

A regular meeting of the City Council for the City of Canby, Minnesota was held on August 20<sup>th</sup>, 2013 at 7:00 P.M. in the City Council Chambers.

Members: Gene Bies, Frank Maas, Nancy Bormann, Denise Hanson

Absent: Nate Oellien

Visitors: Nicholas Johnson, City Administrator  
Gerald Boulton, City Attorney  
Isaiah Keating, Chief of Police  
Dean Helstrom, City Engineer  
Zhenya Ward, Administrator's Intern  
Ryan Feiock, Canby News  
Jody Olson  
Sharon Birk

The Pledge of Allegiance was recited.

The meeting was called to order.

The minutes of August 6<sup>th</sup>, 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.

Dean Helstrom presented the preliminary engineering report for Phase 1 of the next proposed infrastructure project. Resolution 2013-8-20-1, a resolution receiving report and calling hearing on improvement, was reviewed. A motion was made by Maas and seconded by Bormann to adopt the resolution. All voted in favor. None voted against. The motion was carried.

### **Resolution 2013-8-20-1**

#### **A Resolution Receiving Report and Calling Hearing on Improvement**

WHEREAS, pursuant to Council direction on August 6th, 2013, a report has been prepared by the City Engineer with reference to the Canby Infrastructure Replacement Project-Phase I. The project area is further described as follows:

- Oscar Avenue North from 1st Street to 5th Street
- Lac Qui Parle Avenue North from 1st Street to 5th Street (except area with no public right of way)
- Custer Avenue North from 1st Street to 4th Street
- Reno Avenue North from 2nd Street to 3rd Street
- Orland Avenue North from 1st Street to 3rd Street
- Ormand Avenue North from 1st Street to 2nd Street
- City Hall & Public Parking Lot

- 2nd Street East - from St. Olaf Avenue to Ormand Avenue
- 3rd Street East - from St. Olaf Avenue to Ormand Avenue
- 4th Street East - from St. Olaf Avenue to Ormand Avenue (except area with no public right of way)
- 5th Street East - from St. Olaf Avenue to Custer Avenue
- 1st Street South - from County Road 13 to St. Olaf Avenue South
- Division Street - from Ring Avenue to Lyon Avenue South
- Ring Avenue South from 1st Street South to Division Street
- Lyon Avenue South from 1st Street South to Division Street

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

1. The Council will consider the improvement of such street in accordance with the report and the assessment of abutting property for all or a part of the cost of the improvement pursuant to Minnesota Statutes Chapter 429 at an estimated total cost of the improvement of \$7,451,100.00.
2. An Open House for the proposed Canby Infrastructure Replacement Project-Phase I has been scheduled for Wednesday, September 11, 2013 at the City of Canby Council Room located at 110 North Oscar Avenue from 4:30 p.m. to 7:30 p.m. Since no formal presentation will be given, you may attend the Open House at your convenience between 4:30 p.m. to 7:30 p.m. The Open House will provide an informal opportunity for you to ask questions about the proposed project. A reasonable estimate of the impact of the assessments will be available at this meeting.
3. A public hearing shall be held on such proposed improvement on the 17th day of September, 2013 in the Community Room of the Canby City Hall at 6:30 p.m. and the City Administrator shall give mailed and published notice of such hearing and improvement as required by law.

Adopted by the Council the 20th day of August, 2013.

Attest:

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Mayor

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City Administrator

Isaiah Keating gave a report on the activities of the police department. The Council discussed issues with strays and gave direction to the police department on handling these issues. Since the local veterinarian clinic closed down the City has no place to take strays. The administrative

directive was to pick up dangerous animals but allow strays to roam unless they become dangerous or a nuisance as determined through the discretion of the police department. Isaiah discussed with Sharon the issue of animal abuse.

Ordinance 315, an ordinance annexing city owned property and extending corporate limits, was reviewed. A motion was made by Maas and seconded by Hanson to adopt Ordinance 315. All voted in favor. None voted against. The motion was carried.

### **Ordinance 315**

#### **An Ordinance Annexing City Owned Property and Extending Corporate Limits**

The City Council for the City of Canby hereby ordains:

Whereas, the City of Canby owns land adjacent and abutting city limits, and;

Whereas, the land is part of the City of Canby municipal airport, and;

Whereas, the City Council of the City of Canby wishes to extend its corporate limits to include said land;

The City Council for the City of Canby hereby annexes the following described properties into the corporate limits of the City of Canby:

#### **Parcel ID: 06-027-3031**

That part of the South Half of the Southwest Quarter (S ½ SW ¼) of Section Twenty-seven (27), Township One Hundred Fifteen (115) North, Range Forty-five (45) West, Yellow Medicine County, Minnesota, described as follows:

Beginning at the southwest corner of said Southwest Quarter (SW ¼); thence North 00 degrees 13 minutes 33 seconds West, assumed bearing along the west line of said Southwest Quarter (SW ¼), a distance of 1131.59 feet; thence South 49 degrees 36 minutes 35 seconds East a distance of 368.01 feet; thence South 58 degrees 08 minutes 26 seconds East a distance of 1700.86 feet; thence North 89 degrees 50 minutes 42 seconds West, along the south line of said Southwest Quarter (SW ¼), a distance of 1720.43 feet to the point of beginning.

Said tract contains 21.28 acres more or less and is subject to any easements of record.

#### **Parcel ID: 06-034-2011**

Tract One: That part of the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) of Section Thirty-four (34), Township One Hundred Fifteen (115) North, Range Forty-five (45) West, Yellow Medicine County, Minnesota, described as follows:

Beginning at the northeast corner of the said Northwest Quarter; thence North 89 degrees 50 minutes 42 seconds West, assumed bearing along the north line of said Section 34, a distance of 1181.25 feet; thence South 58 degrees 08 minutes 26 seconds East a distance of 1391.00 feet to a point on the east line of the said Northwest Quarter; thence North 00 degrees 00 minutes 52 seconds West a distance of 731.02 feet to the point of beginning.

Said tract contains 9.91 acres more or less and is subject to any easements of record including an existing township road right of way over the northerly portion thereof.

Tract Two: That part of the North Half of the Northwest Quarter (N ½ NW ¼) of Section Thirty-four (34), Township One Hundred Fifteen (115) North, Range Forty-five (45) West, Yellow Medicine County, Minnesota, described as follows:

Commencing at the northeast corner of the said Northwest Quarter; thence North 89 degrees 50 minutes 42 seconds West, assumed bearing along the north line of said Section 34, a distance of 1181.25 feet to the point of beginning; thence continuing North 89 degrees 50 minutes 42 seconds West a distance of 237.85 feet; thence South 58 degrees 08 minutes 26 seconds East a distance of 1671.08 feet to a point on the east line of the said Northwest Quarter; thence North 00 degrees 00 minutes 52 seconds West, along the east line of the said Northwest Quarter, a distance of 147.20 feet; thence North 58 degrees 08 minutes 26 seconds West a distance of 1391.00 feet to the point of beginning.

Said tract contains 4.39 acres more or less and is subject to any easements of record including an existing township road right of way over the northerly portion thereof.

Tract Three: That part of the North Half of the Northwest Quarter (N ½ NW ¼) of Section Thirty-four (34), Township One Hundred Fifteen (115) North, Range Forty-five (45) West, Yellow Medicine County, Minnesota, described as follows:

Commencing at the northeast corner of the said Northwest Quarter; thence North 89 degrees 50 minutes 42 seconds West, assumed bearing along the north line of said Section 34, a distance of 1419.10 feet to the point of beginning; thence continuing North 89 degrees 50 minutes 42 seconds West a distance of 475.70 feet; thence South 58 degrees 08 minutes 26 seconds East a distance of 2231.25 feet to a point on the east line of the said Northwest Quarter; thence North 00 degrees 00 minutes 52 seconds West, along the east line of the said Northwest Quarter, a distance of 294.40 feet; thence North 58 degrees 08 minutes 26 seconds West a distance of 1671.08 feet to the point of beginning.

Said tract contains 11.20 acres more or less and is subject to any easements of record including an existing township road right of way over the northerly portion thereof.

Tract Four: That part of the North Half of the Northwest Quarter (N ½ NW ¼) of Section Thirty-four (34), Township One Hundred Fifteen (115) North, Range Forty-five (45) West, Yellow Medicine County, Minnesota, described as follows:

Commencing at the northeast corner of the said Northwest Quarter; thence North 89 degrees 50 minutes 42 seconds West, assumed bearing along the north line of said Section 34, a distance of 1894.80 feet to the point of beginning; thence continuing North 89 degrees 50 minutes 42 seconds West a distance of 237.85 feet; thence South 58 degrees 08 minutes 26 seconds East a distance of 2511.33 feet to a point on the east line of the said Northwest Quarter; thence North 00 degrees 00 minutes 52 seconds West, along the east line of the said Northwest Quarter, a distance of 147.20 feet; thence North 58 degrees 08 minutes 26 seconds West a distance of 2231.25 feet to the point of beginning.

Said tract contains 6.80 acres more or less and is subject to any easements of record including an existing township road right of way over the northerly portion thereof.

Tract Six: That part of the North Half of the Northwest Quarter (N ½ NW ¼) and part of the Southeast Quarter of the Northwest Quarter (SE ¼ SW ¼) of Section Thirty-four (34), Township One Hundred Fifteen (115) North, Range Forty-five (45) West, Yellow Medicine County, Minnesota, described as follows:

Commencing at the northeast corner of the said Northwest Quarter; thence North 89 degrees 50 minutes 42 seconds West, assumed bearing along the north line of Section 34, a distance of 2131.65 feet to the point of beginning; thence continuing North 89 degrees 50 minutes 42 seconds West a distance of 57.08 feet; thence South 58 degrees 08 minutes 26 seconds East a distance of 2578.55 feet to a point on the east line of the said Northwest Quarter; thence North 00 degrees 00 minutes 52 seconds West, along the east line of the said Northwest Quarter, a distance of 35.33 feet; thence North 58 degrees 08 minutes 26 seconds West a distance of 2511.33 feet to the point of beginning.

Tract Thirteen: That part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) and that part of the East Half of the Northwest Quarter (E ½ NW ¼) of Section Thirty-four (34), Township One Hundred Fifteen (115) North, Range Forty-five (45) West, Yellow Medicine County, Minnesota, described as follows:

Commencing at the northwest corner of Section Thirty-four (34); thence South 89 degrees 50 minutes 42 seconds East, assuming bearing along the north line of said Northwest Quarter (NW ¼), a distance of 327.00 feet to the point of beginning of the tract to be described; thence continuing South 89 degrees 50 minutes 42 seconds East, along said north line, a distance of 109.04 feet; thence South 58 degrees 08 minutes 26 seconds East a distance of 2578.55 feet; thence South 00 degrees 00 minutes 52 seconds East, along the east line of said Northwest Quarter (NW ¼), a distance of 206.07 feet; thence North 58 degrees 08 minutes 26 seconds West a distance of 2707.58 feet; thence North 00 degrees 12 minutes 22 seconds East, along the east line of the west

twenty (20) acres of said Northwest Quarter (NW ¼), a distance of 138.26 feet to the point of beginning.

Said tract contains 10.79 acres more or less and is subject to any easements of record.

**Parcel ID: 06-035-2031**

That part of the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) and the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of Section Thirty-five (35), Township One Hundred Fifteen (115) North, Range Forty-five (45) West, Yellow Medicine County, Minnesota, described as follows:

Beginning at the west quarter corner of said Section Thirty-five (35); thence South 00 degrees 13 minutes 13 seconds West, assuming bearing along the west line of the Southwest Quarter (SW ¼) of said Section, a distance of 397.40 feet; thence South 52 degrees 25 minutes 48 seconds East a distance of 457.82 feet; thence North 48 degrees 40 minutes 38 seconds East, along the northerly right of way line of Trunk Highway No. 75, a distance of 814.15 feet; thence North 66 degrees 40 minutes 16 seconds West a distance of 45.36 feet; thence North 58 degrees 08 minutes 26 seconds West a distance of 1096.28 feet; thence South 00 degrees 00 minutes 00 seconds East along the west line of the Northwest Quarter (NW ¼) of said Section, a distance of 457.66 feet to the point of beginning.

Said tract contains 13.66 acres more or less and is subject to any easements of record.

Adopted by the City Council this 20<sup>th</sup> day of August, 2013.

Attest:

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Mayor

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City Administrator

Ordinance 316, an ordinance amending ordinance 234.2, was reviewed. A motion was made by Maas and seconded by Bormann to adopt Ordinance 316. All voted in favor. None voted against. The motion was carried.

**Ordinance 316**

**An Ordinance Amending Ordinance 234.2**

The City Council for the City of Canby hereby ordains:

Ordinance 234.2 which amends Ordinance 234 is amended to read:

1.05 Accounting, Billing and Collecting.

Subdivision 4. Procedure for Shutoff of Service. Water shall not be shut off under subdivision 3 or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given to the owner of the premises involved. The notice shall be personally served or sent by mail and shall state that if payment is not made before a day stated in the notice but not less than 14 days after the date on which the notice is mailed, the water supply to the premises will be shut off. The notice shall also state that the owner may, before such date demand a hearing on the matter, in which the supply will not be cut off until after the hearing is held. If the owner requests a hearing before the date specified, a hearing shall be held on the matter by the City Council at fifteen (15) days after the date on which the request is made. If, as a result of the hearing, the City Council finds that the amount claimed to owe is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this Ordinance, the City may shut off the supply.

Adopted this 20<sup>th</sup> day of August, 2013

Attest:

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Mayor

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

The Council heard recommendation on Payment Services Network to provide online and credit card payments services for utility bills. A motion was made by Bormann and seconded by Maas to approve contracting with Payment Services Network for credit card and online payments. All voted in favor. None voted against. The motion was carried.

Gene Bies went over some of the suggestions from the energy audit from McKinstry. The consensus was to make sure items were budgeted for completion or completed this year if funds are available.

Ordinance 317, an ordinance regulating liquor in the City of Canby, was reviewed. A motion was made by Hanson and seconded by Maas to introduce Ordinance 317. All voted in favor. None voted against. The motion was carried.

Ordinance 318, an ordinance repealing ordinances, was reviewed. A motion was made by Bormann and seconded by Hanson to introduce Ordinance 318. All voted in favor. None voted against. The motion was carried.

Nicholas Johnson presented an updated picnic table usage and rental policy. A motion was made by Maas and seconded by Bormann to adopt picnic policy. All voted in favor. None voted against. The motion was carried.

A motion was made by Hanson and seconded by Bormann to approve the airport crack sealing contract with RH Sealcoating. All voted in favor. None voted against. The motion was carried.

Nicholas Johnson presented a proposal from Pro Maintenance to epoxy the floors at bath house for the municipal swimming pool. The total cost would be \$7,721.40. A motion was made by Maas and seconded by Bormann to approve the proposal. 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