

Canton City Council Regular Meeting Minutes June 9, 2021

The Canton City Council held its regular monthly meeting on June 9, 2021, at the Canton Town Hall. Members present: Mayor Nick Prestby, Carl Ernst, Randy Gossman and Cindy Shanks. City staff present: Brock Bergey, Jim Davis, Barb Kerns and Jon Nordsving. Visitors present: Jennifer Dowling, Donivee Johnson, Clayton Knutson, Jamie Knutson, Jason Magnuson, Josh Nordsving and Melissa Vander Plas.

Mayor Prestby called the meeting to order at 6 p.m. Motion by Ernst, second by Shanks to approve the agenda; motion carried. Prior to the approval of the May minutes, Gossman questioned a consent agenda item approved at the May meeting, for which he was recorded as making a second to the motion for approval. Gossman vocally expressed his disfavor of consent agenda use. Bergey noted a consent agenda is meant to improve efficiency by eliminating discussion on items considered to be routine matters. Motion by Shanks, second by Ernst to approve the May minutes; motion carried. Motion by Gossman, second by Ernst to approve the consent agenda (approval of monthly bills, approval of Resolution #2021-08 to accept the council resignation of Charlie Warner and declare a vacancy, approval of Resolution #2021-09 to close the water/sewer checking account and fire department checking account, approval of participation in the Canton American Legion's flag program, and waiver of the town hall rental fee for the American Red Cross Blood Drive on June 15, 2021); motion carried.

Mayor Prestby explained six letters of interest were submitted for the council position vacated by Charlie Warner in May. (Received from Jennifer Dowling, Donivee Johnson, Jason Magnuson, Josh Nordsving, Matthew Snyder and Kristy Ziegler.) Motion by Ernst, second by Gossman to proceed with the appointment process through two rounds of voting; motion carried. The first secret ballot vote narrowed the field down to two: Jennifer Dowling and Josh Nordsving. The second secret ballot vote declared Josh Nordsving the appointee to fill out the remainder of Warner's vacated term through 2022. Nordsving was present and took the oath of office, joining in on the remaining agenda. Appreciation was expressed to those submitting letters of interest.

Public comments: None

Reports: In his clerk report, Bergey noted there were nine delinquent utility accounts, with no disconnections occurring. 62 pet licenses and 21 UTV/golf cart permits have been issued to-date in 2021. In nuisance property-related legal matters, Robroy Kelly complied with the May 18 court-ordered deadline to remove the abandoned vehicle on his property. Per court order, Rick Nelson has until June 1 to bring his Main Street property in compliance. Bergey noted annual property inspections will occur on June 15. Notice will be included in the June newsletter and on Facebook. Relating to the Jeremy and Crystal Scrapeck property on South Main Street, Bergey reported making contact with Ms. Scrapeck who said they are working on getting the property cleaned up and sold. Motion by Gossman, second by Shanks to have the City mow the Scrapeck's property as needed this summer and attempt to recoup costs through property taxes; motion carried. Construction on the office reconfiguration at city hall is set to start on June 10. The little free library project has been completed, with Mabel-Canton students installing two little libraries on May 18; one by city hall and one in the park. In his public works report, Jon Nordsving informed the council of issues with well #1. He said additional testing will be done with more information to be shared in July. The April and May police reports were reviewed. There were seven calls in April and 16 calls in May.

Unfinished business: It was noted former city clerk/treasurer, Lolly Melander, would be back in court on July 8 for a settlement conference. There has been no recent communication from County Attorney Brett Corson on the matter.

Proposed amendments to Ordinance 73: Recreational and Other Vehicles were reviewed, as prepared by Bergey and City Attorney Greg Schieber. In summary, the ordinance would permit the operation of All-Terrain Vehicles (ATVs) on City streets and alleys, in addition to golf carts, mini trucks and UTVs, which were previously permissible vehicles. Ernst felt mini trucks should be stricken from the ordinance. Josh Nordsving pointed out mini trucks had previously been permitted and their inclusion was not part of the proposed revisions. Bergey noted there are currently no mini trucks registered with the City. Mayor Prestby encouraged the council to approve the proposed ordinance amendments and address potential mini truck-related concerns if they were to arise in the future. Motion by Gossman, second by Josh Nordsving to approve the revisions to Ordinance 73; motion carried. Motion by Shanks, second by Gossman to publish a summary of the ordinance (#2021-01) in the *Fillmore County Journal*; motion carried.

Proposed amendments to Ordinance 31.45: Planning Commission were reviewed, as prepared by Bergey and Attorney Schieber. In summary, the ordinance would set Planning Commission membership to three appointed positions by the city council. The appointees would be appointed to serve staggering terms of three years. Motion by Shanks, second by Gossman to approve revisions to Ordinance 31.45; motion carried. Motion by Shanks, second by Gossman to publish a summary of the ordinance (#2021-02) in the *Fillmore County Journal*; motion carried.

Motion by Shanks, second by Mayor Prestby to rescind a motion (from May) to hire Driveway Specialist to repave a portion of East Canton Avenue at a cost of \$8,980; motion carried. Motion by Gossman, second by Josh Nordsving to approve the hiring of Four Season Maintenance to repave a portion of East Canton Avenue at a cost of \$5,800, to coincide with the approach pavement work being done by Fillmore County through Four Season Maintenance; motion carried. (The motion also included \$2,700 in additional patchwork around town.) A proposal from Steve Falck Concrete Construction was also approved (without a formal motion) for various sidewalk repairs totaling \$7,837.50.

Gossman and Ernst noted they reviewed the former bus shed and felt sufficient repairs could be made without spending a lot of money or hiring others to do the work. Gossman volunteered to check on material pricing options and report back to the council.

New business: Bergey provided an update on the status of nuisance properties, with significant discussion on Danny Whalen's Main Street property. Last July, ordinance compliance was reached through a court order, which cost the City around \$1,500 in prosecution fees alone. Whalen was on probation until this past February, at which time he quickly resorted to his old ways. City staff continue to remind Whalen of his ongoing ordinance violations, with little voluntary cooperation being achieved. The council discussed its options for future action, including criminal or civil proceedings. The pros and cons of a privacy fence were also considered. It was noted, over the last 10 years, the City has spent approximately \$3,000 in prosecution-related costs pursuing legal action against Whalen. Gossman suggested holding a town hall meeting to see how the community would like to handle nuisance property issues going forward. It would also serve as an opportunity for the public to better understand the legal process involved with these issues and the lack of a "quick fix" for habitual offenders. The

council scheduled a town hall meeting for July 14 at 7 p.m. at the Canton Town Hall. Community members are encouraged to attend.

The replacement options for the Main Street gazebo were reviewed. In the past couple of years, regular maintenance on the gazebo has not occurred, following council approval to replace the wooden structure with a metal one to limit upkeep. \$5,000 is included in this year's budget for the project. The council was unable to come to a consensus in selecting a new design. Motion by Mayor Prestby, second by Gossman to remove the existing gazebo, due to its condition and possible safety concerns, and revisit the matter at a future meeting; motion carried.

Motion by Mayor Prestby, second by Shanks to switch credit card processing vendors (from GovCard to MunciPay) to avoid a monthly service fee; motion carried.

Community concerns over feral cats, specifically in the downtown area were brought to the council's attention. Ernst, who also serves as the City's animal control officer, explained he had a safe place to home any stray cats he would live trap. He said Jason and Jenny Kleppe agreed to assist the City with this issue. Motion by Prestby, second by Josh Nordsving to approve Ernst's live trapping of feral cats and relocating them to the Kleppe residence; motion carried.

Motion by Ernst, second by Nordsving to adjourn at 8:30 p.m.; motion carried.