

Canton City Council Regular Meeting Minutes – June 10, 2020

The Canton City Council held its regular monthly meeting on June 10, 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, Jim Davis and Jon Nordsving. Visitors present: Barb Kerns, Jamie Knutson and Greg Schieber.

Mayor Johnson called the meeting to order at 7 p.m. Motion by Ernst, second by Shanks to approve the May 2020 meeting minutes; motion carried. Motion by Shanks, second by Gossman to approve the consent agenda (approval of monthly bills); motion carried. Mayor Johnson made a clarification to a consent agenda item approved by the council in May. She stated any monies donated by Abby Hanson, for electric use at the pavilion, should go to the Fire Department Fund.

Public comments: Jamie Knutson expressed his displeasure about a recent Facebook post reminding residents of the City ordinance [92.19 (B) (3) (a)] limiting the number of vehicles parked outside per property to four (4). Knutson stated his property at 204 South Main Street is seven acres; therefore, he felt he should be allowed to exceed the current vehicle limit. Knutson suggested he may park his vehicles on the street, in front of businesses in the downtown area, to comply with the ordinance. Bergey reminded Knutson of his previous requests to address ordinance concerns in a respectful and mature manner. Knutson mentioned his desire to be annexed out of Canton City Limits. Gossman recommended a review of parking-related ordinances occur. Bergey suggested a committee take on that task. Gossman and Warner volunteers to serve on the committee. Motion by Gossman, second by Warner to establish a Parking Ordinance Review Committee; motion carried.

Reports: In his clerk report, Bergey noted approximately 9% of utility accounts were currently delinquent – totaling nearly \$1,500. Pet licenses for 2020 to-date total 44. Golf cart and UTV permits total 12. Seven nuisance property ordinance violation notices were mailed, with one nuisance property citation being issued (to Steve Popplewell). Bergey and a deputy from the sheriff's office will be conducting annual property inspections sometime in June. In legal matters, Danny Whalen's property compliance date has been extended to July 15, with a review hearing for July 27. A jury trial for Joel Torgerson's nuisance property case is scheduled July 28-30. Lolly Melander has a settlement conference set for July 13, with a jury trial on the calendar for August 17-21. Bergey reported all 10 Main Street planters have been "adopted" for the summer. With the cancellation of this year's Canton Day Off celebration, due to COVID-19, an alternative judging method needs to be established. Bergey informed the council of an existing ordinance pertaining to sewer services and the timeframe allowed for monthly payments. The ordinance [51.116 (D)] gives customers 10 days from the time the bills are rendered to make full payment. Bergey explained this will be the City's policy on utility bill payment deadlines going forward. Previously, payments were due upon receipt of monthly invoices.

In his public works report, Nordsving stated the 2019 Consumer Confidence Report for safe drinking water has been submitted to State and is on file for public review at city hall. The East Prairie Avenue project is expected to cost between \$10,000 and \$12,000. Tom Davis, who is doing the project, will absorb any costs exceeding \$12,000. Work will begin when weather permits. The Hudson Avenue repaving project is expected to occur sometime in July. A culvert extension and apron, not to exceed total costs of \$500, are needed at the intersection of Second Street and Canton Avenue. The present culvert under Second Street will be abandoned.

Nordsving responded to a high water event at the wastewater treatment plant on June 9, with no major issues. He will be out-of-the-office on June 11.

There was no fire department report. The May police report showed 14 calls, with the majority occurring on Hudson Avenue. There were no land use permits for council consideration.

Unfinished business: City Attorney Greg Schieber addressed the council regarding the City's of appeal of unemployment insurance benefits awarded to former city clerk/treasurer, Lolly Melander. Following a teleconference hearing on May 26, an administrative law judge determined Melander was legally-entitled to unemployment benefits from the City of Canton. Schieber noted the City could request that the law judge review her ruling based on existing testimony and submitted evidence; however, he said there would most likely be no change since no additional arguments could be made in the matter. Schieber said the City should be prepared to take the matter to the Minnesota Court of Appeals and pay the legal fees associated with such action, as additional legal counsel would be needed. Bergey indicated the City's total payment in unemployment insurance benefits, to Melander, would be under \$5,000. The council went on record indicating displeasure with the law judge's ruling, but indicated concerns over potential costs associated with continuing the appeal. Motion by Mayor Johnson, second by Ernst to reluctantly end the unemployment insurance benefits appeal against Melander; motion carried, with Gossman abstaining from the vote. Mayor Johnson and Bergey provided information for council consideration to assist in establishing revised utility rates. Additional discussion will occur at the July meeting, with a public hearing required prior to any changes to the current utility rate structure. Bergey followed-up in regard to the status of the former Kelly property on the corner of Canton Avenue and Ash Street. The property remains in Donna Oselka's name. A relative confirmed intent for the property to be sold in the near future. Bergey is working to recoup City costs associated with lawn care of the property. Motion by Mayor Johnson, second by Gossman to remove the deteriorating pavement on the alley between Fillmore Avenue and Canton Avenue. The alley will be returned to a gravel surface, with the exception of the approaches in both directions. Motion by Gossman, second by Warner to approve marked crosswalk designations at 10 sidewalk crossings on Main Street – located at the intersections of CSAH 21/Fillmore Avenue (north, south, east and west), CSAH 21/Canton Avenue (north, south, east and west), CSAH 21/Veterans Drive (east) and CSAH 21/Prairie Avenue (west); motion carried. Bergey will draft a resolution to be shared with Fillmore County, since the County would be responsible for the initial installation. Bergey also noted he was hopeful the crosswalk request would speed up pavement improvements to several Main Street approaches.

New business: Mayor Johnson acknowledged the City of Canton's recent award from the Minnesota Pollution Control Agency for exceptional wastewater treatment plant compliance in 2019. Nordsving and Davis were thanked for their service and efforts. Motion by Mayor Johnson, second by Shanks to express appreciation with gift certificates to both employees for Sarah's Diner (\$25/each) and Pauly's Pub (\$25/each); motion carried. Bergey presented a list of inactive utility accounts with outstanding debts totaling \$610.26. In addition, outstanding credits were presented in the total amount of \$253.16. He explained the previous clerk/treasurer had not taken the proper measures to address these inactive accounts. Motion by Ernst, second by Gossman to write-off the four outstanding debts and issue refunds to the four outstanding credits; motion carried. Bergey suggested consideration be given to a security camera system for city hall, with a camera for the main counter and the outside drop box. A camera at the brush dump was also mentioned as a possibility to detract from unwanted materials being deposited at the site. Bergey will check on pricing options. Motion by Warner, second by Ernst to formally name the park next

to the fire hall, Main Street Park; motion carried. Motion by Mayor Johnson, second Gossman to formally name the pavilion near the town hall, Firemen's Pavilion. Motion by Warner, second by Gossman to name the roadway on both side of the gazebo, from the North Main Street intersections to Ash Street, as Veterans Drive, and the roadway to the east of the former mill site, from Ash Street to Oak Street, as Minnesota Avenue; motion carried.

Motion by Ernst, second by Gossman to adjourn the meeting at 8:55 p.m.; motion carried.