

A regular meeting of the City Council for the City of Canby, Minnesota was held on October 1st, 2013 at 7:00 P.M. in the City Council Chambers.

Members: Gene Bies, Frank Maas, Nancy Bormann, Nate Oellien

Absent: Denise Hanson

Visitors: Nicholas Johnson, City Administrator
Gerald Boulton, City Attorney
Ryan Feiock, Canby News
Zhenya Ward, Administrator's Assistant
Jody Olson
Leah Hoffman

The Pledge of Allegiance was recited.

The meeting was called to order.

The public hearing to receive input and comment on the proposed increase in the off-sale intoxicating liquor licenses fee was opened. No one was present for the public hearing. The public hearing was closed.

The minutes of September 17th, 2013 were reviewed. A motion was made by Maas and seconded by Bormann to approve the minutes. All voted in favor. None voted against. The motion was carried.

Resolution 2013-10-1-1, a resolution setting certain fee amounts relating to liquor regulations, was reviewed. A motion was made by Bormann and seconded by Maas to adopt the resolution. All voted in favor. None voted against. The motion was carried.

**City of Canby
Resolution 2013-10-1-1**

A Resolution Setting Certain Fee Amounts Relating to Liquor Regulations

WHEREAS, the City Council for the City of Canby, Minnesota has adopted Ordinance 317, an ordinance regulating alcohol; and,

WHEREAS, fees must be set for certain kinds of licenses to be available,

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CANBY, MINNESOTA:

That the following licenses relating to alcohol be set at these fee amounts:

3.2 On-Sale "Beer" \$100

3.2 Off-Sale “Beer”	\$25
On-Sale Intoxicating Liquor	\$1,050
Off-Sale Intoxicating Liquor	\$200
Combination On-Sale/Off-Sale Intoxicating Liquor	\$1,250
On-Sale Wine	\$250
Culinary Class Limited On-Sale Intoxicating Liquor	\$100
Brew Pub On-Sale Intoxicating or 3.2 On-Sale “Beer”	\$100
Brewer Off-Sale Intoxicating Liquor	\$100
Temporary 3.2 On-Sale “Beer”	\$20 per day
Temporary On-Sale Intoxicating Liquor	\$20 per day
One Day Consumption and Display	\$20 per day
Temporary Off-Sale Wine	\$20 per day
Temporary Brewer On-Sale Intoxicating Liquor	\$20 per day

Adopted by the City Council this 1st day of October, 2013.

Attest:

Mayor

City Administrator

Ordinance 320, an ordinance regulating trees and their maintenance and providing for shade tree pest control, was reviewed. A motion was made by Bormann and seconded by Oellien to adopt the ordinance. All voted in favor. None voted against. The motion was carried.

Ordinance 320

An Ordinance Regulating Trees and Their Maintenance and Providing for Shade Tree Pest Control within the City of Canby

Section 1: Shade Tree Pest Control

Subd. 1. Declaration of policy. The health of the trees in the city is threatened by shade tree pests, and the loss or ill health of trees growing upon public and private property substantially depreciates the value of property within the city and impairs the safety, good order, general welfare and convenience of the public. In addition to and in accordance with Minnesota Statutes 89.001, 89.01, and 89.51 to 89.64, the provisions of this section are adopted as an effort to control and prevent the spread of these shade tree pests.

Subd. 2. Jurisdiction. The City shall have control of all street trees, shrubs, and other plantings now or hereafter in any street, park, public right-of-way or easement, or other public place within

the city limits, and shall have the power to plant, care for, maintain, remove, and replace such trees, shrubs, and other plantings.

Subd. 3. Declaration of a shade tree pest. The Council may by ordinance declare any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community forest, as defined by Minnesota Statute 89.001, to be a shade tree pest and prescribe control measures to effectively eradicate, control, or manage the shade tree pest, including necessary timelines for action.

Subd. 4. Public nuisances defined. A shade tree pest, as defined by Section 2, occurring within all lands within the boundaries of the city is a public nuisance.

Subd. 5. Shade tree pest nuisances are unlawful. It is unlawful for any person to permit any public nuisance as defined in this section to remain on any premises the person owns or controls within the city. The nuisance may be abated as provided in this section.

Subd. 6. Tree inspector. The Council may appoint a tree inspector to coordinate the activities of the City relating to the control and prevention of damage by shade tree pests. The tree inspector will recommend to the Council the details of any program for the declaration, control, and prevention of shade tree pests. The tree inspector is authorized to enforce or cause to be enforced the tasks incident to such a program adopted by the Council. The term “tree inspector” includes any person designated by Council or the tree inspector to carry out activities authorized in this section.

Subd. 7. Abatement of shade tree pest nuisances.

- A. In abating a nuisance, defined by ordinance under Section 1, subdivision 3, the organism, condition, plant, tree, wood, or material identified as injurious to the health of shade trees shall be removed or effectively treated so as to destroy and prevent as fully as possible the spread of the shade tree pest. Such abatement procedures shall be carried out in accordance with the control measures and areas prescribed by Section 2.
- B. In addition, if the appropriate abatement procedure is removal, and the tree(s) and/or hedge(s) are within the limits of a highway in a rural area within the City’s jurisdiction, Minnesota Statute 160.22 shall be complied with as necessary.

Subd. 8. Reporting discovery of shade tree pest. Any owner or occupier of land or any person engaged in tree trimming or removal who becomes aware of the existence of a public nuisance caused by a shade tree pest as defined under subdivision 3 shall report the same to the City.

Subd. 9. Registration of tree care firms. Any person, firm, or corporation that provides tree care, tree trimming, or removal of trees, limbs, branches, brush, or shrubs for hire must be registered with the Minnesota commissioner of Agriculture under Minnesota Statute 18G.07.

Subd. 10. Inspection and application of control measures.

- A. The tree inspector is authorized to inspect premises and places within the city to determine whether shade tree pests exist thereon and to investigate all reported incidents of shade tree pests. The tree inspector is authorized to take all reasonable measures to prevent the maintenance of public nuisances and may enforce the provisions relating to abatement in this section. Diagnosis of shade tree pests may be by the presence of commonly recognized symptoms; by tests as may be recommended by the commissioner of the Minnesota Department of Agriculture or the commissioner of the Minnesota Department of Natural Resources; or other reliable means.
- B. Except in situations of imminent danger to human life and safety, the tree inspector shall not enter private property for the purpose of inspecting or preventing maintenance of public nuisances without the permission of the owner, resident, or other person in control of the property, unless the tree inspector has obtained a warrant or order from a court of competent jurisdiction authorizing the entry.
- C. No person, firm, or corporation shall interfere with the tree inspector or with anyone acting under the tree inspector's authority while engaged in activities authorized by this section.

Subd. 11. Standard abatement procedure. Except as provided in subdivisions 12 and 14, whenever a tree inspector determines with reasonable certainty that a public nuisance, as described by this ordinance, is being maintained or exists on premises in the city, the tree inspector is authorized to abate a public nuisance according to the procedures in this subdivision.

- A. The tree inspector will notify in writing the owner of record or occupant of the premises that a public nuisance exists and order that the nuisance be terminated or abated. The notice may be given in person or by mail. Failure of any party to receive the mail does not invalidate the service of the notice. A copy of the notice shall be filed with the City Administrator.
- B. The notice of abatement shall state that unless the public nuisance is abated by the owner or occupant, it will be abated by the City at the expense of the owner or occupant. The notice shall specify the control measures to be taken to abate the nuisance, and provide a reasonable amount of time to abate the nuisance. The notice will also state that the owner or occupant has the right to appeal the determination that a public nuisance exists by submitting a request in writing to the City Administrator within seven (7) days after service of the notice, or before the date by which abatement must be completed, whichever comes first.
- C. If no timely appeal is submitted, and the control measures prescribed in the notice of abatement are not complied with within the time provided by the notice or any additional time granted, the tree inspector or designated person shall have the authority to obtain permission or an administrative search warrant, enter the property, and carry out abatement in accordance with the notice of abatement.

Subd. 12. High-cost abatement. If the tree inspector determines that the cost of abating a nuisance will exceed \$5,000 based on a reasonable, good faith estimate, the written notice referred to in subdivision 11 must provide that if the nuisance is not abated within the reasonable amount of time provided, the matter will be referred to the City Council for a hearing. The date, time, and location of the hearing must be provided in the notice.

Subd. 13. Appeal procedure. If the City Administrator receives a written request for a hearing on the question of whether a public nuisance exists, the City Council shall hold a hearing on or before the date of the next regularly scheduled City Council meeting following receipt by the City Administrator of the written request. At least three (3) days notice of the hearing shall be given to the individual who made the written request for the hearing. The Council may modify the abatement notice or extend the time by which abatement must be completed. Each owner, agent of the owner, occupant, and lienholder of the subject property or properties in attendance, if any, shall be given the opportunity to present evidence at the hearing. After holding the hearing, the City Council may issue an order requiring abatement of the nuisance.

Subd. 14. Abatement procedure in event of imminent danger.

- A. If the tree inspector determines that the danger of infestation to other shade trees is imminent, and delay in control measures may put public health, safety, or welfare in immediate danger, the tree inspector may provide for abatement without following subdivision 11 or 12. The tree inspector must reasonably attempt to notify the owner or occupant of the affected property of the intended action and the right to appeal the abatement and any cost recovery at the next regularly scheduled City Council meeting.
- B. Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Subd. 15. Recovery of cost of abatement; liability and assessment.

- A. The owner of premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Administrator or other official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Administrator.
- B. After notice and hearing, as provided in Minnesota Statute 429.061 (which may be amended from time to time), the City Administrator shall, on or before Sept. 1 next following abatement of the nuisance, list the total unpaid charges as well as other charges for current services to be assessed under Minnesota Statute 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then certify the charges against the

property to the county auditor for collection along with current taxes the following year or in annual installments as the City Council may determine in each case.

Section 2: Declared Shade Tree Pests, Control Measures, and Control Area

Subd. 1. Oak Wilt.

- A. Oak wilt disease is a shade tree pest and is defined as any living or dead tree, log, firewood, limb, branch, stump, or other portion of a tree from any species of the genus *Quercus* existing within the control area defined that has bark attached and that exceeds three (3) inches in diameter or ten (10) inches in circumference and contains to any degree any spore or reproductive structures of the fungus *Ceratocystis fagacearum*.
- B. Control measures that may be taken to abate oak wilt disease are:
 1. Installation of a root graft barrier. A root graft barrier can be ordered installed to prevent the underground spread of oak wilt disease. The City will mark the location of the root graft barrier. The barrier disrupts transmission of the fungus within the shared vascular systems of root grafted trees. The barrier is created by excavating or vibratory plowing a line at least forty-two (42) inches deep between any oak tree infected with oak wilt disease and each nearby and apparently healthy oak tree within fifty (50) feet of the infected tree.
 2. Removal and disposal of trees.
 - a. On property zoned for residential and commercial use. On property that is zoned residential and commercial the City may mark for removal trees that have the potential to produce spores of the fungus *Ceratocystis fagacearum*. After, and in no case before, the installation of the root graft barrier and no later than May 1 of the year following infection, all marked trees must be felled. The stump from such felled trees must not extend more than three inches above the ground or, if taller, must be completely debarked. If, however, after the City prescribes the location for a root graft barrier, the City determines that installation of the barrier is impossible because of the presence of pavement or obstructions such as a septic system or utility line, the City may mark for removal all oak trees whether living or dead, infected or not and located between an infected tree and the marked barrier location. These marked trees must be felled and disposed of no later than May 1 of the year following infection. The stump from such felled trees must not extend more than three inches above the ground or, if taller, must be completely debarked.
 - b. On all other property. On all other property, the City may mark for removal all oak trees whether living or dead, infected or not and located between an infected tree and the marked barrier location. These marked trees must be felled and disposed of no

later than May 1 of the year following infection. The stump from such felled trees must not extend more than three inches above the ground or, if taller, must be completely debarked. All wood more than three (3) inches in diameter or ten (10) inches in circumference from such felled trees must be disposed of by burying, debarking, chipping, or sawing into wanefree lumber, or by splitting into firewood, stacking the firewood, and immediately covering the woodpile with unbroken four (4)-mill or thicker plastic sheeting that is sealed into the ground until Oct. 1 of the calendar year following the calendar year in which the tree was felled, or by burning before May 1 of the year following infection. Wood chips from infected trees may be stockpiled or immediately used in the landscape.

C. The control area for oak wilt disease is defined as all lands within the boundaries of the city.

Subd. 2. Emerald Ash Borer.

A. Emerald ash borer is a shade tree pest and is defined as an insect that attacks and kills ash trees. The adults are small, iridescent green beetles that live outside of trees during the summer months. The larvae are grub or worm-like and live underneath the bark of ash trees.

B. Control measures that may be taken to abate emerald ash borer are those provided in the City's EAB Preparedness Plan.

C. The control area for emerald ash borer is defined as all lands within the boundaries of the city.

Subd. 3. Dutch Elm Disease.

A. Dutch elm disease is a shade tree pest and is defined as a disease of elm trees caused by the fungus *Ophiostoma ulmi* or *Ophiostoma novo-ulmi*, and includes any living or dead tree, log, firewood, limb, branch, stump, or other portion of a tree from any species of the genus *Ulmus* existing within the control area defined that has bark attached and that exceeds three (3) inches in diameter or ten (10) inches in circumference and could contain bark beetles or any spore or reproductive structures of the fungus *Ophiostoma ulmi* or *Ophiostoma novo-ulmi*.

B. Control measures that may be taken to abate Dutch elm disease are:

1. Use of fungicide. Fungicides may be effective in preventing Dutch elm disease when injected into living trees that do not already show symptoms of Dutch elm disease. Fungicide injections on private lands are optional and, if performed, are at the landowner's expense.
2. Removal and disposal of trees. Prompt removal of diseased trees or branches reduces breeding sites for elm bark beetles and eliminates the source of Dutch elm disease fungus. Trees that wilt before July 15 must be removed within 20 days of detection. Trees

that wilt after July 15 must be removed by April 1 of the following year. Diseased trees not promptly removed will be removed by the City at the landowner's expense.

- C. The control area for Dutch elm disease is defined as all lands within the boundaries of the city.

Subd. 4. Other Nuisances Declared.

- A. Any tree or part thereof, whether living or dead, and infected or attacked with Cutworms, Army Worms, Japanese Beetles, European Elm Bark Beetles, Native Elm Bark Beetles, Forest Tent Caterpillars, or other plant pests including any form of plant or animal life, including any disease producing organism which the Commissioner of the DNR of the State of Minnesota may designate a danger to the trees or the welfare of the people is hereby declared to be a nuisance.
- B. The control area for all other nuisances is defined as all lands within the boundaries of the city.

Section 3: Regulations and Maintenance of Trees

Subd. 1. Planting of Bushes and Trees.

- A. No person shall plant any bush or shrub in any public street, road or alley.
- B. No person shall plant any tree in any public street, road or alley without having first secured a permit from the City. Each permit shall be valid for a period of not more than sixty days.
- C. Unless otherwise authorized in writing by the City, any tree so planted shall be of a kind approved by the City and shall have a ratio of two-thirds clear stem to one-third crown, which ratio shall be maintained until such time as a clear stem is eight feet higher than the surrounding ground level.
 - 1. Any tree planted must be a minimum of 25 feet from another tree occupying a street, road or alley.
 - 2. Any tree planted must be a minimum of 15 feet away from any water or sewer line whether it is a private service line, stub, or main.
 - 3. Any tree planted must be at least 20 feet away from street, road or alley intersections.
 - 4. Trees may not be planted under overhead utility lines. An exception to this rule may be granted if the fully grown height of the tree type will not grow high enough to interfere with said utility lines. Exception approval is at the sole discretion of the City.
- D. No person shall plant any of the following kinds of trees in any public street, road or alley: nut bearing, conifers, cottonwood, box elder, willow, poplar, black locust, Chinese elm,

catalpa, birch, ash, and all trees of the fast growing and non-durable varieties. Exception to this rule is at the sole discretion of the City.

Subd. 2. Trimming, Removing, and Injury to Trees.

- A. The owner or occupant of any private property shall keep all trees on their property trimmed. No branch may hang lower than 8 feet above the surface of a public sidewalk or 16 feet above the surface of a public street, road or alley.
- B. The owner or occupant of any private property shall remove or cause to be removed any dead trees or dead or broken bough or branch on a tree standing on said private property and overhanging any public street, road or alley.
- C. City staff are authorized and directed to remove any tree or branch of a tree standing on any private property and overhanging any public street, road or alley, when in their judgment the presence of such tree or branch constitutes an imminent danger to persons on private or public property.
- D. No person shall maliciously injure any trees growing on any public street, road or alley.
- E. No person shall allow any wire or other foreign object to touch any tree growing on a public street, road or alley without first having secured a permit from the City. No permit shall be granted except for good cause. An exception to this provision shall be made for new plantings for which stabilization lines are attached to the sapling to promote healthy growth.
- F. No person shall impede the free passage of water and air to any tree growing on any public street, road or alley.
- G. No person shall remove or cause to be removed any tree from any public street, road or alley without having first secured a permit from the City. Each permit shall be valid for a period not more than sixty days.
- H. The owner or occupant of any private premises abutting on any public street, road or alley may themselves maintain and protect any tree standing on said public street, road or alley, providing that in doing so they comply with the provisions of this ordinance.

Section 4: Boulevard Maintenance.

- A. The owner or occupant of any private premises abutting on any public street, road or alley shall plant, maintain and care for grass and flowers in the boulevard lying between the private premises and said public street, road or alley.

Section 5: Severability.

- A. Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

Section 6: Penalty.

- A. Any person, firm, or corporation that violates any provision of this section shall, upon conviction, be guilty of a misdemeanor. The penalty, which may be imposed for any crime that is a misdemeanor under this section, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days, or a fine of not more than \$1,000, or both.
- B. Upon conviction of a misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.
- C. The failure of any officer or employee of the City to perform any official duty imposed by this section shall not subject the officer or employee to the penalty imposed for a violation.
- D. In addition to any penalties provided for in this section, if any person, firm, or corporation fails to comply with any provision of this section, the City Council or any official designated by it may institute appropriate proceedings at law or at equity to restrain, correct, or abate the violation.

Section 7: Summary Approved.

- A. The Council hereby determines that the text of the summary of this ordinance marked "Official Summary of Ordinance 320," and a copy of which is attached to this ordinance, clearly informs the public of the intent and effect of this ordinance. The Council further determines that publication of the title and this summary will clearly inform the public of the intent and the effect of this ordinance. The City Administrator shall file a copy of this ordinance and the summary in the City's office which shall be available for inspection by any person during regular office hours.

Section 8: Repealer.

- A. Ordinances 134 and 190 are hereby repealed in their entirety.

Adopted by the City Council this 1st day of October, 2013.

Attest:

Mayor

City Administrator

Official Summary of Ordinance 320
An Ordinance Regulating Trees and Their Maintenance and
Providing for Shade Tree Pest Control within the City of Canby

The following is the official summary of Ordinance 320, which was passed by the City Council on October 1st, 2013.

A printed copy of this ordinance is available for inspection by any person at the office of the City Administrator during normal business hours.

The ordinance regulating trees and their maintenance and providing for shade tree pest control within this city contains the following provisions.

Section 1 declares policy, the jurisdiction, defines and bans nuisances, provides an abatement procedure, provides an inspection and control measure process, provides an appeal process, and remedies for collecting abatement costs.

Section 2 declares tree pests, control measures, and control areas. The tree pests declared are Oak Wilt, Emerald Ash Borer, Dutch Elm Disease, Cutworms, Army Worms, Japanese Beetles, European Elm Bark Beetles, Native Elm Bark Beetles, Forest Tent Caterpillars, or other plant pests including any form of plant or animal life, including any disease producing organism declared by the Commissioner of the DNR.

Section 3 regulates the planting of bushes and trees in public space as well as the trimming, removing, and injury to trees.

Section 4 regulates boulevard maintenance.

Section 5 declares severability of the ordinance.

Section 6 declares penalties for violating the ordinance.

Section 7 approves this summary.

Section 8 repeals prior ordinances.

This summary was approved by the City Council of Canby, Minnesota, on October 1st, 2013.

Attest:

Mayor

City Administrator

Resolution 2013-10-1-2, a resolution ordering the redemption and payment of the 2009 refunding bond, was reviewed. A motion was made by Maas and seconded by Oellien to adopt the resolution. All voted in favor. None voted against. The motion was carried.

City of Canby
Resolution 2013-10-1-2

A Resolution Ordering the Redemption and Payment of the 2009 Refunding Bond

WHEREAS, the City of Canby currently has issued a bond through Bond Trust Services Corporation CUSIP – 137339EW3; and,

WHEREAS, the bond currently has \$100,000.00 in principal and \$2,677.50 in interest left to be paid; and,

WHEREAS, the City of Canby wishes to redeem the bond prior to its maturity date of December 1st, 2010,

NOW THEREFORE BE IT RESOLVED, the City Council for the City of Canby, Minnesota hereby directs and authorizes the City Administrator to call, redeem, and make full payment of the remaining balance plus interest on the 2009 Refunding Bond debt.

Adopted by the City Council this 1st day of October, 2013.

Attest:

Mayor

City Administrator

Resolution 2013-10-1-3, a resolution designating the use of excess funds of the 2009 refunding bond, was reviewed. A motion was made by Oellien and seconded by Bormann to adopt the resolution. All voted in favor. None voted against. The motion was carried.

City of Canby
Resolution 2013-10-1-3

A Resolution Designating the Use of Excess Funds of the 2009 Refunding Bond

WHEREAS, the City of Canby has ordered and paid off the remaining balance owed on the 2009 Refunding Bond and closed the fund; and,

WHEREAS, there exists excess funds held in and special assessments still being paid into the 2009 Refunding Bond fund; and,

WHEREAS, the 2001A GOIB fund does not have enough funds to pay off its remaining debt as called,

NOW THEREFORE BE IT RESOLVED, the City Council for the City of Canby, Minnesota hereby directs excess funds to be transferred to the 2001A GOIB fund to pay off the remaining balance of the debt.

Adopted by the City Council this 1st day of October, 2013.

Attest:

Mayor

City Administrator

Resolution 2013-10-1-4, a resolution ordering the redemption and payment of the 2001A GOIB, was reviewed. A motion was made by Bormann and seconded by Maas to adopt the resolution. All voted in favor. None voted against. The motion was carried.

**City of Canby
Resolution 2013-10-1-4**

A Resolution Ordering the Redemption and Payment of the 2001A GOIB

WHEREAS, the City of Canby currently has issued a bond through US Bank - CUSIP 137339DN4; and,

WHEREAS, the bond currently has \$60,000 in principal left to be paid; and,

WHEREAS, the City of Canby wishes to redeem the bond prior to its maturity date of December 1st, 2016,

NOW THEREFORE BE IT RESOLVED, the City Council for the City of Canby, Minnesota hereby directs and authorizes the City Administrator to call, redeem, and make full payment of the remaining balance plus negotiated interest on the 2001A GOIB debt.

Adopted by the City Council this 1st day of October, 2013.

Attest:

Mayor

City Administrator

Budget Items.

Resolution 2013-10-1-5, a resolution authorizing the execution of MnDOT grant agreement for airport crack sealing, was reviewed. A motion was made by Maas and seconded by Oellien to adopt the resolution. All voted in favor. None voted against. The motion was carried.

City of Canby
Resolution 2013-10-1-5

**A Resolution Authorizing the Execution of Minnesota Department of Transportation
Grant Agreement for Airport Improvement Excluding Land Acquisition**

It is resolved by the City of Canby as follows:

1. That the State of Minnesota Agreement No. 04713, "Grant Agreement for Airport Improvement Excluding Land Acquisition," for State Project No. A8702-29 at the Canby Municipal Airport is accepted.
2. That the City Administrator and Mayor are authorized to execute this Agreement and any amendments on behalf of the City of Canby.

Adopted by the City Council this 1st day of October, 2013.

Attest:

Mayor

City Administrator

Vendor transactions for September 2013 in the amount of \$224,190.38 were reviewed. A motion was made by Oellien and seconded by Maas to approve the transactions. All voted in favor. None voted against. The motion was carried.

The Council conducted a review of the City Administrator. The City Administrator elected to have the review done in open meeting. The Council thought the City Administrator was doing a good job. Some areas of improvement mentioned were communications between the public works supervisor and reporting of activities.

Resolution 2013-10-6, a resolution providing for the payment of the fire hall bond of 1986, was reviewed. A motion was made by Bormann and seconded by Oellien to adopt the resolution. All voted in favor. None voted against. The motion was carried.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION 2013-10-1-6

RESOLUTION PROVIDING FOR THE PREPAYMENT AND REDEMPTION OF CERTAIN
OUTSTANDING GENERAL OBLIGATION FIRE HALL BOND OF THE CITY

BE IT RESOLVED By the City Council of the City of Canby, Yellow Medicine County, Minnesota, as follows:

1. The City has issued and sold its General Obligation Fire Hall Bond of 1986, dated October 6, 1986 (the "Bond") in the total principal amount of \$165,000. Bond maturing on January 1, 1997 or thereafter, are subject to redemption and prepayment on January 1, 1997 and on any day thereafter at a price of par plus accrued interest.

2. It is determined that it is in the best interests of the sound financial management of the City that Bond/Loan Payments maturing on January 1 in the years 2014, 2015 and 2016 comprising all of the Bond/Loan Payments subject to redemption, be prepaid and redeemed on January 1, 2014 and those Bond/Loan Payments are hereby called for redemption on that date.

3. The City is authorized to mail notice of call for redemption of the Bond/Loan in the form attached hereto as Exhibit A to Berkadia Commercial Mortgage, 118 Welsh Road, Horsham, PA 19044.

The following voted in favor:

and the following voted against:

whereupon said resolution was declared duly passed and adopted.

Attest:

Mayor

City Administrator

A motion was made by Bormann and seconded by Maas to adjourn to closed session to discuss the employment contract with Nicholas Johnson. All voted in favor. None voted against. The motion was carried.

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

A motion was made by Oellien and seconded by Bormann to approve the employment agreement with Nicholas Johnson. All voted in favor. None voted against. The motion was carried.

The November 5th, 2013 meeting will be postponed to November the 6th, 2013 at 7:00 P.M. due to conflict with school board elections.

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