A regular meeting of the City Council for the City of Canby, Minnesota was held on January 17, 2018 at 7:00 P.M. in the City Council Chambers.

Members: Nancy Bormann, Ryan Feiock, Jackie Paulsen

Absent: Gene Bies, Denise Hanson

Visitors: Rebecca Schrupp, City Administrator  
 Gerald Boulton, City Attorney

Phillip DeSchepper, City Engineer

Joel Dresel, Airport Engineer

Jim Groebner, SHE

Terry Gaalswyk, MN West

Matt Wagner, Airport Manager

Deb Lanthier

Jody Olson

The Pledge of Allegiance was recited.

The meeting was called to order.

The minutes of the January 10th meeting were reviewed. A motion was made by Feiock to approve the minutes of the January 10th meeting. The motion was seconded by Paulsen. All voted in favor. None voted against. The motion was carried.

Joel Dresel reviewed the airport hangar project. Wagner and he had a final walk through of the hangar. With the exception of some minor dents from storm damage, it is a very sound building. The lien waivers have been signed and the consent of surety completed. There was only 1 issue with Everstrong that came out. The Department of Labor is looking into the pay rates per the Davis Bacon prevailing wages. There was a discrepancy with what the MN Department of Labor shows as to what Everstrong Construction paid. Dresel gave 3 options for payment on Everstrong Construction’s final bill. A motion was made by Feiock to approve the final payment in the amount of $96,314.00 once Everstrong Construction signs the final pay application and completing their compliance with MN Department of Labor. The motion was seconded by Paulsen. All voted in favor. None voted against. The motion was carried.

The Airport Manager Agreement was reviewed. A motion was made by Feiock to approve the airport manager agreement. The motion was seconded by Paulsen. All voted in favor. None voted against. The motion was carried.

Terry Gaalswyk is the President of MN West. He presented the programs that are offered at the college, how the college rates in MN and in the US, and the goals that came out of the strategic planning. If the City needs to partner with the College, they would be happy to be involved in any way for the community.

Phillip DeSchepper shared a letter from Kuechle that they would hold their bid until funding is secured by the City. The LRIP grant for the airport road was discussed. We should hear something in March on if we received the grant. The right-of-ways that are needed were discussed. A closed session will happen at the next meeting to discuss compensation. At the next meeting, DeSchepper will have more information on the water plant PFA application.

Ordinance 231.2 was reviewed. A motion was made by Feiock to adopt Ordinance 231.2. The motion was seconded by Paulsen. All voted in favor. None voted against. The motion was carried.

**AN ORDINANCE REGULATING**

**MOTORIZED GOLF CARTS AND All TERRAIN VEHICLES**

ORDINANCE NO. 231.2

**1. Definitions.**

Unless the language or context clearly indicates that a different meaning is intended, the

following terms shall have the Following Meanings:

**a. Motorized Golf Cart** - a vehicle usually three or four wheeled, which is self, propelled and is

designed to be used to provide transportation on a golf course.

**b.** All-terrain vehicle (ATV). “All-terrain vehicle” means a motorized vehicle with: (1) not less than three, but not more than six low pressure or non-pneumatic tires; (2) a total dry weight of 2,000 pounds or less; and (3) a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

a. Class 1 all-terrain vehicle. “Class 1 all-terrain vehicle” means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less.

b. Class 2 all-terrain vehicle. “Class 2 all-terrain vehicle” means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches.

**c. Insurance** - motor vehicle liability insurance, which complies with the requirements set forth

in Minn. State Statutes.

**d. Physically disabled person** - any person meeting the criteria set forth in Minn. Stat. § 169.345, Subd. 2 that qualifies for a certificate allowing the person to park in a handicapped-parking space.

**2. Limitations.**

**a.** Motorized golf carts and ATV may be operated within Canby City limits but only as

expressly provided in this section. Any use that is not expressly authorized by this section is

prohibited.

**Example:** driving on designated walking/bike trails, driving on city dikes, driving on sidewalks,

driving on street boulevards, snowmobile trail, County and State Highways.

**Exceptions:** Emergency vehicles in the course of their duties and vehicles authorized by the city, clearing of snow/ice on sidewalks.

**3. Operator Permits.**

**a.** Persons wishing to operate motorized golf carts or ATV on public roadways must obtain application from the city administrative office. The city council

will set a reasonable fee to cover the cost of issuing such permits.

**b. Conditions for issuance of a permit are as follows:**

**1)** Drivers of a Golf Cart or ATV must possess a valid driver's license issued by the State of

Minnesota or some other state or foreign country. ATV drivers born after January 1, 1995 must

posses a valid off highway motor cycle safety certificate.

**2)** Applicant’s Golf Cart or ATV must be equipped with a rearview mirror.

**3)** Applicant’s Golf Cart or ATV must have a slow moving vehicle sign.

**4)** Applicant’s Golf Cart or ATV must have current vehicle insurance.

**5)** ATVs will be properly licensed by the State of Minnesota.

**6)** All Golf Carts and ATVs will have mufflers, unless solely electrically powered..

**7)** All ATV drivers and passengers must comply with helmet and seat belt requirements

set forth by State Statute, 84.92 and 84793.

**8)** Drivers and Passengers must follow the vehicle manufactures recommendations for weight and occupant restrictions.

**c.** If an applicant satisfies the above-described conditions, the city shall issue a permit. Permits

will be valid for the calendar year in which they were issued. Permits will be issued throughout

the year, however, permits will not be prorated for being purchased for less than twelve months

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**4. Operation.**

**a.** A person who has been granted a permit shall have the permit displayed on the Golf Cart or

ATV. The permit will be placed on the rear right hand fender of the Vehicle in such a fashion as

to be visible to following vehicles.

**b.** Motorized golf carts and ATVs shall only be operated on city owned Streets and alleys.. Golf

carts and ATV’s are permitted to cross non-city owned streets.

**c.** Golf carts may not be operated during inclement weather or when visibility is impaired by

weather, smoke, fog or other conditions or when there is insufficient light to clearly see persons

and vehicles on the roadway at a distance of 500 feet.

**d.** ATVs may not be operated during inclement weather when the conditions causing them to lose traction or slide or when visibility is impaired by weather, smoke, fog or other conditions or when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

**e.** Motorized golf cart and ATV operators must obey all traffic laws which can be applied to

motorized vehicles. Golf Carts and ATV’s may not travel at a speed on excess of 25 MPH.

**f.** Motorized golf carts and ATV’s may only be operated between sunrise and sunset.

**g.** Physically disabled persons wishing to park in marked handicap parking spaces are required to

display their state issued handicap-parking permit.

**h.** Golf Carts and ATV’s not equipped with brake lights or turn signals must use appropriate hand signals as defined by Minnesota State Statute 169.19 Subd. 8.

**i.** This ordinance is not all-inclusive. Operators of ATV’s need to comply with all Off Road

Vehicle laws, which are available for review in the MN Department of Natural Resource Off-

Highway Vehicle Regulations Manual.

**5. Liability.** The operation of golf carts and ATV’s under this Ordinance shall be totally the risk and responsibility of the operator. The City, by passing this Ordinance of permission and designation under state law, assumes no responsibility for the operation of the golf carts and ATV’s and shall be held harmless in any action arising from the operation of golf carts or ATV’s on or off any public way within the City.

**6. Violations.**

**a.** Violation of any of the requirements of this chapter is a misdemeanor punishable by up to 90

days in jail, a fine of up to $1,000.00 or both.

**b.** In addition to any criminal sanctions, the permit may be revoked by the city for any violations

of this ordinance.

**c.** The city is notified by any court that a permit holder was convicted of violating a state or local

traffic law other than a parking law while operating the motorized Golf cart or ATV.

**d.** An applicant is found to have made fraudulent representations in a permit application.

Passed and adopted by the City Council this 17 day of January, 2017.

**6. Repealer.**

Ordinance No. 231.1 is hereby repealed.

CITY OF CANBY

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Mayor of the City of Canby

ATTEST:

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City Administrator

j-city\motorized golf cartatv 2017

A contract with PLM Lakes & Lake Management to treat Sylvan Lake for curly leaf pondweed was reviewed. A motion was made by Feiock to approve the contract with PLM Lakes & Land Management. The motion was seconded by Paulsen. All voted in favor. None voted against. The motion was carried.

Resolution 2018-01-17-1 was reviewed. A motion was made by Feiock to approve Resolution 2018-01-17-1. The motion was seconded by Paulsen. All voted in favor. None voted against. The motion was carried.

**City of Canby  
Resolution 2018-01-17-1**

**A Resolution Setting the Utility Rate Charges for the City of Canby for 2018**

The City Council for the City of Canby does hereby ordain:

WHEREAS, the City has committed to funding its infrastructure replacement for future years through increased utility rate charges; and

WHEREAS, under the advisement of financial planning completed prior to the 2010 Infrastructure Project the City is to increase its utility rates by 3% each year until 2026;

THERFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF CANBY;

The utility rate charges for the City of Canby for 2018 are updated to be as follows:

Water  
Base Charge – $16.51  
Use Charge – $5.26 per 1,000 gallons

Sewer  
Base Charge – $16.02  
Use Charge – $2.77 per 1,000 gallons

Storm Sewer  
Base Charge – $12.30

Passed by the City Council this 17th day of January, 2018.

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
 Mayor

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City Administrator

The Council discussed the garbage can rates. A motion was made by Paulsen to raise the rates 3%. The motion was seconded by Feiock. All voted in favor. None voted against. The motion was carried.

A donation to the YMC Fair Association was discussed. A motion was made by Feiock to approve a $2,000.00 donation to the YMC Fair Association. The motion was seconded by Paulsen. All voted in favor. None voted against. The motion was carried.

A motion was made by Feiock to adjourn the meeting. The motion was seconded by Paulsen. All voted in favor. None voted against. The motion was carried.

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
 Mayor

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City Administrator