

A regular meeting of the City Council for the City of Canby, Minnesota was held on June 4<sup>th</sup>, 2013 in the City Council Chambers.

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

Absent: Denise Hanson

Visitors: Nicholas Johnson, City Administrator  
Gerald Boulton, City Attorney  
Tom Sterzinger  
Zhenya Ward  
Lloyd Cleveland  
Ryan Feiock  
Nathan Kinner, Kinner and Company  
Dean Helstrom, City Engineer  
Jody Olson  
Darold Snortum  
Bill King  
Linda King

The Pledge of Allegiance was recited.

The minutes of May 21<sup>st</sup>, 2013 were reviewed. A motion was made by Oellien and seconded by Maas to approve the minutes. All voted in favor. None voted against. The motion was carried.

The Planning Commission heard a request for a conditional use permit from Linda and Bill King and Sterzinger Crushing, Inc. to mine gravel from the northeast quarter of the southeast quarter. The Planning Commission recommended approval of the conditional use permit with all conditions as the last permitted use.

The Council heard recommendation from the Planning Commission to approve a conditional use permit to Linda and Bill King for gravel mining operations. A motion was made by Oellien and seconded by Bies to approve the conditional use permit. Bies, Oellien voted in favor. Maas voted against. Bormann abstained. The motion was carried.

Conditional Use Permit Conditions:

1. All State, County, DNR permits and land use approvals be secured as necessary to proceed.
2. Written agreements of project completion within reasonable time frame with stipulations as to weather, mining operation or use of resource, as agreed between developer and City prior to beginning project (see Conditional Use Requirements below).
3. Written plan for road maintenance and dust control (see Conditional Use Requirements below).

4. File bond with City in the amount of \$15,000 for satisfaction of the provisions of the Conditional Use Requirements agreement (see below, signed copy on file at City Hall).

### CONDITIONAL USE REQUIREMENTS

The following are Conditional Use Requirements to the proposed gravel excavation sites located in the Northeast Quarter of the Southeast Quarter, Section Three (3), Township One Hundred Fourteen (114) North, Range Forty-five (45); between the City of Canby (“City”) and, William and Linda King (“Owners”) and Tom Sterzinger of Sterzinger Crushing (“Contractor”)

- 1) The City, their staff, or any agent authorized by the City will have the right to enter the premises for the purposes of inspection to insure the conditions in this agreement are complied with.
- 2) If at any time there is found a default in the conditions set forth the operations will cease immediately until the default is cured. Such a default, if found, will be sent to the Contractor and Owners by the City, in writing, and shall be considered a default if not corrected within 30 days after receipt of the written finding of default.
- 3) During the hauling of any aggregate on the gravel roads located by King’s pit, there will be dust control applied and damage repair as needed to keep them in current or better condition. Calcium chloride or other such appropriate dust control treatment measures shall be used as requested.
- 4) There shall be no more than one excavation open at a time and shall not exceed ten (10) acres at any time.
- 5) There shall be no excavations below the water table.
- 6) After the mining process is complete, the land will be recaptured with 3 or 4 to 1 slope and returned to farm land in useable condition. This process will be done after each particular site is mined out.
- 7) The gravel mining operations shall cease at the end of 2018. All land will be returned to farm land in usable condition prior to the end date of the operations.
- 8) If bond is used to return land to farmable use, then bond must be replenished before proceeding with further mining.
- 9) The bond amount to provide for the land reclamation bond or cash escrow shall be \$15,000.00.
- 10) Less than a total of 40 acres of gravel will be mined.
- 11) Aggregate may be hauled on the North-South township road adjoining the premises. Hauling may also be permitted on the portion of East View Drive abutting the property. There will be no permitted use of the paved portion of East View Drive for hauling aggregate.
- 12) No hot mix plant shall be permitted within the Canby city limits including said SE1/4-3-114-45.

We understand and agree to the above Conditional Use Permit requirements.

Date: \_\_\_\_\_, 2013

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William King, Owner

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Tom Sterzinger, Contractor

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Linda King, Owner

The public hearing for HRA TIF 1-5 was opened. There were no questions or comments regarding the project. The public hearing was closed.

Nathan Kinner from Kinner and Company presented the City's 2012 Audit. A motion was made by Maas and seconded by Oellien to approve the 2012 Audit as presented. All voted in favor. None voted against. The motion was carried.

Dean Helstrom was present to discuss a proposal for GIS services for the City. A motion was made by Bormann and seconded by Maas to approve the proposal for Task 1 and Task 2 to total \$7,500. All voted in favor. None voted against. The motion was carried.

The Council discussed a drop-dead date for punch list items in connection with the 2010 Infrastructure Project. The drop-dead date will be July 19<sup>th</sup>, 2013 before bonding remedy will be sought.

Resolution 2013-6-4-1, a resolution approving the Housing and Development Authority TIF District 1-5, 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 No. 2013-6-4-1**

**RESOLUTION APPROVING THE HOUSING AND REDEVELOPMENT AUTHORITY TAX  
INCREMENT FINANCING DISTRICT NO. 1-5 PLAN**

WHEREAS, on June 4, 2013 the Housing and Redevelopment Authority of the City of Canby (City) created Tax Increment Financing District 1-5 pursuant Minnesota Statutes, Sections 469.174 through 469.1799, to promote development and redevelopment within an area of the City which had not been developed to its full potential; and,

WHEREAS, the Housing and Redevelopment Authority of the City of Canby (City) has requested approval of the Tax Increment Financing District 1-5; and,

WHEREAS, the City of Canby (City) has published a notice in the Canby News and held a public hearing on the Housing and Redevelopment Authority of the City of Canby (City) on Tax Increment Financing District 1-5 Plan on June 4, 2013; and,

WHEREAS, the City of Canby (City) has found the proposed district meets the criteria of Minnesota Statutes, Sections 469.174, subdivision 10, paragraph (a), clauses (1) and (2) because the parcels consisting of 70 percent of the area of the district are occupied by buildings, more than 50 percent of the buildings are structurally substandard to a degree requiring substantial renovation or clearance and the district consists of underused property; and,

WHEREAS, the City of Canby (City) has also found that, in the opinion of the municipality, the proposed redevelopment would not reasonably be expected to occur without the use of tax increment financing; the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the district permitted by the plan; the tax increment financing plan conforms to the general plan for the redevelopment of the municipality as a whole; the tax increment plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the redevelopment of the project by private enterprise; and, the municipality elects the method of tax increment computation set forth in section Minnesota Statutes 469.177, subdivision 3, paragraph (b).

NOW, THEREFORE, BE IT RESOLVED By the City Council of the City of Canby, Canby, Minnesota (City) approves the Housing and Redevelopment Authority of the City of Canby's Tax Increment Financing District 1-5.

Dated: June 4, 2013.

Attest:

\_\_\_\_\_  
Mayor

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

Resolution 2013-6-4-2, a resolution amending cemetery prices, 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 2013-6-4-2**

**A Resolution Amending Cemetery Prices**

WHEREAS, The City Council for the City of Canby finds it cost prohibitive and exclusionary to charge out of town interments the current higher lot price, and;

WHEREAS, The City Council wishes to change the price at which lots in the cemetery are sold;

THEREFORE, BE IT RESOLVED, That the City Council for the City of Canby sets the price for a lot at the City of Canby cemetery:

\$300.00 per grave site (a grave site is ½ lot or 1 person)

\$50.00 for cremates (if the grave site is already purchased; this is an additional cost to add)

Adopted by the City Council this 4<sup>th</sup> day of June, 2013.

Attest:

\_\_\_\_\_  
Mayor

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

Nate Oellien exited the meeting at 8:00 P.M.

The Council discussed performing a request for proposals for assessing services. A motion was made by Bormann and seconded by Maas to approve authorizing Nicholas Johnson to put together RFP documents for assessment services. All voted in favor. None voted against. The motion was carried.

Vendor transactions for May 2013 in the amount of \$506,804.28 were reviewed. A motion was made by Bormann and seconded by Maas to approve the transactions. All voted in favor. None voted against. The motion was carried.

A recommendation from the Planning Commission to approve a request from Helena Chemical to install a sign at their new fertilizer facility was reviewed. A motion was made by Bormann and seconded by Maas to approve the sign installation request. All voted in favor. None voted against. The motion was carried.

The following Licenses and Permits were reviewed:

On-Sale 3.2 Beer:

Lancer Lanes

P.K. Egans

Off-Sale 3.2 Beer:

Casey's

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

Blaine Merritt requested a location addition for the 3.2 on-sale temporary license. A motion was made by Bormann and seconded by Maas to approve the request. All voted in favor. None voted against. The motion was carried.

A motion was made by Bormann and seconded by Maas to authorize Nicholas Johnson and SEH to prepare plans and specs for bidding to complete crack sealing operations at the airport. All voted in favor. None voted against. The motion was carried.

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

Attest:

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Mayor

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City Administrator