when it has snowed prior to said hour or on the previous day until the City Street Department has had an opportunity to plow all snow

between the curb lines of the streets and avenues in the City.

2. No vehicle shall be parked on any street in the City from 10:00 P.M. on any day when there is an accumulation of snow on the streets and avenues in the City until such time as the City Street Department has had an opportunity to plow or remove said snow between the curb lines on all streets and avenues in the City.

Section 7. Seasonal Load Restrictions. No person shall operate any vehicle or combination of vehicles upon any city street during the period between March 20th and May 15th of each year or such other times when streets are posted by suitable signs where the gross weight on any single axle, as define in Minnesota Statutes 1945, Section 169.83, exceeds 8,000 lbs.; provided, that there shall be excepted and exempted from the provisions of this section public and parochial school busses, emergency vehicles of public utilities used incidental to making repairs to its plant or equipment; provided, however, that this ordinance shall not apply to state aid and county aid roads lying within the boundaries of the City of Canby or to that part of Eight Street lying Southeast of St. Olaf Avenue North.

Section 8. Truck Routes.

Subd. 1 Definitions. For purposes of this Section the following terms shall have the meaning given:

- A. Truck. "Truck" shall mean any vehicle designed or operated for the transportation of property and whose total weight loaded or unloaded exceeds 10,000 pounds.
- B. Truck Route. "Truck Route" shall mean any street, as designated in this Section, over and along which trucks shall operate.

Subd. 2 Travel Restricted. All trucks operating within the City shall be operated only over and along the truck routes established in this Section, except that this Section shall not prohibit:

- A. The operation of trucks upon any street where necessary to the conduct of business at a destination point; provided, that streets upon which the traffic is permitted shall be used until reaching the intersection nearest the destination point.
- B. The operation of emergency vehicles upon any street.
- C. The operation of trucks owned or operated by the City, public utilities, any contractor or material person while engaged in the repair, maintenance or construction of streets, street improvements or street utilities within the City.
- D. The operation of trucks upon any officially established detour in any case where the truck could be lawfully operated on the street for which the detour is established.

Subd. 3. Truck Routes Established.

- A. Minnesota Highway 68
- B. U.S. Highway 75
- C. County Road 3 (Fairgrounds Road)
- D. Highway 13 (K.T.) from Poplar Avenue North to City Limits
- E. Highway 30
- F. Poplar Avenue North from 5th Street East to Minnesota Highway 68
- G. Division Street from Highway 30 to Minnesota Highway 68
- H. 1st Street South from Division Street to U.S. Highway 75
- I. Haarfager Avenue from 1st Street South to 2nd Street West
- J. 11th Street East from U.S. Highway 75 to Oscar Avenue North
- K. Oscar Avenue North from 11th Street East to 8th Street East
- L. Oscar Avenue North from 2nd Street East to Minnesota Highway 68
- M. 9th Street East from U.S. Highway 75 to Oscar Avenue North
- N. 8th Street East from U.S. Highway 75 to Oscar Avenue North

Subd. 4. Maps, Signs; Weighing of Vehicles; Liability of Vehicle Owner.

- A. The City Administrator shall keep and maintain accurate maps setting out the truck routes or streets upon which truck traffic shall be permitted and the maps shall be available to the public.
- B. The street department of the City shall cause all truck routes and streets upon which traffic is permitted to be clearly sign-posted.
- C. Any officer of the City shall have the authority to require any person driving or in control of any truck not proceeding over a truck route or street upon which truck traffic is permitted to proceed to any public or private scale available for the purpose of weighing and determining whether this Section has been complied with.
- D. In addition to the driver or operator, the owner of any truck being operated with his or her permission and consent shall be liable for any violation of the provisions of this Section.

Section 9. Exhibition Driving. No person shall operate any vehicle in the City of Canby in such a manner as to create or cause unnecessary engine noise, tire squealing, skidding or sliding upon acceleration or stopping or in such a manner as to simulate a race or temporary race, or to cause such vehicle to unnecessarily sway or turn abruptly or to impede traffic.

Section 10. Repeal. Ordinances 162 and 254 are hereby repealed.

Passed by the Council this 15th day of May, 2012.

Attest:

Mayor

City Administrator

Quotes for upgrades to the emergency siren system from West Central Communications were presented. The two quotes were for upgrades with or without a box for the 5 sirens. The total for with boxes was \$9,042. The total for without boxes was \$7,778.20. City staff indicated the new boxes were not necessary. A motion was made by Bormann and seconded by Hanson to accept the quote for upgrading the system without new boxes. All voted in favor. None voted against. The motion was carried.

The Council received an update on the progress of the Small Cities Development Grant.

A 1-4 day temporary liquor license for Parrot Bay, contingent upon receipt of all materials, was reviewed. A motion was made by Bormann and seconded by Eilers to approve the license with requirements. All voted in favor. None voted against. The motion was carried.

Nicholas Johnson informed the Council that Rick Buelteel will be resigning from the Council effective December 31st, 2012.

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

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

A motion was made by Bormann and seconded by Hanson to approve the IBEW contract with changes. All voted in favor. None voted against. The motion was carried.

A motion was made by Eilers and seconded by Bormann to approve the MAPE contract. All voted in favor. None voted against. The motion was carried.

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

Attest:

Mayor

City Administrator