

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

Members: Nancy Bormann, Gene Eilers, Denise Hanson

Absent: Gene Bies, Rick Bueltel

Visitors: Nicholas Johnson, City Administrator
Gerald Boulton, City Attorney
Ellie Beman, Canby News
Collin Kremeier
Jake Ellefson
Chad Liebel
Kathie Behrens

The Pledge of Allegiance was recited.

The meeting was called to order.

The minutes of July 17th, 2012 were reviewed. A motion was made by Eilers and seconded by Hanson to approve the minutes. All voted in favor. None voted against. The motion was carried.

The Council heard recommendation from the Planning Commission regarding the Canby Farmers Grain zoning permit. The Planning Commission recommended approving the zoning permit. A motion was made by Hanson and seconded by Eilers to approve the permit. All voted in favor. None voted against. The motion was carried.

Ordinance 311, an ordinance granting Otter Tail Power Company a nonexclusive franchise to operate electric utilities within the City of Canby, was reviewed. A motion was made by Hanson and seconded by Eilers to introduce Ordinance 311. All voted in favor. None voted against. The motion was carried.

Library staff was on hand to discuss the Pioneerland Library System request of a 3% increase to their budget. The issue was tabled until the City's budget advanced further.

Ordinance 109.3, an ordinance repealing 109, 109.1, and 109.2; and providing for the removal of snow, ice, dirt and rubbish from sidewalks, the elimination of nuisance weeds and grass from public and private property, the repair of sidewalks, and the collection of the costs of such work when done by the municipality as a special assessment against property benefited; and providing penalties for violation. A motion was made by Eilers and seconded by Hanson to adopt Ordinance 109.3. All voted in favor. None voted against. The motion was carried.

Ordinance Number 109.3

An ordinance providing for the removal of snow, ice, dirt and rubbish from sidewalks, the elimination of nuisance weeds and grass from public and private property, the repair of sidewalks, and the collection of the costs of such work when done by the municipality as a special assessment against property benefited; and providing penalties for violation.

The City Council of the City of Canby ordains:

Section 1. Definition. The term “nuisance” as used in this ordinance means one or more of the following: snow, ice, or rubbish removal from sidewalks; weed and grass elimination from street grass plots adjacent to sidewalks or from private property; repair of sidewalks.

Section 2. Subdivision 1. All snow ice, dirt, and rubbish remaining on a public sidewalk more than 24 hours after its deposit thereon is a public nuisance. The owner and the occupant of any property adjacent to a public sidewalk shall use due diligence to keep such walk safe for pedestrians. No such owner or occupant shall allow snow, ice, dirt or rubbish to remain on the sidewalk longer than 24 hours after its deposit thereon.

Section 2. Subdivision 2. The Street Department or any officer of the City of Canby thereby designated by the City Council shall remove from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning 24 hours after any such matter has been deposited thereon or after the snow has ceased to fall. Records shall be kept showing the cost of such removal adjacent to each separate lot and parcel and shall deliver such information to the City Administrator.

Section 3. Weed and Grass Nuisances. Subdivision 1. No person, firm or corporation, owning or occupying any property within the City of Canby, shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of six (6) inches or to throw off any unpleasant or noxious odor. Any grass, weeds or other vegetation growing upon any premises in the City of Canby in violation of any of the provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the City.

Section 3. Subdivision 2. The owner of the premises, as to vacant premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of the first section of this Ordinance.

Section 3. Subdivision 3. The City Administrator, or any officer of the City of Canby designated thereby for the purpose, is hereby authorized to give notice, by personal service or by the United States Mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining, in violation of the provisions of the first section of this Ordinance, directing and requiring such occupant to remove, trim or cut such grass, weeds or

vegetation, so as to conform to the requirements of this Ordinance, within ten (10) days after receipt of such notice. In the event there is no occupant, or the owner cannot be located within the City of Canby, then notice shall be posted on the premises. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the City authorities may remove, trim or cut such grass, weeds or vegetation and an invoice will be sent to the owner for the hours any City employee worked on lot or lots to bring the condition into conformity with the Ordinance plus the penalty authorized by the Ordinance. The owner will then be given thirty (30) days to pay the invoice. Property shall be specially assessed on any property on which there is an unpaid invoice extending beyond thirty (30) days after receipt of said invoice.

Section 3. Subdivision 4. Any owner or occupant who receives 2 or more notices of order to cut or remove grass, weeds or vegetation regarding the same property in any two successive calendar years shall be deemed to have maintained a nuisance and shall be guilty of a misdemeanor.

Section 4. Repair of Sidewalks. Subdivision 1. The owner of any property within the city abutting a public sidewalk shall keep the sidewalk in repair and safe for pedestrians. Repairs shall be made in accordance with standard specifications approve by the Council and on file in the office of the City Administrator.

Section 4. Subdivision 2. It shall be the duty of the Street Department to make such inspections as are necessary to determine that public sidewalks within the city are kept in repair and safe for pedestrians. If the Street Department finds that any sidewalk abutting on private property is unsafe and in need of repairs, they shall cause a notice to be served, by United States Mail or by personal service, upon the record owner of the property and occupant, if the owner does not reside within the city or cannot be found therein, ordering such owner to have the sidewalk repaired and made safe within 30 days and stating that if the owner fails to do so, the Street Department will do so on behalf of the city, that the expense thereof must be paid by the owner, and that if unpaid it will be made a special assessment against the property concerned.

Section 4. Subdivision 3. If the sidewalk is not repaired within 30 days after receipt of the notice, the Street Department shall report the facts to the Council and the Council shall, by resolution, order the Street Department to repair the sidewalk and make it safe for pedestrians or order the work done by contract in accordance with law. The Street Department shall keep a record of the total cost of the repair attributable to each lot or parcel of property and report such information to the City Administrator.

Section 5. Personal Liability. The owner of property on which or adjacent to which a nuisance as described above has been found shall be personally liable for the cost of abating said nuisance. As soon as the nuisance has been abated and the cost determined, the City Administrator shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the City Administrator.

Section 6. Assessment. City staff shall list the total unpaid charges for each type of nuisance described above against each separate lot or parcel to which they are attributable under this ordinance. The Council may then charge against property the total unpaid charges as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

Section 7. Penalty. Violation of any provision of this ordinance shall be a misdemeanor punishable by a fine of up to \$1,000.00 and/or imprisonment for a term not to exceed 90 days.

Section 8. Separability. In case any section of this ordinance is held invalid by a court of competent jurisdiction, the invalidity shall extend only to the section affected and other sections of the ordinance shall continue in full force and effect.

Section 9. Repeal. Ordinances 109, 109.1, and 109.2 and hereby repealed.

Section 10. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication.

Adopted by the Council this _____ day of _____, 2012.

Attest:

Mayor

City Administrator

Ordinance 310, an ordinance providing for the conveyance of real property owned by the City of Canby (known as Out lot A of the 1944 Addition) and the platting thereof, was reviewed. A motion was made by Hanson and seconded by Eilers to adopt Ordinance 310. All voted in favor. None voted against. The motion was carried.

Ordinance No. 310

AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF REAL PROPERTY
OWNED BY THE CITY OF CANBY

WHEREAS, The City of Canby is the owner of the following described real estate in the County of Yellow Medicine, State of Minnesota, described as:

Outlot "A" in the 1944 Addition to the City of Canby, Minnesota, according to the revised plat of said Addition.

AND WHEREAS, it is in the best interest of the City to offer said property for sale at private or public sale, to be sold as a whole or by separate portions thereof as determined by the City and on such terms and conditions favorable to the public interest,

NOW THEREFORE:

THE CITY OF CANBY DOES HEREBY ORDAIN:

That the above described real estate be sold as a whole or by separate portions, or combinations thereof, at public or private sale and on such terms and conditions as may be determined by the City Council. The Mayor and the City Administrator are hereby authorized and directed to execute and deliver sufficient instruments of conveyance and other appropriate documents in accordance with this Ordinance, including the authority to plat said Outlot "A" to facilitate said conveyance(s).

Passed by the Council this ____ day of _____, 2012.

Attest:

Mayor

City Administrator

The vendor transactions for July in the amount of \$641,735.69 were reviewed. A motion was made by Hanson and seconded by Eilers to approve the vendor transactions. All voted in favor. None voted against. The motion was carried.

A 3.2 On Sale Beer permit for the Cattlemen's on August 21st, 2012 at the Fairgrounds was reviewed. A motion was made by Eilers and seconded by Hanson to approve the permit. All voted in favor. None voted against. The motion was carried.

Pay Application #2 for water meters in the amount of \$20,806.90 was reviewed. A motion was made by Hanson and seconded by Eilers to approve the pay application. 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 meeting to discuss contract negotiations for the City Administrator. All voted in favor. None voted against. The motion was carried.

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

The Administrator's employment agreement was tabled until the next meeting.

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