

## **Canton City Council Regular Meeting Minutes July 14, 2021**

The Canton City Council held its regular monthly meeting on July 14, 2021, at the Canton Town Hall. Members present: Mayor Nick Prestby, Carl Ernst, Randy Gossman, Josh Nordsving and Cindy Shanks. City staff present: Brock Bergey, Jim Davis, Barb Kerns and Jon Nordsving. Visitors present: Fillmore County Attorney Brett Corson, Fillmore County Sheriff John DeGeorge, Jennifer Dowling, Craig Fishel, Jeramy Gerard, Corinne Haugen, Donivee Johnson, Robroy Kelly, Jamie Knutson, Jim Richardson, City Attorney Greg Schieber, Daren Sikkink, Melissa Vander Plas, Charlie Warner and Kristy Ziegler.

Mayor Prestby called the meeting to order at 6 p.m. Motion by Shanks, second by Ernst to approve the agenda; motion carried. Motion by Gossman, second by Josh Nordsving to approve the June minutes; motion carried. Motion by Shanks, second by Gossman to approve the consent agenda (approval of monthly bills; approval to close Veterans Drive from Main Street to Ash Street, East Canton Avenue from Main Street to Ash Street and Ash Street from East Canton Avenue to Veterans Drive for Canton Day Off on August 20-22, 2021; approval of a temporary liquor license application for Canton American Legion for Canton Day Off on August 20-22, 2021; Approval of Resolution 2020-10 to accept the Coronavirus Fiscal Recovery Fund under the American Rescue Plan Act); motion carried.

**Public comments:** None

**Streets planning:** Daren Sikkink with WHKS Engineers presented an agreement for professional services. Sikkink explained the formality is necessary for WHKS to begin a preliminary engineering report on the City's water and sanitary sewer systems. He stated the report is a requirement to seek funding for future infrastructure and street reconstruction projects. Sikkink said it would take about six months to complete the report, carrying a cost of \$29,800. He gave the council the option of paying half the amount in 2021 and the other half in 2022. Clerk Bergey informed the council that certain water and sewer infrastructure projects are an eligible use of American Rescue Plan Act (ARPA) funds. The City of Canton is set to receive approximately \$36,000 in federal funding. Motion by Gossman, second by Josh Nordsving to approve the agreement with the costs split in 2021 and 2022; motion carried.

**Reports:** In his clerk report, Bergey noted there were 11 delinquent utility accounts, with no disconnections occurring. 76 pet licenses and 21 UTV/golf cart permits have been issued to-date in 2021. Bergey reported the city hall office reconfiguration project was nearly complete, with the current costs totaling \$2,992. He said landscaping projects at city hall and the town hall would be completed by Canton Day Off. Public Works Director Jon Nordsving briefed the council on unexpected maintenance issues associated with one of the City's two wells. The project could cost up to \$38,000, with a total not being known until the extent of the issue is determined. Bergey provided potential funding options, noting there is only around \$11,000 in the Water Fund. Motion by Gossman, second by Shanks to go ahead with the project and revisit the funding aspect in August; motion carried. Nordsving also reported on the deteriorating condition of the large ash tree at Main Street Park. He received a quote of \$425 to professionally inject a chemical into the tree to attempt to prolong its life – stating it may give the tree a couple more years. The council felt it was not money worth spending and directed City staff to remove the tree in the spring. Motion by Mayor Prestby, second by Gossman to approve the purchase of three new pagers for the fire department (\$1,515) and an updated thermal imager (\$1,200); motion carried. No June police report was submitted.

**Town Hall Meeting:** At 7 p.m., Mayor Prestby paused the regular meeting agenda to conduct a special town hall meeting on nuisance properties. He began with background presentation prepared by City staff. According to current City of Canton Code of Ordinances, a public nuisance is a condition which “unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of the members of the public.” Mayor Prestby outlined the public nuisances, by ordinance, as it relates to properties. They include nuisance parking and storage, inoperable motor vehicles, building maintenance and appearance, and weeds. He explained the ordinances were first enacted by the city council in 2006; they were reviewed in 2015 and 2020, with no changes made either year. The Mayor stated the ordinances are presently being enforced through public education efforts, annual property inspections, and, as a last resort, legal action. Since 2018, five citations have been issued for nuisance property ordinance violations. The 2021 property inspections occurred on June 15, with the city clerk and a sheriff’s deputy reviewing residential and commercial properties for obvious ordinance violations. Property owners were given advance notice, with the inspection date included in the City’s June newsletter and on Facebook. 17 notices were mailed out on June 24, with a request for voluntary compliance by August 6. It was mentioned that approximately 70% of this year’s notice recipients also received a notice last year. There were 26 notices sent in 2020. Public feedback included concerns about the City being “too picky” and claims that the drive-around inspection process was intimidating. Sheriff DeGeorge noted that property inspections are handled similarly in other communities. He also stated the need for consistency when it comes to any ordinance enforcement. Attorney Schieber offered the idea of an annual community clean-up day to provide residents a means to properly dispose of certain items, which may otherwise accumulate on properties. Attorney Corson reviewed the pros and cons of criminal versus civil action. He said the civil route may yield more positive results when it comes to repeat offenders. Since 2018, prosecution-related costs have totaled more than \$4,000 for nuisance property cases. The city council thanked the public for being part of the discussion and stressed that voluntary compliance is always the goal.

**Unfinished business:** An update was given on the status of Lolly Melander’s court case. The former city clerk/treasurer was back in court on July 8. No settlement offer was presented, with the next court date scheduled for January 3, 2022. A jury trial has also been scheduled for the end of January 2022. Fillmore County Attorney Brett Corson had requested a special city council meeting be convened (on June 30) for the purposes of discussing a potential settlement prior to the July 8 court date. Melander faces 26 felony charges of theft and embezzlement and is accused of taking \$134,000 between 2011 and 2019.

Results of a land survey of the City’s platted “public square” were reviewed by the council. The survey was conducted by Tri-State Surveying, LLC and certified on June 17, 2021. The survey shows the triangle-shaped land, home to the former gazebo and current veterans memorial, is within the public square. However, the findings show land presently occupied by Robroy Kelly is City-owned. This property, to the south of Kelly’s residence, houses an unsightly dirt pile, overgrown vegetation, and a vehicle parked on a paved surface with street access to Veterans Drive. Kelly was present and was unwilling to have a civil conversation regarding the survey results. He walked out of the meeting, with mention of legal action. Motion by Ernst, second by Josh Nordsving to give Kelly until August 6, 2021 to voluntarily remove the dirt pile and overgrown vegetation from the City’s land, with non-compliance resulting in the City taking on the tasks; motion carried. Bergey will send a notice to Kelly about the August 6 deadline.

Gossman presented pricing information pertaining to possible exterior repairs to the former school bus shed on West Prairie Avenue, owned by the City and used for storage. He stated lumber and other materials could be purchased from Cornbelt Lumber in Granger for around

\$2,900. This would allow volunteers to construct five new sliding doors for the front of the building and make a few other minor repairs. Additionally, he said Vern Zafft was willing to paint the roof, which would cost between \$200 and \$300. Motion by Gossman, second by Mayor Prestby to move forward with the project, not to exceed a cost of \$5,000; motion carried.

Mayor Prestby proposed a change to the planned replacement of the gazebo on City land near the former mill. Instead of putting a metal structure (a budgeted item of up to \$5,000), he indicated the Canton American Legion's desire to utilize the previous gazebo space for its veterans memorial project. Mayor Prestby explained the Legion would revamp its design to move the existing flagpoles to the east of the cement pad and place the memorial marker in the middle of the pad. Shanks stated the gazebo was utilized during Canton Day Off. Motion by Gossman, second by Josh Nordsving to grant permission to the Legion to develop the land that formerly housed the gazebo; motion carried, with Mayor Prestby abstaining from the vote.

**New business:** Motion by Gossman, second by Josh Nordsving to accept the resignation of Carl Ernst as the City's animal control officer; motion carried. Appreciation was expressed to Ernst for his years of service to the community. Motion by Mayor Prestby, second by Gossman to advertise for Ernst's replacement; motion carried. Additional discussion on feral cats was delayed as the future of animal control remains a consideration.

Resident Charlie Warner presented a petition requesting changes to the City's animal ordinance on dog and cat licensing requirements. The petition, which included 38 signatures, called on the rabies vaccination requirement being removed from the ordinance, along with doing away with ordinance-specific limits on the number of animals permitted per residence. Warner stated in his petition, "More and more municipalities are modifying and/or abolishing their pet ordinances for various reasons, including lack of compliance by residents and too challenging to enforce." A review of 12 area communities – including Harmony, Lanesboro and Mabel – found that all 12 have ordinances requiring all dogs and cats to be up-to-date on their rabies vaccinations. Existing City of Canton ordinances limit the number of dogs per house to two, with no restrictions on cats. Since 2019, Bergey stated that the City has never refused to license any animal, with proof of current vaccinations, and stressed voluntary compliance is always the goal. City Attorney Greg Schieber and Sheriff John DeGeorge also offered comments on the proposed ordinance changes. As was the case when Warner, then a councilmember, first brought this matter to the city council back in April, the present-day council decided to leave the current animal licensing requirements in place.

Resident David Terbeest had requested time on the agenda to discuss the creation of a rural service taxing district. Terbeest was not present, so the council did not address this item.

A \$2,400 street striping project was discussed to designate parking spaces in the downtown area. It includes parallel parking and angle parking designations, along with handicapped parking spaces. Motion by Gossman, second by Shanks to approve the striping project, expected to be completed prior to Canton Day Off; motion carried.

Motion by Josh Nordsving, second by Shanks to adjourn at 10:02 p.m.; motion carried.