

Canton City Council Public Hearing & Regular Meeting Minutes – May 13, 2020

The Canton City Council held a public hearing for a land use variance request on May 13, 2020, at the Canton Town Hall. (Meeting site moved from Canton City Hall to provide additional spacing for participants due to the ongoing health pandemic.) Members present: Mayor Donivee Johnson, Carl Ernst, Randy Gossman, Cindy Shanks and Charlie Warner. City staff present: Brock Bergey. Visitors present: Garry Dowling, Jennifer Dowling, Barb Kerns, Jamie Knutson and Marc Prestby.

Mayor Johnson called the hearing to order at 6:31 p.m. She explained the purpose of the hearing was to consider a land use variance request from Garry and Jennifer Dowling. The application requests permission to build a 36' x 28' garage at 110 South Main Street. The project would require a variance of three feet on the east side and a variance of two feet on the south side. Zoning Administrator Carl Ernst noted the Planning Commission had no issues with the proposed project. As required, Clerk Bergey stated property owners within 300 feet of the Dowlings had been notified by mail regarding the variance request. No public feedback was submitted prior to the hearing. No one in attendance voiced any concern with the proposed project. Motion by Ernst, second by Shanks to close the public hearing at 7 p.m.

Mayor Johnson called the regular monthly meeting to order at 7:01 p.m. Members present: Mayor Donivee Johnson, Carl Ernst, Randy Gossman, Cindy Shanks and Charlie Warner. City staff present: Brock Bergey, Jim Davis and Jon Nordsving. Visitors present: Jennifer Dowling, Monica Hauser, Barb Kerns, Jamie Knutson and Marc Prestby.

Motion by Warner, second by Gossman to approve the April 2020 meeting minutes; motion carried. Motion by Johnson, second by Ernst to remove the financial report from the consent agenda and add it to new business discussion; motion carried. Motion by Shanks, second by Warner to approve the consent agenda (Amend 2020 City of Canton fee schedule to include a \$65/hour rate [\$65 minimum charge] for City staff to address uncontrolled plant growth on private property per Ordinance ' 92.35; Waive rental fee of Canton Town Hall for Canton Township Board meetings for the remainder of 2020 [or until further notice] to allow additional space as a health precaution; Waive rental fee of Canton Town Hall for Canton Historical Society meeting on May 28, 2020 to allow additional space as a health precaution; Allow occasional food service sales by Abby's Concessions [Abby Henry], and associated electrical use, near Canton Town Hall Pavilion during the upcoming months); motion carried. Motion by Johnson, second by Gossman to amend the agenda to allow Monica Hauser, CPA with Hauser Ash, to speak during the clerk's report; motion carried.

Public comments: None

Reports: In his clerk report, Bergey noted approximately 15% of utility accounts were currently delinquent – totaling nearly \$2,400. Pet licenses for 2020 to-date total 41. Golf cart and UTV permits total 17. Two notices were issued for dogs running at large. Two notices were issued for street parking violations. Two notices were issued for nuisance property violations. No law enforcement citations were issued. In legal matters, Danny Whalen property compliance date is May 15, 2020; no progress has been made to-date. A settlement conference for Joel Torgerson's nuisance property case is rescheduled to May 19. Lolly Melander has no upcoming court appearances on the calendar due to the COVID-19 situation; jury trial still scheduled for mid-August. Despite Ms. Melander's request to withdraw her application for unemployment insurance benefits from the City, the appeal case must go forward since the State has already determined eligibility. A phone hearing with an unemployment law judge is continued to May 26. Mayor

Johnson and City staff will meet with Jeff Dale from Minnesota Rural Water on May 19 to discuss water and sewer rates. The Free Little Library project has been put on hold, until the fall, due to students being dismissed from school in March because of COVID-19. Election filing for mayor and two city council seats is July 28 through August 11.

Monica Hauser, with Hawkins Ash CPAs, reviewed the City's 2019 financial audit. She noted a "clean audit" and stated "things were heading in the right direction." There were no questions from the council.

In his public works report, Nordsving followed up with pricing information for an exterior ramp to the south entrance of the town hall. A quote for a concrete ramp came in at \$3,225. Nordsving estimated materials for a wooden structure would cost about \$500. After much discussion, motion by Gossman, second by Warner to forego the ramp project for this year and repair the existing wooden structure; motion carried. Nordsving presented a \$40,000 price quote from Driveway Specialist LLC to grade and pave Hudson Avenue (plus approach), along with a patch on West Canton Avenue near the bank drive-up entrance. Motion by Warner, second by Shanks to approve the paving projects; motion carried. Nordsving noted a section of East Canton Avenue, near the Pub, was also in need of patching following work done by the Pub's property owner. Driveway Specialist provided a \$1,500 price quote for that project. The cost would be passed on to the property owner. Bergey explained the property owner has the option of seeking other price quotes for the specified work; however, they must be obtained from a licensed and insured contractor. Additionally, a concrete section of the sidewalk by the Pub was removed by the property owner. Motion by Johnson, second by Gossman to require the section be replaced since it's within the business district; motion carried. Likewise, the property owner has the option of seeking price quotes from licensed and insured contractors, or the City will assess the project costs to the property owner. Nordsving explained he was waiting for costs associated with the East Prairie Avenue project. Tom Davis will be doing the ditch grading. Bergey will email the council pricing information once it is received. Mayor Johnson brought up the poor condition of the paved alley between Canton Avenue and Fillmore Avenue. She stated when Canton streets were first paved that the property owners along the alley shared the costs to pave that alley. Nordsving said new pavement is needed or the existing pavement needs to be removed and the surface returned to gravel. Bergey cautioned about setting a precedent – noting it is the City's only paved alley. Bergey offered to have a conversation with the City's attorney and report back at the June meeting.

There was no fire department report. The April police report showed 15 calls, with the majority occurring on Hudson Avenue.

Motion by Gossman, second by Ernst to approve the land use variance for Garry and Jennifer Dowling's garage project; motion carried. Motion by Gossman, second by Ernst to approve land use permits for Garry and Jennifer Dowling (garage); Jim and Kristie Davis (house/shed addition); Devry and Tina Kerns (garage); Marc Prestby (accessory building); and Matt and Linda Snyder (house addition/porch/garage); motion carried. There was discussion about new fence construction. Currently, the City's zoning ordinance does not require a land use permit for fence construction. No action was taken.

The Personnel Committee presented its report on employee wages for the first quarter.

Unfinished business: Bergey had a conversation with Steve Popplewell, who owns the former school property. Popplewell indicated he planned to have the building removed within one year's

time. The council discussed ordinance enforcement and the need to be fair and consistent with nuisance properties. Motion by Gossman, second by Warner to proceed with ordinance enforcement; motion carried. Bergey will follow-up with Popplewell and the Fillmore County Sheriff's Office. Bergey noted he would be taking photographs of Danny Whalen's property on May 16, following the May 15 court-ordered deadline for compliance. Motion by Gossman, second by Gossman to table discussion on crosswalk designations; motion carried. Warner raised concerns over the residence at 201 East Canton Avenue. It is currently unoccupied and not being maintained. Attempts to reach those listed on the tax records have proven unsuccessful. Bergey will continue to look into the matter and also check with the County Assessor to see if lawn mowing costs, in years past, have been assessed on property taxes.

New business: Motion by Ernst, second by Shanks to accept the 2019 audit report; motion carried. Motion by Johnson, second by Warner to reopen City facilities to the public on Monday, May 18 and resume regular business practices for water service disconnections; motion carried. Motion by Warner, second by Ernst to continue the adopt-a-planter contest on Main Street; motion carried. Prizes were set at \$100 for first place; \$75 for second place; and \$50 for third place. Judging details will be decided at a later date. Shanks volunteered to take care of the planter at the welcome sign. Johnson explained a short-term revenue need with the General Fund. The first property tax settlement will not be received until late-June and the first Local Government Aid (LGA) payment won't arrive until late-July. Due to the depletion of the Water/Sewer Fund, Bergey has not made any wage-related transfers (from Water/Sewer to General) for CY2020. Johnson proposed closing out one of five Water/Sewer Fund CDs (valued at \$27,199.22) and paying wages due from Water/Sewer to help replenish the General Fund. Motion by Ernst, second by Gossman to close the CD and transfer funds accordingly; motion carried.

Motion by Ernst, second by Gossman to adjourn the meeting at 9:05 p.m.; motion carried.