

## **Canton City Council**

January 12, 2022 – 6 p.m.

### **Regular Meeting Agenda**

1. Call to order
2. Pledge of Allegiance
3. Approval of agenda
4. Consent agenda
  - a. Approval of December minutes
  - b. Approval of January disbursements
5. Public comments
6. Reports
  - a. Mayor
  - b. Clerk
  - c. Public Works
    - i. Discussion on backhoe trade-in proposal
    - ii. Discussion on lawn mower trade-in proposal
  - d. Fire Department
    - i. Discussion on personnel appointment
    - ii. Discussion on gambling exempt permit application: Resolution 2022-03
  - e. Police
  - f. Planning Commission
  - g. Other
7. Unfinished business
  - a. Update on legal proceedings involving former city clerk
  - b. Update on public sale of former school property
  - c. Citizen request to discuss food trailer parked in Commercial District
  - d. Other
8. New business
  - a. Citizen request to change to animal ordinance: Robert & Christina Schmidt
  - b. Discussion on current citizen complaint response process
  - c. Discussion on current arrangement with city attorney for services
  - d. Discussion on 2022 appointments: Resolution 2022-01
  - e. Discussion Canton American Legion gambling request: Resolution 2022-02
  - f. Discussion on proposed street closures for April 29-30 BBQ event
  - g. Other
9. Adjourn

### **Upcoming meetings**

Next regular meeting: February 9, 2022 at 6 p.m.

**This is a preliminary draft of the December 8, 2021, minutes as interpreted by the city clerk for use in preparing the official minutes. There may be corrections, additions, and/or omissions before the final minutes are reviewed and officially approved by the city council.**

**Canton City Council Public Hearing Minutes  
December 8, 2021**

The Canton City Council held a public hearing on a land use variance application on December 8, 2021, at the Canton Town Hall. Members present: Mayor Nick Prestby, Carl Ernst, Randy Gossman and Josh Nordsving; Cindy Shanks was absent. City staff present: Brock Bergey, Jim Davis and Barb Kerns. Visitors present: Jane Hall, Melissa Vander Plas and Kristy Ziegler.

Mayor Prestby called the public hearing to order at 6 p.m. He asked if there were any comments on the variance application from Dallas and Karlee Serfoss to building a 10 ft. x 20 ft. outbuilding at 405 North Main Street; the proposed project does not meet the 10 ft. property line setback requirement to the north. There were no public comments.

Motion by Ernst, second by Gossman to adjourn at 6:03 p.m.; motion carried.

\*\*\*\*\*

**Canton City Council Regular Meeting Minutes  
December 8, 2021**

Mayor Prestby called the regular meeting to order at 6:03 p.m.

Motion by Ernst, second by Gossman to approve the agenda; motion carried. Motion by Ernst, second by Gossman to go into closed session to discuss legal strategy in court files 23-CR-19-671 and 23-CR-21-130 with Fillmore County Attorney Brett Corson; motion carried.

At 6:22 p.m. the meeting was reopened to the public. Mayor Prestby noted the closed session discussion included a videoconference call with Attorney Corson regarding the January 3, 2022 court appearance for former city clerk/treasurer Lolly Melander.

Motion by Ernst, second by Nordsving to approve the November minutes; motion carried.

Motion by Gossman, second by Nordsving to approve the consent agenda (approval of monthly bills; approval of temporary closure of Veterans Drive for Canton Community Association's Santa Day on December 11, 2021; approval of on-sale liquor license application for Brenda Janvrin dba True Smoke BBQ & More or 2022); motion carried.

**Public comments:** None

**Clerk's report:** In his clerk report, Bergey noted there were 24 delinquent utility accounts, with one service disconnection occurring since the November meeting. 91 pet licenses and 21 UTV/golf cart permits have been issued to-date in 2021. Bergey noted while compiling information for the preliminary engineering report on the water and wastewater systems, it was discovered more than \$155 in late fee charges were associated with sewer plant electric bills in 2017 and 2018. Canton has been awarded an additional \$1,192 in ARPA funds for 2021 and 2022. These funds account for a portion of Minnesota's allocation of Local Fiscal Recovery

Funds that were not requested by other municipalities. Canton's revised ARPA fund total is \$37,593.10 (\$18,796.55 in 2021 and \$18,796.55 in 2022). The town hall floor will be refinished the week of December 13. City hall will be closed on Christmas Eve.

**Public Works report:** Davis reviewed a letter from the Minnesota Department of Health regarding a recent water inspection; no issues were reported. The removal and spreading of sludge at the sewer plant has concluded and went well. The televising of the sewer mains continues, with work expected to be completed soon. Snow removal equipment is ready to be put to use for the season.

**Fire Department:** Motion by Ernst, second by Gossman to accept the resignation of Chad Wangen from the fire department; motion carried.

Motion by Ernst, second by Nordsving to advertise for Wangen's replacement; motion carried.

**Police:** None

**Planning Commission:** Motion by Ernst, second by Gossman to approve the land use variance application from Dallas and Karlee Serfoss; motion carried.

**Unfinished business:** Gossman reported the five replacement doors for the former bus shed have been constructed, thanks to the help of several community volunteers. A time to hang the doors will be determined.

Motion by Ernst, second by Gossman to approve Resolution 2021-14 certifying the final 2022 General Fund operating budget at \$275,915; motion carried.

Motion by Gossman, second by Nordsving to approve Resolution 2021-15 to certify the final 2022 tax levy at \$164,568 (3.4% increase from 2021); motion carried.

Motion by Nordsving, second by Gossman to approve Resolution 2021-16 to certify the final 2022 Water Fund operating budget at \$68,241; motion carried.

Motion by Nordsving, second by Gossman to approve Resolution 2021-17 to certify the final 2022 Sewer Fund operating budget at \$98,661; motion carried.

Motion by Gossman, second by Ernst to approve Resolution 2021-18 to certify the final 2022 fire department operating budget at \$23,550; motion carried.

**New business:** Motion by Gossman, second by Nordsving to approve Ordinance 2021-03 establishing the 2022 fee schedule; motion carried.

Motion by Gossman, second by Ernst to publish a summary of Ordinance 2021-03 in the *Fillmore County Journal*; motion carried.

Motion by Gossman, second by Nordsving to accept a \$6,700 proposal from David Drown Associates for an employee classification and compensation study; motion carried.

Motion by Gossman, second by Nordsving to approve Resolution 2021-19 to authorize the disposal of tax-forfeited land: Parcel ID 09.0195.000 (Poppellwell property/former school) through public sale; motion carried.

Motion by Gossman, second by Nordsving to approve Resolution 2021-20 to authorize the disposal of tax-forfeited land: Parcel ID 09.0172.000 (Scrabeck property) through public sale; motion carried.

Motion by Gossman, second by Ernst to approve Resolution 2021-21 to designate the City of Canton as a mail ballot precinct for the 2022 election season; motion carried.

Motion by Nordsving, second by Gossman to approve a request by Mayor Prestby to attend a League of Minnesota Cities elected leadership training (\$275 registration fee plus hotel) in the Twin Cities on February 4-5, 2022; motion carried.

Motion by Nordsving, second by Ernst to adjourn at 7:22 p.m.; motion carried.

## January 2022 Disbursements

### General Fund

Acentek	219.38	City hall, town hall services	
Amazon	33.99	1099 forms	EFT
Amazon	36.99	W2 forms	EFT
Amazon	77.30	Replacement keyboards/scotch tape	EFT
Amazon	12.99	Prime Membership Fee	EFT
Bergey, Brock	17.92	Mileage reimbursement (Preston 1/3/22)	
Canon Financial Services	44.00	Copier lease	
Fillmore County Attorney	985.00	Joel Torgerson -DANCO violation/unlawful ouster charges	
Fillmore County Journal	132.66	Fee schedule legal notice	
Hershberger, Carolina	135.00	November-December cleaning	
MiEnergy	53.85	City hall electric	
MiEnergy	126.62	Town hall electric	
MiEnergy	32.37	Bus shed electric	
MiEnergy	385.55	Street lights electric	
MiEnergy	44.56	Welcome sign electric	
MiEnergy	23.39	Ball field electric	
Minnesota Energy Resources	135.63	City hall gas	
Minnesota Energy Resources	185.38	Maintenance shop gas	
Minnesota Energy Resources	281.04	Town hall gas	
Nethercut Schieber Attorneys	45.00	0.3 hours for December	
Nordsving, Jon	50.00	Cell phone stipend	
Preston Dairy & Farm	95.00	Fuel for backhoe	EFT
Schott's Hardwood Floors	2,500.00	Town hall floor refinishing	
SMG Design	600.00	Web design & hosting	
Tri-State Business Machines	58.88	Copier monthly contract	
Village Farm & Home	95.40	Supplies	
<b>Total General Disbursements</b>	<b>6,407.90</b>		

### Mitson Fund

MiEnergy	24.51	Mitson electric	
<b>Total Mitson Disbursements</b>	<b>24.51</b>		

### Water Fund

Acentek	39.15	Dailer system	
Fillmore County Journal	19.15	Fee ordinance notice	
Gopher State One Call	1.35	December locates	
MiEnergy	493.82	Pump house electric	
<b>Total Water</b>	<b>553.47</b>		

### Sewer Fund

Acentek	39.15	WWTF services	
Amazon	78.40	Fuses	EFT
Fillmore County Journal	19.15	Fee ordinance notice	
First Southeast Bank	19,636.67	WWTF bond payment	EFT
MiEnergy	847.84	WWTF electric	
USA BlueBook	237.17	Thermometer	
Utility Consultants	343.00	WWTF samples	
WHKS	14,900.00	PER first payment	
<b>Total Sewer Disbursements</b>	<b>36,101.38</b>		

### Garbage Fund

Richard's Sanitation	2,271.23	December collection	
<b>Total Garbage Disbursements</b>	<b>2,271.23</b>		

### Fire Department

Acentek	64.95	Internet service	
Fillmore County Journal	36.18	Firefighter ad	
MiEnergy	61.07	Fire hall electric	
MiEnergy	21.89	Cooler electric	
Minnesota Energy Resources	254.52	Fire hall gas	
Preston Dairy & Farm	125.00	Green pumper/Chevy grass rig fuel	EFT
Preston Dairy & Farm	59.40	Ford grass rig fuel	EFT
<b>Total Fire Dept. Disbursements</b>	<b>623.01</b>		

**Total Disbursements** **45,981.50** \*EFT = Electronic Funds Transfer

5

**City of Canton**  
**\*Check Reconciliation©**  
**CHECKING**  
**10100 CASH**  
**December 2021**

01/06/22 2:10 PM  
Page 1

**Account Summary**

Beginning Balance on 1/1/2022	\$273,668.24
+ Receipts/Deposits	\$138,204.49
- Payments (Checks and Withdrawals)	\$114,223.26
Ending Balance as of 1/1/2022	\$297,649.47

Cleared	\$297,649.47
Statement	\$297,649.47
Difference	\$0.00

**Cash Balance**

Active 101-10100 GENERAL FUND	\$200,687.87
Active 102-10100 MITSON HOUSE FUND	\$1,473.71
Active 105-10100 FIRE DEPARTMENT	\$33,041.64
Active 601-10100 WATER FUND	\$52,412.87
Active 602-10100 SEWER FUND	\$32,021.31
Active 603-10100 GARBAGE FUND	-\$951.19
Cash Balance	\$318,686.21

Beginning Balance	\$273,668.24
+ Total Deposits	\$146,109.71
- Checks Written	\$101,091.74
Check Book Balance	\$318,686.21
Difference	\$0.00

## **Clerk's Report: January 12, 2022**

### **By the numbers**

- Current delinquent accounts: 9 totaling \$811
- December late fees: \$138
- Water service disconnections: 0
- ACH accounts: 40
- 2022 pet licenses: 12 total; 5 cats, 7 dogs
- 2022 ATV/UTV/golf cart permits: 0

### **Citizen communications**

- Letter/ordinance information sent to resident about animal ordinance
- Email correspondence with resident about nuisance property violations
- Follow-up reminders given to three residents about nuisance property violations
- Visit with resident about camper parked on his property

### **Updates**

- Employee wage study (info in packet)
- 2021 audit engagement letter (info in packet)
- Preliminary engineering report on water/wastewater systems
- 2021 budget review presentation in February
- City hall closed January 17 for MLK Jr. Day
- 2021 accomplishments and achievements



Wayzata Office  
3620 Northome Avenue  
Wayzata, MN 55391  
Phone: (612)920-3320 x103 | Fax: (612)605-2375  
www.daviddrown.com



January 6, 2022

Brock Bergey  
City of Canton, MN  
Clerk/Treasurer

**RE: Compensation Study List of Comparators Preliminary Report**

Dear Mr. Bergey,

The City of Canton decided to hire DDA Human Resources to conduct a classification and compensation study. We have compiled an initial list of communities that we have selected and wish to have you and the Council approve before proceeding

**Benchmark Communities and Jobs**

A list of 23 cities were selected to serve as a comparison group – benchmarks. The list includes cities in the State which are similar to you in terms of size, service offerings, tax capacity, and cities with whom you may compete for employees.



City of Canton, Minnesota

2022 Classification and Compensation Study

Benchmark Communities

9

City	Pop	General Govt	Streets	Tax Cap	Property Tax	SA Levy
Adams	798	1	0	337,479	391,798	45,982
Altura	466	0	0	292,555	130,725	-
Claremont	535	1	1	250,587	435,764	14,519
Dover	759	0	0	499,469	254,784	18,845
Emmons	365	6	1	131,509	179,238	-
Fountain	417	0	0	264,391	119,278	22,773
Glenville	595	0	0	336,887	158,411	1,710
Harmony	1,026	1	1	675,653	651,012	48,096
Hokah	544	0	0	244,852	293,632	9,410
Houston	967	1	1	427,159	501,890	34,631
Lanesboro	764	1	2	539,426	560,732	10,960
Lyle	546	0	1	134,967	96,212	9,173
Mabel	771	0	1	244,297	368,877	3,618
Ostrander	250	0	0	125,080	153,875	1,510
Peterson	193	0	0	76,971	84,868	11,319
Preston	1,329	3	1	719,973	886,181	86,251
Racine	446	1	0	273,600	145,042	-
Rollingstone	653	1	1	389,773	171,206	57,933
Rushford Village	841	1	1	1,118,705	421,131	10,212
Spring Grove	1,291	2	1	541,053	600,335	11,830
Stockton	721	1	1	390,647	105,185	12,211
West Concord	776	3	1	239,054	466,252	96,639
Wykoff	442	1	0	184,165	182,051	5,231
<b>Canton</b>	<b>349</b>	<b>1</b>	<b>1</b>	<b>126,442</b>	<b>143,262</b>	<b>-</b>

Please let me know if you have any questions or concerns with this list

Sincerely,

*Mark Goldberg*

Mark Goldberg, Principal Consultant  
DDA Human Resources, Inc.  
5029 Upton Avenue South  
Minneapolis, MN 55410  
markg@daviddrown.com  
612-920-3320 ext. 114

10



## Position Analysis Questionnaire

This form is designed to assist you in describing your position. You are asked to fill out this form because you know the duties and responsibilities of your position better than anyone. If you share a job position with another colleague, please complete one form, if possible.

### Instructions

The purpose of this questionnaire is to gather information about the work of the position(s) being reviewed. Please give each question thoughtful consideration. Complete this questionnaire as completely, honestly and accurately as possible. Base your answers on what is normal for the job. Please exclude special projects or duties unless they are a regular part of your job. If a question does not apply to your position, write NOT APPLICABLE or N/A for that item. Please print or type out your answers legibly. If you need help completing this questionnaire, contact your supervisor to arrange assistance. Thank you for your cooperation.

**Feel free to provide edits on your current job description enclosed, if necessary.**

**EMPLOYEE NAME:** \_\_\_\_\_

**JOB TITLE:** \_\_\_\_\_

**DEPARTMENT:** \_\_\_\_\_

**REPORTS TO:** \_\_\_\_\_

**SUPERVISES:** \_\_\_\_\_

### Job Summary

State briefly in 3-5 sentences the main purpose or function of your position. What do you believe is the major purpose of your job?

*(Example: Performs administrative duties for XXX; Manages and maintains ...; Coordinates vendors and projects...; Provides high-quality customer service...; Operates...; Provides accurate and timely reports; Maintains strict confidentiality; etc.)*

## **Essential Duties**

This is very important to help us understand your job. Please describe in detail the elements of what you do in your job. List the major functions and list the % of time that you do this. Remember, this is not about your department. This is about your job only.

Make revisions on your job description and use the spaces below for listing any additional functions/duties/tasks.

Please use action words such as PREPARES, MAINTAINS, OPERATES, CALCULATES, MANAGES, to start each statement. Your % should total 100.

	Function/Duty/Task	% of Time
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

**Additional Work Activities:**

12

## Equipment, Tools, and Machinery

What machinery, vehicles or motorized equipment do you use in your work?	How often to you use it? *

\* Intermittent - Less than 15% of the time in a typical week (one per week or less)

Occasional - 15%-45% of the time in a typical week

Frequent - 45%-70% of the time in a typical week

Continuous - Over 70% of the time in a typical week (averages daily)

### **Additional Comments on Equipment, Tools and Machinery:**

## Education & Experience

Please mark the general work experience that contributes to the job-related skills and directly related experience.

Employee Check One	Minimum Requirement for the Job	Supervisor Check One
	No formal education needed.	
	Must be able to read and follow written instructions and diagrams.	
	Requires High School Diploma or GED.	
	Requires specialized training beyond High School, but less than an associate degree.	
	Requires two years of formal training in tech or associate's degree.	
	Requires a four-year degree in business, liberal arts, history, social science, education, or general science area.	
	Requires a four-year degree in a highly technical area, such as engineering, computer science, nursing or specialized qualification such as CPA, or a non-technical master's degree is required.	
	Requires advanced education equivalent to a technical/administrative master's degree or specialist certification in a technical field.	
	Requires advanced education equivalent to a doctorate degree, law, administration or medicine.	13

## **Education & Experience** *(continued)*

How much work experience should be required when hiring for this job? Preferred experience and education?

Employee - Check One	Years of Experience required for this position, when hiring	Supervisor - Check One
	No experience needed	
	Less than one year (minimal)	
	One to three years (some)	
	Three to five years (moderate)	
	Five years (considerable)	
	More than five years (extensive)	
	Must have previous supervisory or serve in a leadership capacity (list number of years)	

Does this job require ongoing certification and testing? If requirement is specific to training, please indicate timeframe by each one individually.

Type of Certification/Testing	Needed Upon Hire	Within 6 months	Within 1 year	Within 2 years	Does this require re-certification, if so, when?

**Additional Comments on Education & Experience:**

## **Decision Making**

Describe specific key actions and decisions that the position takes/makes and indicate if clearance from a supervisor/manager is needed. Include decision/actions and how frequent they occur.

<b>Decision or Action</b>	<b>Frequency</b>	<b>Does your Supervisor/Manager Provide Clearance (yes/no)</b>
<i>Ex: preparing weekly reports</i>	<i>WEEKLY</i>	<i>No</i>

## **Decision Making (continued)**

Only mark one (1) box that best describes how you make decisions:

<b>Employee Check One</b>	<b>Scope of Organizations Directly or Indirectly Affected</b>	<b>Supervisor Check One</b>
	My decisions have positive and negative impact affecting my own work.	
	I provide training and work direction to others.	
	I serve as a group leader or working supervisor.	
	I lead a larger working unit.	
	I lead a department.	
	I lead overall operation of the entire organization.	



Describe how much freedom or independence is required or allowed in the performance of your normal duties:

Employee Check One	Level of Responsibility	Supervisor Check One
	Handles every day, reoccurring basic assignments and problems under close supervision; or, tasks are so routine and standard that they do not require supervision.	
	Handles a variety of typical assignments and problems under moderate supervision within standard operating procedures; supervisor or senior workers are generally nearby to answer questions, make "judgment calls" and/or prioritize work.	
	Limited supervision with general autonomy in determining how objectives are achieved; supervisors generally set operating benchmarks, goals and objectives.	
	Administers operating rules and procedures under management guidance.	
	Applies professional/managerial principles and judgement within overall goals/direction established by senior management.	
	Involves setting policies and goals for the department or organization operation, with top management guidance.	
	Formulates strategic direction in keeping with the overall organizational mission, with broad guidance/governance; provides overall guidance to management.	

### Additional Comments on Decision Making:

### Supervisory Responsibilities

Does your position have the authority to take any of the following actions? If not, does your supervisor rely mainly on your recommendations to make the decision?

Responsibility	Yes	No	Recommend Only	N/A
Hire employees				
Promote employees				
Transfer employees				
Prepare work schedules				
Assign/review work				
Train employees				
Assign/approve time, overtime				
Approve sick leave and vacation				
Recall employees during emergencies				
Merit increase				
Discipline employees				
Suspend employees				
Terminate employees				

16



## Responsibility for Others

A. List the titles of jobs that directly report to you in this job or write "none."

Job Title	Number of Direct Reports

B. List the titles of jobs to which you give work direction, but do not formally supervise; or write "none."

Job Title	Number Giving Work Direction To

**Additional Comments on Supervisory Responsibility:**

## Problem Solving

Describe how your problem solving impacts the organization.

How do you receive your instructions? (check all that apply)

Orally

In Writing

How are priorities and/or deadlines decided for your position?

How often do you meet with your supervisor, and for what purposes?

Employee Check One	<b>WORK COMPLEXITY: Complexity and difficulty level associated with tasks necessary to complete your work. Consider the level of judgement, analytical ability and creativity required and whether there are standards, policies and procedures that guide your action.</b>	Supervisor Check One
	Regular and repetitive tasks, processes or operations requiring the selection and execution of actions based on defined procedures or straight-forward directions.	
	Fairly standard procedures and tasks where basic analytical ability is required, such as comparison of numbers and facts to select the correct actions. Detailed guidelines and procedures are generally used to make decisions or determine actions.	
	Requires application of a variety of procedures, policies and/or precedents and moderate analytical ability in adapting standard methods to fit facts and conditions, using generally prescribed procedures.	
	Considerable analytical ability is needed to select, evaluate and interpret data from several sources; interpretation of guidelines, policies and procedures is required.	
	Widely varied involving many complex and significant variables, requiring analytical ability and inductive thinking in adapting policies, procedures and methods to fit unusual and complex situations.	
	Creates previously unknown technology or original business approaches or significantly differentiates existing products or services.	

### **Problem Solving (continued)**

Employee Check One	<b>ORGANIZATIONAL IMPACT AND CONSEQUENCES: Describe how your daily duties impact the organization and the consequences of those duties.</b>	Supervisor Check One
	Problem solving impacts immediate work area. Failures and successes are readily isolated and have limited financial impact.	
	Problem solving impacts department operations. Failures and successes have moderate financial impact on the overall organization.	
	Problem solving impacts division or major department operations. Failures and successes have significant financial impact on the overall organization.	
	Problem solving impacts overall organization. Failures and successes impact the short-term financial impact on the overall organization.	
	Problem solving impacts the overall organization and have a significant impact on organization and future years. Failures and successes significantly impact the organization's balance sheet and long-term performance.	

**Specify if this position is responsible for any projects, programs or activities. (Such as overseeing contract employees, vendors, interns and/or managing budget, etc.) If this does not apply to your position, write N/A.**

**Specify any resources that this position refers to in making decisions and resolving problems. (Examples: Policies, Procedures, Consultants, Ordinances, etc.)**

### **Additional Comments on Problem Solving:**

### **Relationships**

<b>Employee Check One</b>	<b>Interpersonal and Communication Skills: Skills required during your day-to-day duties.</b>	<b>Supervisor Check One</b>
	Little or no contact required with immediate associates and direct supervisor; answers basic question with courtesy when appropriate.	
	Regular contact with department and periodic contacts with other departments, outside agencies and public to relay basic information or relay facts.	
	Frequent contact with the department and other departments, outside agencies and public (supplying or seeking information) on specialized matters requiring detailed or technical responses/explanations.	
	Frequent outside and inside contacts to carry out organizational programs; or occasional contacts with officials at higher levels on matters requiring cooperation, explanation and persuasion; or work requiring enforcement of laws, ordinances, policies and procedures.	
	Regular interaction with persons of influence involving considerable tact, discretion and persuasion to negotiate important agreements or elicit desired behaviors.	
	Frequent interaction to negotiate critical agreements or motivate behavior and requires a well-developed sense of strategy and time, the ability to engender trust of diverse audiences.	

**Please list people or groups with whom you interact and/or communicate while completing your job.**

<b>Contact Frequency <i>Ex. Resident Daily</i></b>	<b>Nature and Impact of Contact <i>Tax/Billing Questions and Concerns</i></b>	<b>Method <i>In person, phone, etc.</i></b>

## Physical Job Requirements and Working Conditions

Pick one box that describes the requirements needed for your job and the conditions you encounter on the job.

Intermittent - Less than 15% of the time in a typical week (*one per week or less*)

Occasional - 15%-45% of the time in a typical week

Frequent - 45%-70% of the time in a typical week

Continuous - Over 70% of the time in a typical week (*averages daily*)

	N/A	Intermittent	Occasional	Frequent	Continuous
Walk					
Stand					
Sit					
Bend or Stoop					
Kneel or Squat					
Work with arms above shoulder					
Climbing					
Lift or carry less than 10 lbs.					
Lift or Carry 11-25 lbs.					
Lift, carry, push, pull 26-60 lbs					
Lift, carry, push, pull over 60 lbs.					
Keyboarding					
Repetitive movement					
Working in cold weather below freezing					
Working in hot weather above 90					
Exposed to toxic/caustic materials					
Exposed to bloodborne pathogens					
Exposed to fumes or airborne particles					
Exposed to annoying odor					
Exposed to sickening odor					
Exposed to grease/grime					
Exposed to driving on street					
Exposed to wet conditions					
Exposed to machine tools					
Exposed to moving mechanical parts					
Exposed to high, precarious spaces					
Exposed to risk of electrical shock					
Exposed to slippery conditions					
Inability to leave work station					
Exposure to angry public					
Exposure to deadly assault					
Exposure to offense language					
Exposure to threats					
Exposure to trauma					
Limited mental effort and/or stress					
Some mental effort and stress involved resulting in frustration					
Considerable mental effort and stress					
Work alone					
Work with moderate detail					
Work with high detail					
Work with moderate deadlines					
Work with high deadlines					

20

**PLEASE INCLUDE OTHER CONDITIONS OF YOUR JOB NOT MENTIONED PREVIOUSLY, IF APPLICABLE.**

**THANK YOU FOR COMPLETING THIS QUESTIONNAIRE. AFTER YOU OR YOUR GROUP HAS COMPLETED YOUR PORTION OF THE QUESTIONNAIRE, PLEASE SUBMIT THE QUESTIONNAIRE TO YOUR SUPERVISOR FOR REVIEW, COMMENT, DISCUSSION, AND APPROVAL.**

**TO BE COMPLETED BY THE IMMEDIATE SUPERVISOR**

Use this section to note any additional comments, additional duties or disagreements with any section of the questionnaire. Do not change anything written by the individual filling out the questionnaire and do not address any performance issues. If you disagree with any information provided or believe some information is missing, indicate below the question number and your comments.

Question No.	Comments

**Any supervisor comments must be discussed with the employee.**

**SUPERVISOR SIGNATURE**

**Please check the appropriate statement:**

- ☐ I agree with the employee's position description questionnaire as written.
- ☐ I have added the above comments and discussed them with my employee.

Supervisor Signature:

Date:

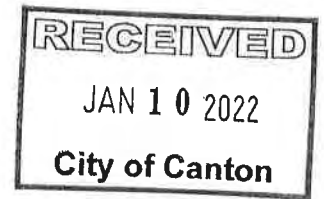
**EMPLOYEE SIGNATURE**

**Please check the appropriate statement:**

- ☐ No comments were added by my supervisor.
- ☐ The above comments have been discussed with my supervisor and I agree with these comments.
- ☐ The above comments have been discussed with my supervisor and I disagree with these comments.

Employee Signature:

Date:



January 10, 2022

Brock Bergey, Clerk-Treasurer  
City of Canton,

Below is a listing of items we'll need to complete the upcoming audit for the December 31, 2021 year end.

As soon as possible, please provide the following:

1. Print the attached bank, county, and state confirmations on City letterhead, sign, and email back to me. I will send them out to the appropriate recipients.
2. 2021 QuickBooks files for all funds. If you have QuickBooks Online, you can assign us access and we can download the files.

We will need the following information by the time we begin our audit. We are scheduled to work on the audit in our office February 16-18. Please provide documents in an electronic form when at all possible.

1. Council Meeting Minutes from the fiscal year and any subsequent meetings.
2. Update the attached process narratives (cash, disbursements, receipts, payroll) and email back to me.
3. Current audit year budget for all funds that have a budget.
4. Bank reconciliations for the year end and bank statements of the operating account for the entire year.
5. 941's for the fiscal year and payroll records for the year (timesheets and authorized rates).
6. PERA payment sheets for the year.
7. Loan, bond, or lease agreements for any new loans or bonds entered into during the year.
8. 2021 water, sewer and garbage rates.
9. A list of payables for the general fund and what the expense will be coded to.
10. A list of payables for the water/sewer fund and what the expense will be coded to.
11. A list of receivables for the water/sewer fund and what the revenue will be coded to.
12. Access to all invoices paid during the year.
13. Access to all cash receipt support for the year.
14. Complete the attached Client Data, Insurance Coverage, and Related Party worksheets and email back to me.

Feel free to contact us if you have any questions, otherwise we look forward to starting our audit soon.

Sincerely,

*Hawkins Ash CPAs, LLP*  
Hawkins Ash CPAs, LLP

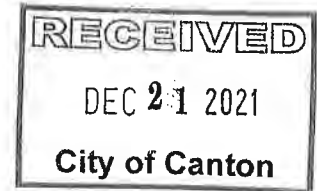
# HAWKINS | ASH CPAs

500 S 2<sup>nd</sup> St, Suite 200 | La Crosse, WI 54601-4029  
608.784.7737 | Fax: 608.785.2140 | 1.800.658.9077  
**WWW.HAWKINSASH.CPA**

December 20, 2021

City of Canton  
105 S Main St  
Canton, Minnesota 55922

Dear City Council,



The following represents our understanding of the services we will provide the City of Canton. We will audit the State of Minnesota Office of the State Auditor reporting provision basis financial statements including the following statements: Balances arising from cash transactions; Cash receipts, disbursements and changes in fund balances; Net position- proprietary fund; Revenues, expenses, and changes in net position- proprietary fund; Cash flows- proprietary fund; and also including the related notes to the financial statements, which collectively comprise the regulatory basis financial statements of the City of Canton as of and for the year ended December 31, 2021. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS), and any state or regulatory audit requirements will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

These regulatory basis financial statements provide for certain required supplementary information (RSI) to supplement the City of Canton's cash basis financial statements. Such information, although not a part of the basic financial statements, is required by the state auditor who considers it to be an essential part of financial reporting for placing the regulatory basis financial statements. As part of our engagement, we will apply certain limited procedures to the City of Canton's RSI in accordance with auditing standards generally accepted in the United States of America, (U.S. GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by cash basis financial statements and will be subjected to certain limited procedures but will not be audited:

## 1) Budgetary Comparison Schedule – Cash Basis – General Fund

We have also been engaged to report on supplementary information other than RSI that accompanies the City of Canton's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and additional procedures in accordance with U.S. GAAS. We intend to provide an opinion on the following supplementary information in relation to the basic financial statements as a whole:

- 1) Statement of net position – proprietary funds
- 2) Statement of Revenue, Expenses, and changes in Fund net position – proprietary funds
- 3) Statement of cash flows – proprietary funds
- 4) Schedule of indebtedness, other long term liabilities, and contingent liabilities
- 5) Schedules of accounts receivable and accounts payable



We will also prepare the following item:

- 1) Annual Financial Reporting Form to the MN State Auditor's Office (SAFES) with Independent Accountants' Compilation Report

### **Auditor Responsibilities**

We will conduct our audit in accordance with U.S. GAAS and any state or regulatory audit requirements. As part of an audit in accordance with GAAS and any state or regulatory audit requirements we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City of Canton's ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and any state or regulatory audit requirements.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

### **Compliance with Laws and Regulations**

As previously discussed, as part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of the City of Canton's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

### **Management Responsibilities**

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the basic financial statements in accordance with accounting principles generally accepted in the United States of America;
- b. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of basic financial statements that are free from material misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements;



- c. To provide us with:
- i. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the basic financial statements such as records, documentation, and other matters;
  - ii. Additional information that we may request from management for the purpose of the audit; and
  - iii. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
  - iv. A written acknowledgement of all the documents that management expects to issue that will be included in the annual report, if applicable, and the planned timing and method of issuance of that annual report; and
  - v. A final version of the annual report, if applicable, (including all the documents that, together, comprise the annual report) in a timely manner prior to the date of the auditors' report.
- d. For including the auditors' report in any document containing basic financial statements that indicates that such basic financial statements have been audited by us;
- e. For identifying and ensuring that the entity complies with the laws and regulations applicable to its activities;
- f. For adjusting the basic financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the basic financial statements as a whole; and
- g. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
- h. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
- i. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in internal control and others where fraud could have a material effect on the financials; and
- j. For the accuracy and completeness of all information provided.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited basic financial statements, or if the supplementary information will not be presented with the audited basic financial statements, to make the audited basic financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit.

#### **Nonattest Services**

With respect to the following nonattest services we perform, we will prepare the financial statements and related notes and the Minnesota SAFES Form based on information provided by you.

We will not assume management responsibilities on behalf of the City of Canton. However, we will provide advice and recommendations to assist management of the City of Canton in performing its responsibilities.

25

City of Canton's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Our responsibilities and limitations of the nonattest services are as follows:

- We will perform the services in accordance with applicable professional standards.
- The nonattest services are limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries.

### **Reporting**

We will issue a written report upon completion of our audit of the City of Canton's basic financial statements. Our report will be addressed to the governing body of the City of Canton. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s) to our auditor's report, or if necessary, withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

### **Other**

We understand that your employees will prepare all work papers requested, and confirmations we request and will locate any documents or support for any other transactions we select for testing.

We will schedule the engagement based in part on deadlines, working conditions, and the availability of your key personnel. We will plan the engagement based on the assumption that your personnel will cooperate and provide assistance by performing tasks such as preparing requested schedules, retrieving supporting documents, and preparing confirmations. If for whatever reason your personnel are unavailable to provide the necessary assistance in a timely manner, it may substantially increase the work we have to do to complete the engagement within the established deadlines, resulting in an increase in fees over our original fee estimate.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your internet website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Professional standards prohibit us from being the sole host and/or the sole storage for your financial and non-financial data. As such, it is your responsibility to maintain your original data and records and we cannot be responsible to maintain such original information. By signing this engagement letter, you affirm that you have all the data and records required to make your books and records complete.

### **Provisions of Engagement Administration, Timing and Fees**

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

We expect to begin our audit in January and to issue our reports no later than March 31.

Monica Hauser is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising Hawkins Ash CPAs, LLP's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

We estimate our fees for these services to be \$10,500.

Our charges for services, plus out-of-pocket expenses, will be billed as work progresses and are payable on presentation. The out-of-pocket expenses will be separately stated on the invoice, and you will be responsible for any Section 274(n) limitations relating to meals and entertainment. Our services will be invoiced at our current billing rates. Work may be suspended if your account becomes 30 days or more overdue and will not be resumed until your account is paid in full. A service charge at the rate of 1% per month will accrue on any balance not paid within 30 days of the invoice date with a minimum charge of \$1.00 per month. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed the engagement. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination.

Routine questions throughout the year are included in the above fees. Meetings and research/consultation (which is substantial in nature) and accounting services (including, but not limited to reconciliation of accounts and preparation of requested schedules not completed at the start of fieldwork) will be billed at our standard rates. The above fees do not include bank confirmation fees, implementation of Governmental Accounting Standards Board statements or revisions to generally accepted governmental auditing standards.

With respect to any services, work product, or other deliverables hereunder, or this engagement generally, our liability to the client will in no event exceed the fees that we receive for the portion of the work giving rise to the liability. The parties to this engagement agree that any dispute that may arise regarding the meaning, performance or enforcement of this engagement will, prior to resorting to litigation, be submitted to mediation upon the written request of any party to the engagement. All mediations initiated as a result of this engagement shall be administered by the American Arbitration Association ("AAA"). The results of this mediation shall be binding only upon agreement of each party to be bound. Costs of any mediation proceeding shall be shared equally by both parties.

Notwithstanding anything contained herein both Accountant and the client agree that regardless of where the client is domiciled and regardless of where this Engagement Letter ("Agreement") is physically signed this Agreement shall have been deemed to have been entered into at Accountant's office located in the county of your Accountant's branch location shall be the exclusive jurisdiction for resolving disputes related to this Agreement. This Agreement shall be interpreted and governed in accordance with the Laws of the state of your Accountant's branch location.

Any litigation arising out of this engagement, except actions by us to enforce payment of our professional invoices, must be filed within one year from the completion of the engagement, notwithstanding any statutory provision to the contrary.

We shall not have any liability to the client for any special, consequential, incidental, punitive or exemplary damages or loss, including, but not limited to any lost profits, savings or business opportunity. We have the right to withdraw from this engagement, in our discretion, if you don't provide us with any information we request in a timely manner, refuse to cooperate with our reasonable requests or misrepresent any facts. Our withdrawal will release us from any obligation to complete your return and will constitute completion of our engagement. You agree to compensate us for our time and out-of-pocket expenses through the date of our withdrawal.

In the unlikely event that circumstances occur which we, in our sole discretion, believe could create a conflict with either the ethical standards of our firm or the ethical standards of our profession in continuing our engagement, we may suspend our services until a satisfactory resolution can be achieved or we may resign from the engagement. We will notify you of such conflict as soon as practicable, and we will discuss with you any possible means of resolving them prior to suspending our services.

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditors' report to the date the financial statements are issued.

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

At the conclusion of our audit engagement, we will communicate to those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of Hawkins Ash CPAs, LLP and constitutes confidential information. However, we may be requested to make certain audit documentation available to a state or federal agency pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Hawkins Ash CPAs LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to a state or federal agency. The state or federal agency may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

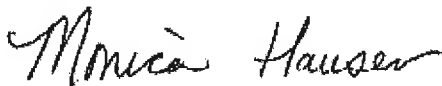
Our audit engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

Please sign and return a copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the basic financial statements including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Respectfully,

HAWKINS ASH CPAS, LLP



Monica Hauser, Partner

RESPONSE:

This letter correctly sets forth our understanding.

City of Canton

Acknowledged and agreed on behalf of the City of Canton by:

Signature: Bink Bergey

Title: City Clerk / Treasurer

Date: 12-21-2021



## **2021 ACCOMPLISHMENTS & ACHIEVEMENTS**

### **FINANCES**

- No increase to the property tax levy.
- The General Fund is set to end the year with a surplus of approximately \$12,000.
- Third consecutive year for a General Fund surplus.
- Preliminary 2021 General Fund expenditures down approximately 11% from 2018.
- Refinancing of wastewater treatment facility loan resulted in savings of \$92,000.
- Approximately \$44,000 received from community grant awards.

### **OPERATIONS**

- Creation of deputy clerk position.
- Implementation of new accounting, utility billing and payroll systems.
- Autopay option established for utility customers.
- Improvements to the web-based payment feature.
- Direct pay established for employees.
- Expanded city hall hours.
- Expansion of content available on [cantonmn.com](http://cantonmn.com).

### **IMPROVEMENT PROJECTS**

- Main Street lights converted to LEDs. (Arlin Falck Foundation grant project)
- Audio/video system installed at the town hall. (CARES Act project)
- New folding chairs at the town hall, along with additional folding tables.
- Main Street approaches in the downtown area repaired.
- Several Main Street sidewalks repaired.
- New concrete in front of the town hall.
- Handicap accessible ramp added to rear entrance of the town hall.
- Hardwood floor at the town hall refinished.
- New flagpoles added at city hall and the fire hall. (Private donations)
- Little free libraries added to city hall and the park. (Built by M-C students)
- Landscaping projects at city hall. (Made possible through donations)
- Street striping and handicap marking project in the downtown area.
- On-going exterior improvements to the former school bus shed.
- Electrical improvements to the ball field.
- Reconfiguration of the office space at city hall.
- Handicap accessible ramp added to main entrance of the Mitson Museum.
- Electrical improvements inside the Mitson Museum.

### **COMPREHENSIVE PLANNING**

- Started preliminary engineering report to assess water and wastewater infrastructure.
- Adjusted water and sewer rates to assist in creating short-lived and long-lived asset reserve funds.

**JOE WELCH EQUIPMENT**

820 Industry Road  
Caledonia, MN 55921  
Ph: 507-724-3183

**QUOTE****RECEIVED**

JAN 11 2022

City of Canton

**DATE:** 01/11/22**INVOICE NO:****BILL/SHIP TO:****TERMS:**

CITY OF CANTON  
CANTON MN

Phone:

Cell:

Fax:

ITEM	QTY	DESCRIPTION	PRICE EACH	TOTAL
		CAT 430E LOADER BACKHOE		\$ 89,500.00
		WITH HYDRAULIC THUMB		
		JCB 214 SERIES 3 LOADER BACKHOE		
		TRADE ALLOWANCE		\$ 17,500.00
		<i>All equipment sold As-Is</i>		
		<i>Wire transfers must be received within 48 hours</i>		
		<i>LOADING REQUIRES 24 HOUR ADVANCE</i>		
		<i>NOTICE</i>		
			Sales Tax	
		TRADE DIFFERENCE		\$ 72,000.00

31



## 2011 CATERPILLAR 430E



USD **\$89,500**

### Seller Information

**Joe Welch Equipment**  
Caledonia, Minnesota 55921

**Phone:** (507) 724-3183

**Contact:** Joe Welch

### Machine Location:

📍 820 Industry Rd.  
Caledonia, Minnesota 55921



[Hide Thumbnails](#)

### Description

Last of the pre emission. Ride control. Air seat. Stereo. Pilot controls with Pattern changer. Very nice municipal backhoe. Hydraulic thumb. Cab WITH HEAT AND AIR. RIDE CONTROL. 4X4. Extendahoe. JUST IN

### Specifications

<b>Year</b>	2011	<b>Manufacturer</b>	CATERPILLAR
<b>Model</b>	430E	<b>Hours</b>	1,137
<b>Condition</b>	Used	<b>Stock Number</b>	430E
<b>Extend A Hoe</b>	Yes	<b>Back Auxiliary Hydraulics</b>	Yes
<b>Back Coupler</b>	Yes	<b>Back Quick Attach</b>	Yes
<b>Thumb</b>	Yes	<b>Thumb Type</b>	Hydraulic
<b>ROPS</b>	Enclosed	<b>Drive</b>	4 WD

32

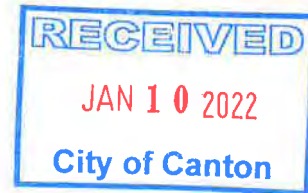






# Windridge Implement LLC

2073 State Hwy 9  
Decorah IA 52101  
US  
563-382-3613



Printed 2022-01-10

## Detailed Customer Quote

Page 1 of 1

Name/Company City Of Canton		Telephone (507)743-2225
Address City Clerk		Account Manager KEITH McINTOSH
City/Town, State/Province Canton, MN	Location Windridge Implement LLC	Quote No. 7425
Postal/Zip Code 55922	Quote Date 2022-01-10	In Effect Until 2022-01-10

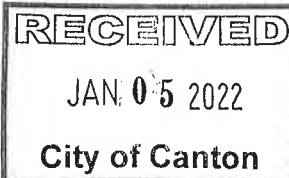
Quantity	Description	Price \$
<b>Sale Items</b>		
2022 - New - Hustler Excel 942334-X-ONE -KAWASAKI FX850 (27 HP) 60" TWEEL Mower/Zero Turn		13619.75
Stock No.: 111111		
HP/ENG : 27 INCHES : 60		
1	BE Base Equipment	
1	Tweel tire upgrade	
1	Kawasaki FX850 27hp engine	
1	60" side discharge VX deck	
1	I3M seat	
1	foot operated deck lift	
New Assembly, Pre Delivery		
Total Price of Sale Items		\$13,619.75
<b>Trades</b>		
2020 - Hustler Excel Super Z Mower/Zero Turn		7142.42
Total Price of Sale Items		\$13,619.75
Total Price of Trades		(\$7,142.42)
Dealership Discount		<i>Brid Discount</i> (\$3,677.33)
Balance		\$2,800.00
Contract Amount		\$2,800.00
Account Manager _____ Accepted by _____		

KEITH McINTOSH  
PO Box 277 809 2nd Ave S.W. Cresco IA 52136-0277  
Tel: 563.547.3688  
Email: kmcintosh@windridgeimplements.com

34



Windridge Implement LLC  
2073 State Hwy 9  
Decorah IA 52101  
US  
563-382-3813



Printed 2022-01-05

### Detailed Customer Quote

Page 1 of 1

Name/Company City Of Canton		Telephone (507)743-2225
Address City Clerk		Account Manager KEITH McINTOSH
City/Town, State/Province Canton, MN	Location Windridge Implement LLC	Quote No. 7410
Postal/Zip Code 55922	Quote Date 2022-01-05	In Effect Until 2022-01-05

Quantity	Description	Price \$
<b>Sale Items</b>		
2022 - New - Hustler Excel 941377-SUPER Z-KAWASAKI FX1000 EFI (38.5 HP) 60" Mower/Zero Turn		16473.75
Stock No.: KVM		
HP/ENG : 38.5 INCHES : 60		
1	BE Base Equipment	
1	Kawasaki FX1000 EFI 38.5 engine	
1	VX4 deck 60"	
1	smooth trak steering	
1	foot operated deck lift	
1	Parker wheel motors	
1	I3M suspension seat	
New Assembly, Pre Delivery		

Total Price of Sale Items		\$16,473.75
<b>Trades</b>		
2020 - Hustler Excel Hustler X One Mower/Zero Turn		8028.75
Total Price of Sale Items		\$16,473.75
Total Price of Trades		(\$8,028.75)
Dealership Discount		(\$4,450.00)
Balance		\$3,995.00
Contract Amount		\$3,995.00

Account Manager \_\_\_\_\_ Accepted by \_\_\_\_\_

KEITH McINTOSH  
PO Box 277 809 2nd Ave S.W. Cresco IA 52136-0277  
Tel: 563.547.3688  
Email: kmcintosh@windridgeimplements.com

35



**Canton Fire Department**  
P.O. Box 179  
Canton, MN 55922  
(507) 743-5000



### Firefighter Application

Name: Mason Luc Henry  
First Middle Last

Address: 13507 County Rd 21 Canton MN 55922

How Long at Present Address: 1yr Date of Birth: 11/09/1995

Home Phone:        Work Phone:       

Cell Phone: 507 450 5777 Driver's License #: X 724-238-856-113

#### EDUCATION

High School: Mabel - Canton

College: None

Vocational: None

#### EMPLOYMENT

Employer: Weichman Pgs

Usual Hours of Work: 7am 12pm

Do you have any previous firefighter training or experience? NO

Explain:       

Canton Fire Department general meets on the evening of the first and third Mondays of each month. Is there any reason that would prevent you from attending the meetings?

NO Conflicts

Is there any reason (medical or physical) that would prevent you from performing the duties of a firefighter and responding to calls at all times of the day or night?

NO Conflicts

The City of Canton is an Equal Opportunity Employer. It is the policy of the City of Canton not to discriminate in employment matters on the basis of race, creed, color, age, marital status, national origin, sex, or status with regard to public assistance or disability.

I certify that the facts set forth in this application for employment are true and complete to the best of my knowledge. I understand that if employed, false statements on this application shall be considered sufficient cause of dismissal.

I certify by signing this application that I will comply with any and all training requirements set forth by the Canton Fire Department.



Signature of Applicant

12-17-21

Date

## City of Canton

---

### Resolution #2022-03

#### RESOLUTION OF SUPPORT FOR THE CANTON FIRE DEPARTMENT TO APPLY FOR A MINNESOTA LAWFUL GAMBLING EXEMPT PERMIT

**Whereas**, the Canton Fire Department wishes conduct lawful gambling on five or fewer days, and will award less than \$50,000 in prizes during a calendar year; and

**Whereas**, an exempt permit may be issued to a nonprofit organization by application to the Minnesota Gambling Control Board; and

**Whereas**, the application requires approval by the city council before submission to the Minnesota Gambling Control Board; and

**Whereas**, a non-refundable application fee of \$100.00 must accompany the application; and

**Whereas**, a financial report form will be mailed with an approved exempt permit and is to be returned to the Minnesota Gambling Control Board within 30 days after the gambling activity is completed;

**Now, therefore, be it resolved**, that the Canton Fire Department's request for a gambling premises located within Canton city limits be approved.

Passed and adopted by the Canton City Council this 12<sup>th</sup> day of January 2022.

---

Nicholas Prestby, Mayor

ATTEST:

---

Brock Bergey, City Clerk





## Office of the FILLMORE COUNTY SHERIFF

JOHN DEGEORGE Sheriff  
LANCE BOYUM Chief Deputy  
901 Houston St. NW  
PRESTON, MN 55965-1080

Tel: 507-765-3874  
Emergency Dial 911  
Fax: 507-765-2703

Date: January 1, 2022  
To: Canton City Council  
From: Jason Harmening, Deputy Sheriff  
John DeGeorge, Fillmore County Sheriff  
Re: January 2022 Monthly Council Report



### Calls for Service / Patrol Activity:

Reported Date	Title	Street Name
2021-11-03	Traffic	highway 52
2021-11-04	Traffic	HWY 52
2021-11-12	Parking Complaint	Multiple Addresses
2021-11-16	Parking Complaint	MAIN ST
2021-11-17	Parking Complaint	MAIN ST
2021-11-18	Civil	Main St
2021-11-18	Assist	Fillmore St
2021-11-24	Parking Complaint	MAIN ST
2021-11-24	Assist	FILLMORE AVE
2021-11-24	Search Warrant	FILLMORE AVE
2021-11-26	Animal Complaint	MAIN ST
2021-11-28	Harassment	MAIN ST
2021-11-30	Civil	MAIN ST
2021-12-08	Welfare Check	Hwy 52
2021-12-09	Domestic Disturbance	Hudson Ave
2021-12-10	Traffic	MAIN ST
2021-12-10	Assist	2nd St

39



**Office of the**  
**FILLMORE COUNTY SHERIFF**

JOHN DEGEORGE Sheriff  
LANCE BOYUM Chief Deputy  
901 Houston St. NW  
PRESTON, MN 55965-1080

Tel: 507-765-3874  
Emergency Dial 911  
Fax: 507-765-2703

2021-12-11	Special Events	Downtown
2021-12-12	Ordinance or Code Violation	
2021-12-14	Ambulance	Ash St
2021-12-14	Ambulance	PRAIRIE AVE
2021-12-16	Assist	MAIN ST
2021-12-17	Domestic Disturbance	Hwy 52
2021-12-20	Ambulance	MAIN ST
2021-12-21	Welfare Check	PRAIRIE AVE





# City of Canton

106 N. Main St. • P.O. Box 92

Canton, MN 55922

CantonMN.com (507) 743-5000

## Statement on legal settlement in case involving former city clerk

On January 3, 2022, former Canton City Clerk/Treasurer Lolly Melander plead guilty to one count of theft by swindle in Fillmore County District Court. According to the criminal complaint, Melander wrongfully, unlawfully and feloniously swindled City of Canton funds in excess of \$35,000 between February 1, 2011 and March 1, 2019. The theft by swindle charge was one of 26 felony charges filed against Melander following an investigation prompted by a routine financial audit. Based on findings from the Office of the Minnesota State Auditor, Melander was accused of misappropriating funds totaling \$134,639 between 2011 and 2019. She resigned as clerk/treasurer on March 11, 2019, after more than 15 years on the job.

Under terms of the settlement negotiated by Fillmore County Attorney Brett Corson, representing the State of Minnesota, Melander will serve 120 days in jail, with work release privileges. Restitution to the City of Canton is in the amount of \$93,916, with credit for \$24,000 Melander previously reimbursed to the City. If she satisfies the restitution requirement within 10 years and complies with all probationary terms, Melander will be eligible for a stay of adjudication. Attorney Corson presented details of the settlement to the Canton City Council on December 8, 2021, during closed session.

"We support the settlement," stated Canton Mayor Nick Prestby. "Our focus has been on the restitution aspect and getting back as much money as possible for our taxpaying residents."

Since Melander's resignation, the City has implemented safeguards to prevent future financial wrongdoing. A deputy clerk has been added to the administrative staff for additional oversight and a new accounting, billing and payroll system has been installed.

"We're confident we have the staff and resources in place to restore integrity to city hall," added Mayor Prestby. "It's time for Canton to move on."

Melander is scheduled to be sentenced on March 7, 2022.

###

41

**COPY**

State of Minnesota

JAN 03 2022

District Court

County of Fillmore

Judicial District: THIRD  
Court File Number: 23-CR-19-671  
23-CR-21-130

Case Type: Criminal

State of Minnesota

Plaintiff

vs.

**Petition to Enter Plea of Guilty  
in a Felony Case Pursuant to Rule 15**

Lolitta Marie Melander,

Defendant

Filed In District Court  
State of Minnesota

JAN 03 2022

TO THE ABOVE-NAMED COURT

I, Lolitta Marie Melander, Defendant in the above-entitled action, do respectfully represent and state as follows:

1. My full name is Lolitta Marie Melander. I am 54 years old, my date of birth is November 5, 1967. The last grade that I went through in school is Associate Degree.
2. If filed in my case, I have received, read and discussed a copy of the (Indictment) (Complaint)
3. I understand the charge(s) made against me in this case.
4. Specifically, I understand that I have been charged with the crime(s) of: See complaints.
5. I am represented by an attorney whose name is Zachary C. Bauer and:
  - a. I feel that I have had sufficient time to discuss my case with my attorney.
  - b. I am satisfied that my attorney is fully informed as to the facts of this case.
  - c. My attorney has discussed possible defenses to the crime that I might have.
  - d. I am satisfied that my attorney has represented my interests and has fully advised me.
6. I ☒ have / ☐ have never been a patient in a mental hospital. → January - 2019
7. I ☒ have / ☐ have not talked with or been treated by a psychiatrist or other person for a nervous or mental condition. → November 2019 - 2020
8. I ☐ have / ☒ have not been ill recently.
9. I ☒ have / ☐ have not recently been taking pills or other medicines. Depression + Anxiety
10. I ☐ do / ☒ do not make the claim that I was so drunk or so under the influence of drugs or medicine that I did not know what I was doing at the time of the crime.

42

11. I ☐ do / ☒ do not make the claim that I was acting in self-defense or merely protecting myself or others at the time of the crime.
12. I ☐ do / ☒ do not make the claim that the fact I have been held in jail since my arrest and could not post bail caused me to decide to plead guilty in order to get the thing over with rather than waiting for my turn at trial.
13. I ☒ was / ☐ was not represented by an attorney when I ☐ had a probable cause hearing. ☒ I have not had a probable cause hearing
- I know that I could now move that the complaint against me be dismissed for lack of probable cause and I know that if I do not make such a motion and go ahead with entering my plea of guilty, I waive all right to successfully object to the absence of a probable cause hearing.
  - I also know that I waive all right to successfully object to any errors in the probable cause hearing when I enter my plea of guilty.
14. My attorney has told me and I understand:
- That the prosecutor for the case against me, has:
    - physical evidence obtained as a result of searching for and seizing the evidence;
    - evidence in the form of statements, oral or written that I made to police or others regarding this crime;
    - evidence discovered as a result of my statements or as a result of the evidence seized in a search;
    - identification evidence from a line-up or photographic identification;
    - evidence the prosecution believes indicates that I committed one or more other crimes.
  - That I have a right to a pre-trial hearing before a judge to determine whether or not the evidence the prosecution has could be used against me if I went to trial in this case.
  - That if I requested such a pre-trial hearing I could testify at the hearing if I wanted to, but my testimony could not be used as substantive evidence against me if I went to trial in this case.
  - That I ☐ do / ☒ do not now request such a pre-trial hearing and I specifically ☒ do / ☐ do not now waive my right to have such a pre-trial hearing.
  - That whether or not I have had such a hearing I will not be able to object tomorrow or any other time to the evidence that the prosecutor has.
15. I have been told by my attorney and I understand:
- That if I wish to plead not guilty I am entitled to a trial by a jury on the issue of guilt, and all jurors would have to agree I was guilty before the jury could find me guilty.
  - That if I plead guilty I will not have a trial by either a jury or by a judge without a jury.
  - That with knowledge of my right to a trial on the issue of guilt, I now waive my right to a trial.
16. I have been told by my attorney and I understand that if I wish to plead not guilty and have a trial by jury or trial by a judge I would be presumed innocent until my guilt is proved beyond a reasonable doubt.
17. I have been told by my attorney and understand:
- That if I wish to plead not guilty and have a trial the prosecutor would be required to have the witnesses testify against me in open court in my presence and that I would have the right, through my attorney, to question these witnesses.

- b. That with knowledge of my right to have the prosecution's witnesses testify in open court in my presence and questioned by my attorney, I now waive this right.

18. I have been told by my attorney and I understand:

- a. That if I wish to plead not guilty and have a trial I would be entitled to require any witnesses that I think are favorable to me to appear and testify at trial.  
b. That with knowledge of my right to require favorable witnesses to appear and testify at trial I now waive this right.

19. I have been told by my attorney and I understand:

- a. That a person who has prior convictions or a prior conviction can be given a longer prison term because of this.  
b. That the maximum penalty that the court could impose for this crime (taking into consideration any prior conviction or convictions) is imprisonment for 10 years. That if a minimum sentence is required by statute the court may impose a sentence of imprisonment of not less than N/A months for this crime.  
c. That for felony driving while impaired offenses and most sex offenses, a mandatory period of conditional release will follow any executed prison sentence that is imposed. Violating the terms of this conditional release may increase the time I serve in prison. In this case, the period of conditional release is -0- years.  
d. That a person who participates in a crime by intentionally aiding, advising, counseling and conspiring with another person or persons to commit a crime is just as guilty of that crime as the person or persons who are present and participating in the crime when it is actually committed.  
e. That my present probation or parole could be revoked because of the plea of guilty to this crime.  
f. That the prosecutor is seeking an aggravated sentence of N/A.

20. I have been told by my attorney and understand:

- a. That my attorney discussed this case with one of the prosecuting attorneys and that my attorney and the prosecuting attorney agreed that if I entered a plea of guilty, the prosecutor will do the following:

(Give substance of the agreement)

In 23-CR-19-671 the Defendant will enter pleas of guilty to Count 2 (SL 6 offense) and the remaining charges will be dismissed. In 23-CR-21-130 the Defendant will enter a plea of guilty to Count 5 and the remaining charges will be dismissed. Joint agreement for a Stay of Adjudication on both counts.

Joint agreement for 120 days of jail in the Fillmore County Jail with work release and release for necessary medical appointments and evaluations. Defendant will be responsible for \$69,916.00 in restitution on 23-CR-19-671. Defendant will be responsible for \$9,638.00 in restitution on 23-CR-21-130. Defendant will need to pay a minimum of \$1,988.85 every 90 days in order stay current on her restitution obligation. In the event that the Defendant pays all restitution and 15 months have passed since sentencing then the Defendant can be discharged from probation. In order for the Defendant to receive the Stay of Adjudication the full amount of restitution must be paid by the end of the probationary term.

The State's offer is conditioned on the defendant remaining law-abiding, cooperating with the PSI process and returning for her sentencing date. Failure to follow these conditions would release the State from the terms of this agreement.

- b. That if the court does not approve this agreement:

- i. I have an absolute right to then withdraw my plea of guilty and have a trial.
  - ii. Any testimony that I have given concerning the guilty plea could not be used against me unless I am charged with the crime of perjury based on this testimony.
21. That except for the agreement between my attorney and the prosecuting attorney:
  - a. No one – including my attorney, any police officer, prosecutor, judge, or any other person - has made any promises to me, to any member of my family, to any of my friends or other persons, in order to obtain a plea of guilty from me.
  - b. No one – including my attorney, any police officer, prosecutor or judge, or any other person – has threatened me, or any member of my family or my friends or other persons, in order to obtain a plea of guilty from me.
22. My attorney has told me and I understand that if my plea of guilty is for any reason not accepted by the court, or if I withdraw the plea with the court's approval, or if the plea is withdrawn by court order on appeal or other review:
  - a. I would then stand trial on the original charge (charges).
  - b. The prosecution could proceed against me just as if there had been no plea of guilty and no plea agreement.
23. My attorney has told me and I understand that if my plea of guilty is accepted by the judge I have the right to appeal, but that any appeal or other court action I may take claiming error in the proceedings probably would be useless and a waste of my time and the court's.
24. My attorney has told me and I understand that a judge will not accept a plea of guilty for anyone who claims to be innocent.
25. I now make no claim that I am innocent.
26. I have been told by my attorney and I understand that if I wish to plead not guilty and have a jury trial:
  - a. That I could testify at trial if I wanted to but I could not be forced to testify.
  - b. That if I decided not to testify neither the prosecutor nor the judge could comment on my failure to testify.
  - c. That with knowledge of my right not to testify and that neither the judge nor the prosecutor could comment on my failure to testify at trial I now waive (give up) this right and I will tell the judge the facts of the crime.
27. My attorney has told me and I understand that if I am not a citizen of the United States this plea of guilty may result in deportation, exclusion from admission to the United States of America or denial of citizenship.
28. That in view of all above facts and considerations I wish to enter a plea of guilty.

Dated: \_\_\_\_\_

1/3/22

Signature

*Lolitta Melander*

Name: Lolitta Melander

45

Street Address: 35318 Fairway Road

City/State/Zip: Lanesboro, MN 55949

I, Zachary C. Bauer, Attorney for the Defendant have reviewed this document with my client.  
To the best of my understanding the Defendant understands her rights and obligations under this  
plea agreement.

Dated: \_\_\_\_\_

01/03/2022



\_\_\_\_\_  
Zachary C. Bauer, 033294x  
Attorney for Defendant  
Meshbesher & Spence, Ltd.  
2519 Commerce Drive NW, Suite 120  
Rochester, MN 55901

46





# City of Canton

106 N. Main St. • P.O. Box 92  
Canton, MN 55922  
CantonMN.com (507) 743-5000

**COPY**

Jamie & Holly Knutson  
204 S Main St  
Canton, MN 55922

December 14, 2021

Dear Jamie & Holly:

The 60-day timeframe for the temporary permitting of a food trailer on your 110 N Main Street property has elapsed.

As the enclosed certified copy of the October 13, 2021 Canton City Council meeting minutes state, you requested a temporary food trailer parking arrangement to facility interim business operations for your business tenant at this property. Citing the spirit of community cooperation, the city council approved your request, in exception to City Code of Ordinances, for "up to 60 days."

Day 60 occurred on December 12, 2021, with no additional communication from you in this regard. Therefore, we kindly ask you remove the food trailer from your 110 N Main Street property, as it is no longer permitted to be parked in its present location.

Sincerely,

Brock Bergey  
City Clerk/Treasurer

cc: Canton City Council  
Greg Schieber, City Attorney

Enclosure

47

## **Canton City Council Regular Meeting Minutes October 13, 2021**

The Canton City Council held its regular monthly meeting on October 13, 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, Barb Kerns and Jon Nordsving. Visitors present: Jennifer Dowling, Holly Knutson, Jamie Knutson, Melissa Vander Plas and Kristy Ziegler.

Mayor Prestby called the meeting to order at 6 p.m. Motion by Ernst, second by Josh Nordsving to approve the agenda, with three additional items added (consideration of land use permit application submitted by Joseph Vetter; consideration of \$2,000 donation from Canton Fire Relief Association; consideration of \$2,000 payment to PERA on behalf of Canton Fire Department); motion carried. Motion by Ernst, second by Shanks to approve the September minutes; motion carried. Motion by Shanks second by Josh Nordsving to approve the consent agenda (approval of monthly bills; approval of purchase of two playground rules signs totaling \$70; acceptance of \$1,700 quote from Four Season Asphalt for pavement repairs in front of town hall; waiver of town hall rental fee for Canton American Legion Pancake Breakfast on November 7, 2021); motion carried.

**Public comments:** Kristy Ziegler noted she had recently been appointed to the Fillmore County Extension Committee, serving as the representative for District 5. Jamie Knutson explained he had a conversation with Bergey regarding the parking/storage of a food trailer, he does not own, on his residential property. He was told ordinances prevent such parking/storage. Knutson requested the council allow the trailer to be parked on his residential property or come up with an alternative location for the food trailer, owned by his new business tenant operating the Pub. He stated the tenant was awaiting additional equipment and wanted the City's cooperation in allowing a temporary food trailer parking arrangement to facilitate interim business operations. Although not an agenda item and not in accordance with the Code of Ordinances, motion by Mayor Prestby, second by Ernst to allow the food trailer to be parked on the green space behind the Pub for up to 60 days; motion carried.

**Reports:** In his clerk report, Bergey noted there were 17 delinquent utility accounts, with no service disconnections occurring in October. 90 pet licenses and 21 UTV/golf cart permits have been issued to-date in 2021. Bergey received notification from the Fillmore County Auditor of tax court refund required to Northern Natural Gas for taxes payable from 2018 and 2019. This will result in a \$213 reduction in the City's next settlement. Bergey noted the Steve Popplewell and Jeremy and Crystal Scrabeck properties have been forfeited to the State, for failure to pay delinquent taxes; Fillmore County is now responsible for the two properties. Bergey reported he would be taking some PTO in the coming weeks. He asked the council if he would like the office to be closed during his absence or if the deputy clerk should extend her weekly work hours to keep the office open. The council gave permission for the deputy clerk to work the additional hours if desired. In his public works report, Jon Nordsving asked for the council's approval to go ahead with the sewer main televising project associated with the preliminary engineering report being prepared by WHKS. He explained it could cost up to \$15,000, with final costs dependent on necessary cleaning required to the mains. Motion by Shanks, second by Mayor Prestby to proceed with the sewer main televising; motion carried. Jon Nordsving presented a \$10,942 price quote for the replacement of two mixers at the wastewater treatment facility. He noted repairs are not an option since the necessary parts are reportedly obsolete. Motion by Shanks, second by Josh Nordsving to approve the mixer purchase; motion carried. Motion by Gossman, second by Josh Nordsving to approve the purchase of a \$369.99 chainsaw; motion carried.

- 2) Height, yard and area regulations shall be as permitted in the Appendix: Height, Area, and Yard Regulations.

#### **601.030 PERMITTED ACCESSORY USES.**

The following shall be permitted accessory uses in the R-1 District.

- 1) Private garages, carports, one of each designation subject to yard and setback requirements of this ordinance.
- 2) Off-street parking and loading-unloading facilities.
- 3) Signs.
- 4) Buildings and land uses customarily incidental to the uses permitted in this ordinance. Any accessory use shall be located on the same lot with the principal use.

#### **601.040 CONDITIONAL USES.**

Within an R-1 District, buildings or land may be used for one or more of the following uses if granted a conditional use permit.

- 1) Multiple Family Dwellings.
- 2) Nursing Homes
- 3) Home Base Business (Hair Salon, Computer, Daycare, etc.)

#### **602.00 C-1 COMMERCIAL DISTRICT**

##### **602.010 PURPOSE.**

The intent of the C-1 Commercial District is to provide suitable locations for, and to encourage the development of commercial facilities in those areas of the city which benefit the commercial needs of both residents and tourists, will avoid land use conflicts with residential areas, and restrict incompatible commercial and industrial uses.

##### **602.020 PERMITTED PRINCIPLE USES.**

The following uses shall be permitted in the C-1 Commercial District:

- A) Restaurants.
- B) Sporting goods and establishments, outfitters and suppliers; bait shops.
- C) Nature trails, snowmobile trails, ski trails and similar facilities.
- D) Commercial retail and service establishments.
- E) All apparel shops.

- F) Appliance and furniture stores.
- G) Banks and financial institutions including drive-up facilities.
- H) Pool and billiard parlors.
- I) Theaters.
- J) Taverns.
- K) Government services and offices, including fire stations and utility buildings.
- L) Public utility service stores.
- M) Art centers.
- N) Hotels and motor hotels.
- O) Service stations and repair garages for motor vehicles; tire and battery sales.
- P) Laundromats.
- Q) Municipal service and utility buildings, to include water treatment plants, transformer and relay stations, fire stations, highway department vehicle and equipment garages.

#### **602.030 PERMITTED ACCESSORY USES.**

The following shall be permitted accessory uses in the C-1 Commercial District.

- 1) Swimming pools, saunas, outdoor recreational equipment and structures.
- 2) Storage garages, rental goods establishments.
- 3) Signs.

#### **602.040 CONDITIONAL USES.**

The following uses may be permitted, subject to the issuance of a conditional use permit.

- 1) Single-family detached dwellings.
- 2) Campgrounds



51







52





53

To: Canton City Council  
From: Brock Bergey  
Date: 12/20/2021  
RE: Request to change animal ordinance

Robert and Christina Schmidt, 305 South Main, have requested time on the January 12, 2022, meeting agenda for purposes of seeking changes to Chapter 91 (Animals) of City of Canton Code of Ordinances.

The Schmidts currently have ten (10) hen chickens housed on their property. According to the definitions outlined in § 91.01, chickens are presently defined as "farm animals."

#### **§ 91.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMAL.** Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

- (1) **DOMESTIC ANIMALS.** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
- (2) **FARM ANIMALS.** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equine family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, ratitae (ostriches and emus), farm raised cervidae (caribous and mule deer), llamas and alpacas and other animals associated with a farm, ranch, or stable.

Under the definition of "farm animals," chickens are not permitted on the Schmidt's residentially-zoned property, as outlined in the current Code of Ordinances.

#### **§ 91.04 FARM ANIMALS.**

Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition

On behalf of the City of Canton, I made contact with Mr. Schmidt on December 6, 2021, after receiving a complaint by a neighboring resident stating the Schmidts have chickens on their property. My communication with Mr. Schmidt was via Facebook Messenger, as it was included as part of a follow-up to a previous message initiated by Mr. Schmidt through the platform. I inquired about the alleged chickens on his property and provided Mr. Schmidt with ordinance language outlining the violation. Mr. Schmidt provided me with the following response:

*"...I don't own farm animals. I do not live on a farm. I don't own roosters. And a farm would mean I have livestock to make a living by breeding animals or selling them or their byproducts. Which I don't. I do however have emotional support animals that make our family come together. But you're right. There is an ordinance for farm animals. Do you have a list of Whats considered farm animals in your bylaws? I'd*

54

*like to read that. Please send that in a certified letter so I can move forward with a decision as to whether my support animals are considered farm animals or pets."*

At Mr. Schmidt's request, on December 7, 2021, I mailed him a certified copy of the definitions included in City of Canton Code of Ordinances Chapter 91: Animals. (A copy is included as Attachment 1 of this memo, along with the accompanying letter to Mr. Schmidt.)

Additional correspondence occurred via Facebook Messenger, including a request by Mr. Schmidt to be added to the January 12 city council meeting agenda. He stated:

*"...I would love to see it added to the agenda. I'd like a chance to prep and get facts and a study together. Show some of not many examples of towns that do allow it and obvious restrictions. I understand what the broad law is trying to do and I support that but today's climate has changed and it deserves a chance to be reconsidered. And if allowed I would love to be a pilot program to show how it could be done respectfully and correctly. While I don't agree my pets fall under farm animals, I think there is room for some interpretation..."*

On December 8, 2021, ahead of that evening's regular December city council meeting, I composed an email (Attachment 2) to inform the council, and City Attorney Greg Schieber, of the Schmidt's animal ordinance violation and request to address the matter at the January council meeting. I noted my acknowledgement to Mr. Schmidt that his family could keep the chickens on his property until the January 12 meeting, under the condition that no additional complaints were received in the interim.

On December 10, 2021, I submitted an email inquiry to the League of Minnesota Cities (Attachment 3) regarding the definition of an emotional support animal and the legal accommodations for such animals.

The League of Minnesota Cities provided an email response on December 15, 2021 (Attachment 4). Research Assistant C. Emmanuel Emukah wrote:

*"...An animal is deemed a proper emotional support animal if the owner (1) has a disability and (2) the animal provides assistance to help benefit the disability. If they meet this requirement then the city must provide an accommodation for the animal...If the animals are truly an emotional support animal, the city would need to create a process to provide that accommodation. "*

I have spent a considerable amount of time researching animal ordinances in neighboring communities. I have found four (4) local cities that permit chickens on residential properties, with certain restrictions in place.

- **City of Lanesboro** (Attachment 5)
  - Annual permit required (\$20 per year)
  - Six (6) hen maximum; no roosters
  - Must be confined at all times while in a chicken coop or chicken run
  - All chicken coops and runs must be located at least 25 feet from any dwelling on any other premises
- **City of Rushford** (Attachment 6)
  - Annual permit required (\$20 per year)
  - Initial permit must be approved by 100% of the property owners adjacent to the applicant's property
  - Five (5) hen maximum; no roosters
  - Leg banding of all chickens required to identify owner in event of stray chickens
  - Separate coop and run required to house the chickens
  - Coop must be located in rear or side yard and be at least five feet from the property line
  - Slaughtering of chickens prohibited on property



- **City of Spring Grove** (Attachment 7)
  - Annual permit required (\$10 per year)
  - Application requires approval from 50% of adjacent property owners
  - Six (6) hen maximum; no roosters
  - Chicken coop or run shall be at least 25 feet from any residential structure on any other premises and no closer than 10 feet from the property line
- **City of Spring Valley** (Attachment 8)
  - Annual permit required (\$10 per year)
  - Application requires approval from 100% of property owners adjacent to the applicant's property, or proof that the applicant's property lines are 150 feet or more from any house
  - Five (5) hen maximum; no roosters
  - Coops cannot be housed within or attached to a residential building include a garage
  - Coops must be located within the rear yard and must be located at least 50 feet from any existing residential building not located on the property
  - Slaughtering of chickens prohibited on property

On December 16, 2021, I initiated a phone conversation with Mr. Schmidt to gather additional information about his present chicken arrangement. He indicated he was aware chickens, defined as farm animals, were not permitted in Canton City Limits when he moved here in the spring of 2021. As stated on the Facebook page: Canton for the Support of Chickens, created by Christina Schmidt on December 7, 2021, Mr. Schmidt considers his hen chickens family pets. He would like the City of Canton to change its animal ordinance to allow up to twelve (12) hen chickens, with a permitting process similar to the City of Rushford. Mr. Schmidt plans to provide information supporting his cause for inclusion in the January 12 council packet.

A violation of the current animal ordinance (pertaining to the keeping of farm animals) is a misdemeanor offense.

#### **§ 10.99 GENERAL PENALTY AND ENFORCEMENT.**

*"The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both."*



# City of Canton

106 N. Main St. • P.O. Box 92  
Canton, MN 55922  
CantonMN.com (507) 743-5000

Attachment # 1

Robert Schmidt  
305 S Main St  
Canton, MN 55922

December 7, 2021

Dear Robert,

Per your request, here is a certified copy of City of Canton Code of Ordinances Chapter 91: Animals, as it pertains to definitions.

§ 91.01 (2) defines poultry (chickens, turkeys) as farm animals.

§ 91.04 states: *Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property.*

For your background purposes, the city council was approached by a Canton resident in April 2017, requesting a change to the animal ordinance that would permit chickens within city limits, with certain restrictions. The council denied that request.

Should you wish to have the council revisit the issue, you may request time on a future meeting agenda. Requests must be received at least one week prior to the meeting.

Please let me know if you have additional questions.

Sincerely,

Brock Bergey  
City Clerk/Treasurer

Enclosure

**CERTIFIED TRUE COPY  
OF AN ORIGINAL DOCUMENT**  
**SIGNED** Mark Breyer  
**DATE** 12-06-2021

## CHAPTER 91: ANIMALS

### Section

- 91.01 Definitions
- 91.02 Dogs and cats
- 91.03 Non-domestic animals
- 91.04 Farm animals
- 91.05 Impounding
- 91.06 Kennels
- 91.07 Nuisances
- 91.08 Seizure of animals
- 91.09 Animals presenting a danger to health and safety of city
- 91.10 Diseased animals
- 91.11 Dangerous and potentially dangerous dogs
- 91.12 Dangerous animals (excluding dogs)
- 91.13 Basic care
- 91.14 Breeding moratorium
- 91.15 Enforcing officer
- 91.16 Pound
- 91.17 Interference with officers
- 91.18 Fighting animals
- 91.19 Feeding stray cats and dogs
  
- 91.99 Penalty

### **§ 91.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMAL.** Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

(1) **DOMESTIC ANIMALS.** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.



**(2) FARM ANIMALS.** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equine family (horses, mules), bovine family (cows, bulls), sheep, **poultry (chickens, turkeys)**, fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, ratitae (ostriches and emus), farm raised cervidae (caribous and mule deer), llamas and alpacas and other animals associated with a farm, ranch, or stable.

**(3) NON-DOMESTIC ANIMALS.** Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domestic animals shall include:

(a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.

(b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

(c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.

(d) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.

(e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

(f) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys and game fish.

**AT LARGE.** Off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

**CAT.** Both the male and female of the felidae species commonly accepted as domesticated household pets.

**DOG.** Both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

**OWNER.** Any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

**RELEASE PERMIT.** A permit issued by the Animal Control Officer or other person in charge of the pound for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee to the City Clerk in accordance with the regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal. The release fee shall be as established in the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11, as it may be amended from time to time.

#### § 91.02 DOGS AND CATS.

(A) Running at large prohibited. It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, to run at large. A person, who owns, harbors, or keeps a dog or cat which runs at large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited."

(B) License required.

(1) All dogs over the age of six months kept, harbored, or maintained by their owners in the city, shall be licensed and registered with the city. Dog licenses shall be issued by the City Clerk upon payment of the license fee as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this code, as that ordinance may be amended from time to time. The owner shall state, at the time application is made for the license and upon forms provided, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. No license shall be granted for a dog that has not been vaccinated against distemper and rabies, as evidenced by a certificate by a veterinarian qualified to practice in the state in which the dog is vaccinated.

(2) It shall be the duty of each owner of a dog subject to this section to pay to the City Clerk the license fee established in the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11, as it may be amended from time to time.

(3) Upon payment of the license fee as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this code, as that ordinance may be amended from time to time, the Clerk shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate shall be issued by the City Clerk. A charge shall be made for each duplicate tag in an amount established in the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11, as it may be amended from time to time. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog or the owner's leaving the city before the expiration of the license period.

60

(4) The licensing provisions of this division (B) shall not apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show. Service animals do not require a license.

(5) The funds received by the City Clerk from all dog licenses and metallic tags fees as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this code, as that ordinance may be amended from time to time, shall first be used to defray any costs incidental to the enforcement of this chapter; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs.

(C) Cats. Cats shall be included as controlled by this division insofar as running-at-large, pickup, impounding, boarding, licensing and proof of anti-rabies vaccine is concerned. All other provisions of this section shall also apply to cats unless otherwise provided.

(D) Vaccination.

(1) All dogs and cats kept harbored, maintained, or transported within the city shall be vaccinated at least once every three years by a licensed veterinarian for:

(a) Rabies - with a live modified vaccine; and

(b) Distemper.

(2) A certificate of vaccination must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the City Clerk, the Animal Control Officer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the City Clerk or officer. Failure to do so shall be deemed a violation of this section.

Penalty, see § 91.99

#### § 91.03 NON-DOMESTIC ANIMALS.

Except as provided in M.S. § 346.155, as it may be amended from time to time, it shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the city. Any owner of a non-domestic animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city



as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

Penalty, see § 91.99

#### **§ 91.04 FARM ANIMALS.**

Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

#### **§ 91.05 IMPOUNDING.**

(A) Running at large. Any unlicensed animal running at large is hereby declared a public nuisance. Any Animal Control Officer or police officer may impound any dog or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of the dog or other animal, if known. The Animal Control Officer or police officer shall not enter the property of the owner of an animal found running at large or the owner of an unlicensed animal unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in § 10.20, to search for and seize the animal. In case the owner is unknown, the officer shall post notice at the city office that if the dog or other animal is not claimed within the time specified in division (C) of this section, it will be sold or otherwise disposed of. Except as otherwise provided in this section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

(B) Biting animals. Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the city pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of the time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for the confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of the county in which this city is located, and provide immediate proof of confinement in the manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

(C) Reclaiming. For the purposes of this section regular business day means a day during which the establishment having custody of the animal is open to the public at least four consecutive hours between 8:00 a.m. and 7:00 p.m. All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under § 91.11 in which case it shall be kept for seven regular

# Attachment #2

## Canton City Clerk

---

**From:** Canton City Clerk  
**Sent:** Wednesday, December 8, 2021 2:45 PM  
**To:** nickprestby@outlook.com; mrshanks@acegroup.cc; Mom & Dad; Randy Gossman; jnordsving10@yahoo.com  
**Cc:** Deputy Clerk; Canton Public Works; Greg Schieber  
**Subject:** Chickens  
**Attachments:** Schmidt Chicken Info 12.07.21.pdf

Good afternoon,

I want to make you aware of a developing ordinance issue pertaining to chickens within city limits.

At the beginning of the week, [REDACTED] lodged a complaint about Robert Schmidt (former Shawn Bangs residence) having chickens in his backyard. I contacted Mr. Schmidt and he admitted to having chickens (no roosters) on his property. I informed him this was a violation of our current animal ordinance. He was receptive to my information; however, he does not feel it's proper to define chickens as farm animals. He consider his chickens to be pets and would like them to be defined, by ordinance, as domestic animals. Here's how the ordinance presently reads, please take note of the term "caged birds" under domestic animals. Mr. Schmidt believes that is left to interpretation and may allow for chickens, since they are confined to cages on his property.

§ 91.01 DEFINITIONS. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

(1) DOMESTIC ANIMALS. Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

(2) FARM ANIMALS. Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equine family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, ratitae (ostriches and emus), farm raised cervidae (caribous and mule deer), llamas and alpacas and other animals associated with a farm, ranch, or stable.

§ 91.04 FARM ANIMALS. Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

I informed Mr. Schmidt that there has been a previous request for the council to permit chickens in city limits. This occurred by Julia Pugh in April 2017. Unfortunately, meeting minutes are sparse and I am unable to locate minutes from the May meeting, to which the April discussion was continued. Nonetheless, there was no council support to change the ordinance language to permit chickens. Still, I offered Mr. Schmidt the opportunity to address this matter before the current council. He has requested time on the January agenda, with intent to provide information to include in council packets.

Mr. Schmidt inquired about a possible "emergency permit" to allow him to keep his chickens until after the January meeting. Because the matter is on our radar and set for public discussion, in the interim, I told Mr. Schmidt he could keep his chickens as long as they are not the subject of additional complaints. Mr. Schmidt apparently shared this

information with [REDACTED]. Today, I received a call from [REDACTED] asking if he could house a horse on his property, even though it was against ordinances, while he had additional time to research the issue and allow discussion on the matter to occur at the next council meeting. Mayor Prestby got a similar call, with [REDACTED] stating if chickens are permitted, he will be raising them on each of his properties in town. Furthermore, he told both Mayor Prestby and I that if chickens are permitted that a revised ordinance cannot exclude roosters, as such action would be considered sexist. He claims this is an issue before the Minnesota Supreme Court.

If [REDACTED] is at tonight's meeting and speaks during public comments, please refrain from taking action on the chicken issue, as it requires some additional research from legal perspective. I will be inquiring with Attorney Schieber and reviewing ordinances from other communities. Again, this is already a planned agenda discussion item for January, so the ball is in motion; we are not sitting idle on this matter.

Best,  
Brock Bergey  
City of Canton, MN  
Clerk/Treasurer  
(507) 743-5000  
cantonmn.com

64



## Canton City Clerk

---

**From:** Research@lmc.org  
**Sent:** Friday, December 10, 2021 10:45 AM  
**To:** Research@lmc.org; Canton City Clerk  
**Subject:** Research Question Submission

### Research Question Submission

Thank you for submitting a research question to the League of Minnesota Cities.  
The League's Research Staff will begin working on it as soon as possible.

You submitted the following information:

**First Name:** Brock  
**Last Name:** Bergey  
**Position:** Clerk  
**City:** CANTON  
**Phone:** 5077435000  
**Email:** clerk@cantonmn.com  
**Date Submitted:** Friday, December 10, 2021

### Question submitted:

Good morning, We have a resident who will be asking our city council to change the current animal ordinance to allow for the keeping of chickens. We are operating under the MBC 2019 Edition, which defines chickens (poultry) as farm animals. The resident currently has 10 chickens (hens) on his property, which were brought to the city's attention following a complaint by a neighbor. The resident claims the chickens are not farm animals but rather pets. He has gone so far as to call them emotional support animals for his family. This matter has been brought to our city attorney's attention; however, I'm hoping you can shed some light on the emotional support animal claim. Legally, is there a process for declaration of an emotional support animal in Minnesota...is a chicken an eligible animal? How are other cities handling this? I have reviewed your informational memo on animal regulations and am seeking additional resources to provide to the council ahead of our January meeting. The resident has started a Facebook page: "Canton for the support of chickens" should you like some additional context. Thank you!

## Canton City Clerk

---

**From:** Emukah, Emmanuel <eemukah@lmc.org>  
**Sent:** Wednesday, December 15, 2021 3:33 PM  
**To:** Canton City Clerk  
**Subject:** Chicken ordinance

Good Day Brock,

Thanks for contacting the League. I apologize for the delay in responding to your inquiry. Below is my response to your question.

Under the Federal Housing Act, the city can't prohibit an emotional support animal under its zoning ordinances. An animal is deemed a proper emotional support animal if the owner (1) has a disability and (2) the animal provides assistance to help benefit the disability. If they meet this requirement then the city must provide an accommodation for the animal.

Local zoning ordinance are subject to the FHA "reasonable accommodations" requirement. The FHA requires a city to make reasonable accommodations in its generally applicable zoning ordinances when necessary to give a handicapped person "equal opportunity to use and enjoy a dwelling." Because an emotional support animal is a mandated reasonable accommodation under the FHA, the City needs to ensure the enforcement of its ordinances does not interfere with that mandate.

If the animals are truly an emotional support animal, the city would need to create a process to provide that accommodation. You will want to work with your city attorney to make this determination. Below are sample ordinances that other cities have used to deal with these types of requests.

[https://library.municode.com/mn/minneapolis/codes/code\\_of\\_ordinances?nodeId=MICOOR\\_TIT20ZOCO\\_CH525ADEN\\_ARTXIREAC\\_525.600INREACRE](https://library.municode.com/mn/minneapolis/codes/code_of_ordinances?nodeId=MICOOR_TIT20ZOCO_CH525ADEN_ARTXIREAC_525.600INREACRE)  
[https://codelibrary.amlegal.com/codes/minnetonka/latest/minnetonka\\_mn/0-0-0-16246](https://codelibrary.amlegal.com/codes/minnetonka/latest/minnetonka_mn/0-0-0-16246)

If the animals are not truly for emotional support, the city may regulate the keeping of the animals. Many cities prohibit chickens but some allow with certain conditions. Below are some examples of ordinances regarding the keeping of chickens generally.

Bloomington: <https://www.bloomingtonmn.gov/lic/beekeeping-and-chickens> (allows chickens with restrictions).  
Brooklyn Park: <https://www.brooklynpark.org/pets-and-animals/> (Prohibits chickens in areas not zoned as farmland).  
Falcon Heights:  
<https://www.falconheights.org/home/showpublisheddocument/1555/637206452038100000#:~:text=Falcon%20Heights%20does%20not%20require,%20Apply%20for%20your%20permit.> (Allows chickens but with a permit).

I hope you find this information useful. Please let me know if you have further questions.

Regards,  
**C. Emmanuel Emukah, LLB/LLM Business Law| Research Assistant**  
Phone: (651) 281-1226| Mobile: (651)-356-5313 | [eemukah@lmc.org](mailto:eemukah@lmc.org)

League of Minnesota Cities | 145 University Ave. West | St. Paul, MN 55103  
[www.lmc.org](http://www.lmc.org) | [Facebook](#) | [Twitter](#) | [Podcast](#)

66

## City of Lanesboro Permit For Chickens

Applicant Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

### Application Requirements:

- \_\_\_\_\_ Diagram indicating the location of chicken coop and/or chicken run, the size and distance from adjoining structures and property lines  
– NOT REQUIRED FOR PERMIT RENEWAL
- \_\_\_\_\_ Number of hens
- \_\_\_\_\_ \$20.00 permit fee (expiring December 31, \_\_\_\_\_)

I will at all times keep the chickens in accordance with City of Lanesboro Ordinance Chapter X, Section 1005.20. I understand failure to obey such conditions will constitute a violation of the provisions of this section and grounds for cancellation of the permit. If I will no longer be keeping chickens on my premises, any chicken coops or runs constructed or maintained shall be immediately removed from said premises after the expiration of the permit or shall be removed within 30 days upon ceasing to use the chicken coop and/or chicken run for the keeping of chickens. If my premises are subject to private restrictions and/or covenants that prohibit the keeping of chickens, any permit issued to me for the keeping of chickens will be void.

This permit may be revoked or suspended for violation of Ordinance Chapter X, Section 1005.20 following written notice.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

### FOR OFFICIAL USE ONLY

PERMITTED:

\_\_\_\_\_  
City Agent Date \_\_\_\_\_

### **91.03 NON-DOMESTIC ANIMALS.**

Except as provided in M.S. ' 346.155, as it may be amended from time to time, it shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the city. Any owner of a non-domestic animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

Penalty, see ' 91.99

### **91.04 FARM ANIMALS.**

Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

#### **91.041 ANIMALS AND FOWL**

**PERMIT REQUIRED.** No chickens or turkeys or other fowl, or any hogs, cattle, or horses, shall be kept on any premises within the corporate limits of this municipality unless a special permit therefor is issued by an Agent of the City after an inspection of the premises and a finding of fact that no nuisance will be created thereby. Such permit shall not be renewed without a re-inspection.

**CLEANLINESS REQUIRED.** Every building, structure, pen, coop or yard wherein such fowl or animals are kept shall be kept in a clean and sanitary condition, devoid from all rodents and vermin and free from objectionable odor at all times and the interior walls, ceilings, floor, partitions and appurtenances of all such structure shall be whitewashed or painted as the Agent of the City directs.

**EXCEPTION.** This ordinance shall not apply to temporary keeping of fowl for sale by persons engaged in the business of buying and selling such animals and fowl, provided the keeping thereof shall be done so as not to create a nuisance.

#### **A. Section 4 – CHICKENS**

1. **DEFINITIONS.** The term "chicken coop" means a temporary structure for housing chickens made of wood or other similar materials that provides shelter from the elements. The term "chicken run" means an enclosed outside yard for keeping chickens. The term "premises" means any platted lot or group of contiguous lots, parcels or tracts of land. Coop must be removed from the property if not housing chickens.
2. **CHICKENS LIMITED.** It is unlawful for any person to keep or harbor chickens on any premises without a permit. No permit should be issued for

the keeping or harboring of more than six hen chickens on any premises. No permit shall be issued for the keeping of any rooster chicken on any premises.

- a) **PERMIT.** No person shall maintain a chicken coop and run unless they have been granted a permit. The permit shall be subject to all terms and conditions of this chapter and any additional conditions deemed necessary by the Council to protect the public health, safety and welfare. The necessary permit applications will be available in the City Clerk's office. Included with the completed application must be a scaled diagram that indicates the location of any chicken coop and run, the approximate size, and distance from adjoining structures and property lines. A fee of \$20.00 will be charged for each permit which shall expire on December 31<sup>st</sup> of each year of the permit.
- b) **CONFINEMENT.** Every person who owns, controls, keeps, maintains or harbors hen chickens must keep them confined at all times while in the City in a chicken coop or chicken run. Any coop and run shall be screened with a solid fence or landscaped buffer with a minimum height of four feet. Any coop and run shall be at least 25 feet from any residential structure on any other premises and no closer than 10 feet from the property line.
- c) **CHICKEN COOPS.** All chicken coops and runs must be located at least 25 feet from any dwelling on any other premises and must not exceed six feet in total height. Chicken runs may be enclosed with wood and/or woven wire materials, and allow chickens to contact the ground. Chicken feed must be kept in rodent and raccoon-proof containers.
- d) **CONDITIONS.** No person who owns, keeps or harbors hen chickens shall permit the premises where the hen chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent public or private property. Any chicken coop and run may be inspected at any reasonable time by an Agent of the City.
- e) **PENALTY.** A Violation is a misdemeanor.

#### **91.042 PRESCRIBED GRAZING OF NOXIOUS AND INVASIVE VEGETATION**

(A) **Intent.** The intent of this section is to allow prescribed grazing of goats on certain property in the City of Lanesboro for a specific period and for the express purpose of controlling invasive, undesirable and/or noxious vegetation. Prescribed grazing is intended to provide an alternative means to control undesirable vegetation on steep slopes or other challenging terrain where it is difficult for humans to access. Prescribed grazing is not intended to allow the raising or keeping of goats as livestock or pets on property.

(B) **Allowable locations for prescribed grazing.** Prescribed grazing is allowed in all zoning districts with the following conditions:



**WHEREAS**, the City of Rushford has been approached by residents to allow for the raising of chickens for egg and meat sources on private property, and

**WHEREAS**, there are no State laws that address urban chickens or keeping of chickens in cities, and

**WHEREAS**, the City wishes to regulate the small-scale keeping of chickens by residents as it is very different than a business of the same nature, and

**WHEREAS**, the City wishes to provide for the keeping of urban chickens in a manner that is not a nuisance or detriment to the public health safety and welfare of the community,

**NOW, THEREFORE**, the following Ordinance will serve to provide regulations for the issuance of permits for the keeping of chickens within the City of Rushford in certain zoned areas, under certain circumstances, and repeal inconsistent sections of animal control ordinances relating to chickens.

## **CHAPTER 91: URBAN CHICKENS**

95.01 Definitions

95.02 Purpose

95.03 Investigation & Enforcement

95.04 Permit Required

95.05 Application

95.06 Permit Conditions

95.07 Fees/Issuance

95.08 Term

95.09 Revocation

95.10 Violations/Penalty

95.11 Severability & Savings Clause

95.12 Adoption

**AN ORDINANCE RELATING TO THE KEEPING OF ANIMALS IN THE CITY OF RUSHFORD, PROVIDING FOR THE KEEPING OF CHICKENS IN AREAS ZONED R1, R2, R3, PUD AND AG DISTRICTS, UNDER CERTAIN CIRCUMSTANCES, AND AMENDING SECTIONS OF THE ANIMAL CONTROL ORDINANCE SPECIFIC TO CHICKENS**

**THE CITY OF RUSHFORD ORDAINS:**

### **SECTION 95.01. DEFINITIONS**

- Brooding means the period of chicken growth when supplemental heat must be provided, due to the bird's inability to generate enough body heat.
- Chicken means a domesticated bird that serves as a source of eggs or meat.
- Coop means the structure for the keeping or housing of chickens permitted by the ordinance.
- Exercise yard means a larger fenced area that provides space for exercise and foraging for the birds when supervised.

- 6707/12/11
- Hen means a female chicken.
  - Officer means any person designated by the city as an enforcement officer.
  - Poultry means domesticated birds that serve as a source of eggs or meat and that include among commercially important kinds, chickens, turkeys, ducks, geese, peafowl, pigeons, pheasants and others.
  - Rooster means a male chicken.
  - Run means a fully enclosed and covered area attached to a coop where the chickens can roam unsupervised.

#### **SECTION 95.02. PURPOSE**

It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. Therefore, it is the purpose and intent of this ordinance to permit the keeping and maintenance of chicken hens for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community, the keeping of other poultry is prohibited.

#### **SECTION 95.03. INVESTIGATION & ENFORCEMENT**

Officers designated by the City Council shall have authority in the investigation and enforcement of this ordinance, and no person shall interfere with, hinder or molest any such officer in the exercise of such powers. The officer shall make investigations as is necessary and may grant, deny, or refuse to renew any application for permit, or terminate an existing permit under this article.

Limitations for each single dwelling residential unit:

(A) No more than five (5) chicken hens shall be housed or kept on any one (1) residential lot in any area of the city zoned R1, R2, R3, PUD, AG with a permit as outlined below.

(B) Roosters are prohibited.

(C) Slaughtering of chickens in the City limits is prohibited except at a licensed processing facility.

(D) Leg banding of all chickens is required. The bands must identify the owner and the owner's address and telephone number.

(E) A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:

- (1) Located in the rear or side yard.
- (2) Setback at least five (5) feet from the rear or side property lines.
- (3) Interior floor space – four (4) square feet per bird.
- (4) Interior height – four (4) to six (6) feet to allow access for cleaning and maintenance.
- (5) Doors – one (1) standard door to allow humans to access the coop and one (1) for birds (if above ground level, must also provide a stable ramp).
- (6) Windows – one (1) square foot window per ten (10) square feet floor space. Windows must be able to open for ventilation.
- (7) Climate control – adequate ventilation and/or insulation to maintain the coop temperature between 32 – 85 degrees Fahrenheit.
- (8) Nest boxes – one (1) box per every three (3) hens.

(9) Roosts – one and one-half (1 1/2) inch diameter or greater, located eighteen (18) inches from the wall and two (2) to three (3) inches above the floor.

(10) Rodent proof – coop construction and materials must be adequate to prevent access by rodents.

(11) Coops shall be constructed and maintained in a workmanlike manner.

(F) A run or exercise yard is required.

(1) Runs must be constructed and maintained to meet the following minimum standards:

(a) Location: rear or side yard.

(b) Size: Ten (10) square feet per bird, if access to a fenced exercise yard is also available; sixteen (16) square feet per bird, if access to an exercise yard is not available. If the coop is elevated two (2) feet so the hens can access the space beneath, that area may count as a portion of the minimum run footprint.

(c) Height: Four (4) to Six (6) feet in height to allow access for cleaning and maintenance.

(d) Gate: One gate to allow human access to the run.

(e) Cover: Adequate to keep hens in and predators out.

(f) Substrate: Composed of material that can be easily raked or regularly replace to reduce odor and flies.

(2) Exercise yards must be fenced and is required if the run does not provide at least (16) sixteen square feet per bird. Exercise yards must provide a minimum of one-hundred seventy-four (174) square feet per chicken.

(G) Chickens must not be housed in a residential house or an attached or detached garage, except for brooding purposes only.

(H) All premises on which chicken hens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in the officer removing chickens from the premises or revoking a chicken permit.

(I) All grain and food stored for the use of the hens on a premise with a chicken permit shall be kept in a rodent proof container.

(J) Chicken Hens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.

(K) Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within forty-eight (48) to seventy-two (72) hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.

#### **SECTION 95.04. PERMIT REQUIRED**

No person shall own, keep, harbor or have custody of any live chicken without first obtaining a permit in writing from the City.

The City shall grant a permit for chicken hens after the applicant has sought the written consent of one hundred (100) percent of the owners or occupants of privately or publicly owned real estate that are located adjacent (i.e., sharing property lines) on the outer boundaries of the premises for which the permit is being requested, or in the alternative, proof that the applicant's property lines are one hundred fifty (150) feet or more from any house.

Where an adjacent property consists of a multiple dwelling or multi-tenant property, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building. Such written consent shall be required on the initial application and as often thereafter as the officer deems necessary.

#### **SECTION 95.05. APPLICATION**

Any person desiring a permit required under the provisions of this article shall make written application to the city clerk upon a form prescribed by and containing such information as required by the city clerk and officer. Among other things, the application shall contain the following information:

- (A) A description of the real property upon which it is desired to keep the chickens.
- (B) The breed and number of chickens to be maintained on the premises.
- (C) A site plan of the property showing the location and size of the proposed chicken coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, style, and height of fencing proposed to contain the chickens in a run or exercise area. Portable coops and cages are allowed, but portable locations must be included with the site plan.
- (D) Statements that the applicant will at all times keep the chickens in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this chapter and grounds for cancellation of the permit.
- (E) Such other and further information as may be required by the officer.

#### **SECTION 95.06. PERMIT CONDITIONS**

- (A) If granted, the permit shall be issued by the city clerk and officer and shall state the conditions, if any, imposed upon the permitted for the keeping of chickens under this permit.
- (B) The permit shall specify the restrictions, limitations, conditions and prohibitions which the officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety. Such permit may be modified from time to time or revoked by the officer for failure to conform to such restrictions, limitations, prohibitions. Such modification or revocation shall be effective after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintain such chickens.
- (C) The granting of a permit under this ordinance does not entitle the permit holder to any other rights as may be granted to farmers or commercial entities relating to equipment used in the course of conducting animal husbandry business.

#### **SECTION 95.07. FEES/ISSUANCE**

For each residential site the fee for a permit is as may be imposed, set, established and fixed by the City Council, by resolution, from time to time.

#### **SECTION 95.08. TERM**

The permit period under this section shall expire one (1) year from the date the permit is issued. Permits must be renewed on an annual basis.

#### **SECTION 95.09. REVOCATION**

The city may revoke any permit issued under this ordinance if the person holding the permit refuses or fails to comply with this ordinance, with any regulations promulgated by the city council pursuant to this ordinance, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten (10) days thereafter, humanely dispose of all chickens being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.

#### **SECTION 95.10. VIOLATIONS/PENALTY**

(A) Any person violating any of the sections of this ordinance shall be deemed guilty of a petty misdemeanor.

(B) If any person is found guilty by a court for violation of this section, their permit to own, keep, harbor, or have custody of chickens shall be deemed automatically revoked and no new permit may be issued for a period of one (1) year.

(C) Any person violating any conditions of this permit shall reimburse the city for all costs borne by the city to enforce the conditions of the permit including but not limited to the pickup and impounding of chickens.

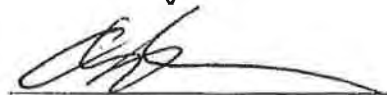
#### **SECTION 95.11. SEVERABILITY & SAVINGS CLAUSE**

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or affect the validity and enforceability of any other section or portion of this ordinance.

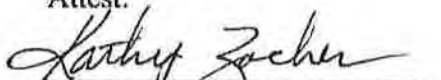
#### **SECTION 95.12. ADOPTION**

This ordinance shall be in full force and effect from and after its passage and publication, as provided by law.

Adopted by the Rushford City Council this 14<sup>th</sup> day of May, 2012.

  
Mayor Chris Hallum

Attest:

  
Kathy Zacher, City Clerk/Treas.

Published in Tri-County Record on May 17, 2012.

74



## RESIDENTIAL CHICKEN PERMIT APPLICATION

**APPLICANT NAME** \_\_\_\_\_ **PHONE #** \_\_\_\_\_

**PERMIT SITE ADDRESS** \_\_\_\_\_

**NUMBER OF CHICKENS AT THIS ADDRESS** \_\_\_\_\_ **ZONING DISTRICT** \_\_\_\_\_

### Permit Requirements

Applicant must submit a written description and a detailed plan showing the size and placement of the chicken coop, run and exercise yard. The following are the requirements for issuance of a permit:

1. Located in zoning districts R1, R2, R3, PUD or AG
2. No more than five (5) hens.
3. Roosters are prohibited.
4. Neighbor consent is required. Written consent of one hundred (100) percent of the owners of property located adjacent to the applicant's property, OR
5. Proof that the applicant's property lines are one hundred fifty (150) feet or more from any house. Refer to neighbor consent form attached.
6. Leg banding of all chickens is required. If a chicken permit is approved, the City will supply you with bands to identify the owner in the event of stray chickens.
7. Submit a site plan showing the location of the property lines, house, garage, chicken coop, chicken run and/or fence where applicable. The site plan should include setbacks proposed from the chicken coop/run to the property lines.
8. Submit detailed plans showing the size and specifications of the chicken coop, chicken run, and exercise yard with the following requirements:
  - a. Chicken coop
    - 1) Located in the rear or side yard
    - 2) Setback at least five (5) feet from the rear or side property lines
    - 3) Interior floor space must allow for four (4) square feet per chicken
    - 4) Interior height must be four (4) to six (6) feet to allow access for cleaning and maintenance
    - 5) One (1) door to allow humans to access the coop and one (1) for chickens (if above ground level)
    - 6) One (1) square foot window per ten (10) square feet of floor space. Windows must be able to open for ventilation
    - 7) One (1) nest box per every three (3) chickens
    - 8) One and one-half (1½) inch diameter or greater roost, located eighteen (18) inches from the wall and two (2) to three (3) inches above the floor
  - b. Chicken run (required unless an exercise yard is provided as outlined in 6.c. below)
    - 1) Located in the rear or side yard
    - 2) Ten (10) square feet per chicken if access to a fenced exercise yard is also available or sixteen (16) square feet per chicken if access to an exercise yard is not available. If the coop is elevated two (2) feet so the chickens can access the space beneath, that area may count as a portion of the minimum run footprint.
    - 3) Four (4) to six (6) feet in height to allow access for cleaning and maintenance
    - 4) One (1) gate to allow human access to the run
    - 5) Adequate to keep hens in and predators out
    - 6) Substrate must be composed of material that can be easily raked or regularly replaced to reduce odor and flies
  - c. Exercise yard (required unless a chicken run is provided as outlined in 6.b. above):
    - 1) Must be fenced
    - 2) Must provide a minimum of one-hundred seventy-four (174) square feet per chicken
9. If the above requirements are not complied with, the City may revoke any permit granted under this ordinance and/or initiate prosecution for an ordinance violation.

**Signature of Applicant** \_\_\_\_\_ **(Sign full name)** \_\_\_\_\_ **(Date)** \_\_\_\_\_

75

## Neighborhood Approval for Issuance of a Chicken Permit

Rushford City Ordinance allows the keeping of chicken hens in certain zoned districts, under certain circumstances, with the approval of a permit application. The permit application must also be approved by 100 percent of the property owners adjacent to the applicant's property.

Your neighbor located at \_\_\_\_\_ is requesting a chicken permit from the City. If approved, the permit will allow your neighbor to keep up to five (5) hens in an approved chicken coop. A summary of the chicken permit requirements is listed below for your information. Your signature below indicates your approval for your neighbor at \_\_\_\_\_ to keep up to five (5) hens on their property as per City ordinance.

<u>Street Address</u>	<u>Owner Name</u>	<u>Signature (consent to issue permit)</u>
-----------------------	-------------------	--

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

### City of Rushford Chicken Permit Requirements

1. Up to 5 hens (No Roosters) allowed in certain districts with a yearly permit.
2. Initial permit must be approved by 100% of the property owners that are adjacent to the applicant's property.
3. Slaughtering of chickens on the property is prohibited.
4. Leg banding of all chickens is required to identify owner in the event of stray chickens.
5. A separate coop and run is required to house the chickens. Coop must be located in the rear or side yard and be set back at least 5 feet from the property line.
6. Exercise yards must be fenced and is required if the run does not provide at least 16 square feet per bird.
7. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectable on another property.
8. All grain and food stored for the use of the hens shall be kept in a rodent proof container.
9. Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include burial offsite incineration or rendering, or offsite composting.

**Permit No.** \_\_\_\_\_

**Neighbor Consent Yes/No** \_\_\_\_\_

### City Verification

**Zoning District** \_\_\_\_\_ **Coop Location** \_\_\_\_\_

**Coop Sq. Ft.** \_\_\_\_\_ **Coop Height** \_\_\_\_\_ **Number of Hens** \_\_\_\_\_

**Type of Hens** \_\_\_\_\_ **Chicken Run Yes / No** \_\_\_\_\_

### **City Official Approval & Date**

\_\_\_\_\_

**\$20.00 One Time Fee Paid** \_\_\_\_\_ **Renewal Date:** \_\_\_\_\_

**Leg Band #'s** \_\_\_\_\_ (Permits are non transferable and must be renewed annually)

## TITLE 500 – ANIMAL REGULATIONS

### CHAPTER 520 – CHICKENS

- A. **DEFINITIONS.** The term “chicken coop” means a temporary structure for housing chickens made of wood or other similar materials that provides shelter from the elements. The term “chicken run” means an enclosed outside yard for keeping chickens. The term “premises” means any platted lot or group of contiguous lots, parcels, or tracts of land. Must be removed from the property if not housing chickens.
- B. **CHICKENS LIMITED.** It is unlawful for any person to keep or harbor chickens on any premises without a permit. No permit should be issued for the keeping or harboring of more than six hen chickens on any premises. No permit shall be issued for the keeping of any rooster chicken on any premises.
- C. **PERMIT.** No person shall maintain a chicken coop and run unless they have been granted a permit. The permit shall be subject to all terms and conditions of this chapter and any additional conditions deemed necessary by the Council to protect the public health, safety, and welfare of the animal. The necessary permit applications are available in the City Clerk’s office. Included with the completed application must be a scaled diagram that indicates the location of any chicken coop and run, the approximate size and distance from adjoining structures and property lines and approval from 50 percent of the adjacent property owners. A fee of \$10.00 will be charged for each permit which shall expire on December 31<sup>st</sup> of each year of the permit.
- D. **CONFINEMENT.** Every person who owns, controls, keeps, maintains, or harbors hen chickens must keep them always confined while in the City, in a chicken coop or chicken run. Any coop and run shall be screened with a solid fence or landscaped buffer with minimum height of four feet. Any coop and run shall be at least 25 feet from any residential structure on any other premises and no closer than 10 feet from the property line.
- E. **CHICKEN COOPS.** All chicken coops and runs must be located at least 25 feet from any dwelling on any other premises and must not exceed six feet in total height. Chicken runs may be enclosed with wood and/or woven wire materials and allow chickens to contact the ground. Chicken feed must be kept in rodent and raccoon-proof containers.
- F. **CONDITIONS.** No person who owns, keeps, or harbors hen chickens shall permit the premises where the hen chickens are kept, to be or become unhealthy, unsanitary, or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent public or private property. Any chicken coop and run may be inspected at any reasonable time by a City animal control official or other agent of the city.



# City of Spring Valley, MN

Attachment  
#8

## Chicken Ordinance

**(APPLICATION CAN BE FOUND AT THE BOTTOM OF THIS PAGE)**

### **SECTION 10.05. ANIMALS AND FOWL -- KEEPING, TRANSPORTING, TREATMENT, HOUSING.**

**Subd. 1. Definitions.** As used in this Section, the following definition shall apply.

- A. "Farm Animals" -- Cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens and honey bees.
- B. "Animals" -- Includes farm animals and all other animals, reptiles and feathered birds or fowl except dogs, cats, gerbils, hamsters and caged household birds.
- C. "Chicken"—Chicken means a domesticated bird that serves as a source of eggs or meat.
- D. "Coop"—the structure for the keeping or housing of chickens permitted by the ordinance.
- E. "Run"—a fully enclosed and covered area attached to a coop where chickens can roam unsupervised.
- F. "Hen"—a female chicken.
- G. "Rooster"—a male chicken.

**Subd. 2. Keeping.** It is unlawful for any person to keep or harbor any animal, not in transit, except (1) farm animals kept in that portion of the City zoned for agricultural purposes, or, (2) animals kept as part of a show licensed under the City code, or, (3) animals used in a parade, or, (4) animals kept in a laboratory for scientific or experimental purposes, or, (5) animals kept in an animal hospital or clinic for treatment by a licensed veterinarian, or, (6) permitted chickens per city ordinance.

**Subd. 3. Animals in Transit.** It is unlawful for any person to transport animals unless they are (1) confined within a vehicle, cage or other means of conveyance, or, (2) farm animals being transported in a portion of the City zoned for agricultural purposes, or, (3) restrained by means of bridles, halters, ropes or other means of individual restraint.

**Subd. 4. Chickens Limited.** It is unlawful for any person to own, keep or maintain hen chickens in the city unless the property is in the Ag zoning district or the person is issued a zoning certificate. A zoning certificate shall only be issued for a property situated in the R-1 and R-2 ("single family residence") district. No zoning certificate shall be issued for more than five (5) hen chickens or one chicken per 1,800 square feet of lot size, whichever number is less. Roosters are prohibited.

79



**Subd. 5. Permit Required.** No person shall own, keep, harbor or have custody of any live chicken without first obtaining a permit in writing from the City. A person applying for a permit shall include the following information in written form: A scaled diagram with the location of the chicken coop or run on the property; property lines with dimensions and location of buildings; distance from the coop or run to adjacent buildings not located on the property; and, a completed application which includes written consent of one hundred (100) percent of the owners or occupants of privately or publicly owned real estate that is located adjacent (i.e., sharing property lines) on the outer boundaries of the premises for which the permit is being requested, or in the alternative, proof that the applicant's property lines are one hundred fifty (150) feet or more from any house. Cost of the annual permit shall be set by resolution.

**Subd. 6. Chicken Coops and Runs.** A separate coop is required to house chickens. Coops can not be housed within or attached to a residential building including a garage. All chicken coops and runs must be located within the rear yard and are subject to the required setbacks for accessory structures; must be located at least 50 feet from any existing residential building not located on the property; and, must be screened from all adjacent properties and streets. Screening can include: An existing building; a four-foot high solid fence; or a four-foot in height (high) landscaped hedge. Hen chickens must be confined in a chicken coop or run at all times.

**Subd. 7. Slaughtering** Slaughtering of animals is prohibited.


**Subd. 8. Treatment.** It is unlawful for any person to treat any animal as herein defined, or any other animal, in a cruel or inhumane manner.

**Subd. 9. Housing.** It is unlawful for any person to keep any animal as herein defined, or any other animal, in any structure infested by rodents, vermin, flies or insects, or inadequate for protection against the elements.

**Subd. 10. Trespasses.** It is unlawful for any person to herd, drive or ride any animal over and upon any grass, turf, boulevard, City park, cemetery, garden or lot without specific permission from the owner.

**Subd. 11. Violations.** Any person who owns, keeps or maintains hen chickens without obtaining or maintaining a current permit, or after a permit has been suspended or revoked, shall be guilty of a misdemeanor. In addition, a violation of this section shall be considered a nuisance and the city may abate the same as provided in the provisions of Section 10.13 of this code.

**(CHICKEN PERMITS ARE \$10.00 PER YEAR)**

 [Chicken License Application.docx](#)

 [Chicken License Application.pdf](#)

80

## CHICKEN PERMIT APPLICATION

City of Spring Valley  
201 South Broadway  
Spring Valley, MN 55975  
(507) 346-7367  
<http://www.springvalley.govoffice.com>



Applicant Name: \_\_\_\_\_  
(Please print)

Permit Address: \_\_\_\_\_

Parcel ID #: \_\_\_\_\_

Phone Number: \_\_\_\_\_  
(Home) (Cell)

E-mail address: \_\_\_\_\_

Property Zoning: \_\_\_\_\_ Lot Size: \_\_\_\_\_ # of chickens: \_\_\_\_\_  
(Roosters are prohibited)

What type of screening is being used? \_\_\_\_\_

No permit shall be issued to a person, by the City, and no chickens shall be allowed to be kept until the completed application, with required forms, have been received and a permit has been issued. **Please attach the Adjacent Neighbor Consent Form to this application and check the box that you understand and have complied with the terms of this ordinance requirement.** ☐

If any of the requirements of City Code Section 10.05 is not complied with, the City may revoke any permit granted and/or initiate prosecution for a civil infraction violation. A person who has been issued a permit shall submit it for examination upon demand by any police officer or code enforcement officer. Notwithstanding the issuance of a permit by the City, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, neighboring association by-laws and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

**I have read and understand the above restrictions on the permit and am submitting this application in compliance with Section 10.05 City Code of the City of Spring Valley. I understand failure to comply with any regulations may result in revocation of the permit and/or subject to criminal penalties prescribed by law.**

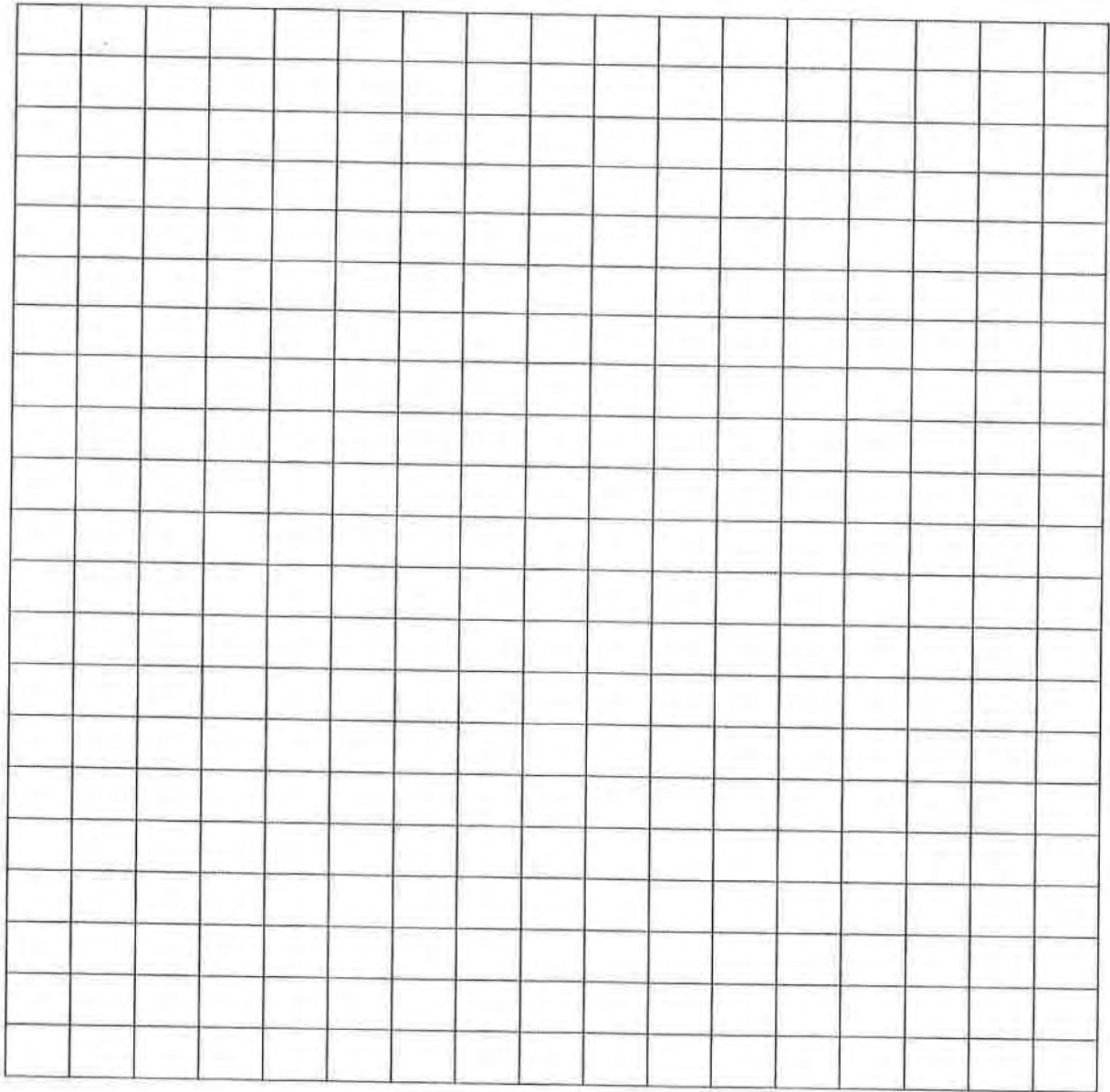
Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

81

In the drawing below, please show –

- owner's lot with current building locations and lot lines
- location of proposed coop with distance measurements from all buildings
- location of neighboring buildings



Chicken Permit Application  
**ADJACENT NEIGHBOR CONSENT FORM**

City of Spring Valley  
201 South Broadway  
Spring Valley, MN 55975  
(507) 346-7367



Applicant Name: \_\_\_\_\_

Permit Address: \_\_\_\_\_

No permit shall be issued to a person, by the City, and no chickens shall be allowed to be kept unless the owners of all residentially zoned adjacent properties consent in writing to the permit. (Roosters are prohibited.) For purposes of this permit, adjacent property means all parcels of property that the applicant's property comes into contact with at one or more points, except for parcels that are legally adjacent to but in fact are separated from the applicant's property by a public or private street.

A covered enclosure or fenced enclosure shall not be located closer than fifty feet to any residential structure on an adjacent property.

**Instructions to Adjacent Property Owners:**

Your neighbor is applying for a permit to keep backyard chickens. A maximum of five chickens (or one chicken per 1,800 square feet of lot size) may be kept under this permit. If you are an adjacent property owner, your consent to this permit is required for issuance. Do not sign the form if you are NOT giving consent to the issuance of a permit.

By signing this form, you are providing written consent for the issuance of the permit.

<u>Street Address</u>	<u>Owner's Printed Name</u>	<u>Signature</u> (consent to issue permit)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

83

# CITY OF CANTON COMPLAINT FORM

## COMPLAINT DESCRIPTION

DATE/TIME \_\_\_\_\_ LOCATION OF COMPLAINT \_\_\_\_\_

PROPERTY OWNER \_\_\_\_\_ TENANT \_\_\_\_\_

DESCRIPTION OF COMPLAINT (USE BACK OF FORM IF NECESSARY)

---

---

---

---

---

---

DO YOU WANT THIS COMPLAINT TAKEN TO THE CITY COUNCIL? \_\_\_\_\_

## CONTACT INFORMATION

NAME \_\_\_\_\_ PHONE NUMBER \_\_\_\_\_

ADDRESS \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

## ACKNOWLEDGEMENT

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

*To the best of my knowledge, the information I have provided is true and factual.*

## RETURN TO CANTON CITY HALL

\_\_\_\_\_  
*TO BE COMPLETED BY THE CITY*

DATE RECEIVED \_\_\_\_\_ REVIEWED BY \_\_\_\_\_

ACTION TAKEN \_\_\_\_\_

---

---

84



## 2021 City Attorney Services

Rate = \$150.00 per hour

<u>Month</u>	<u>Hours</u>	<u>Charges</u>
January	1.0	150.00
February	0.4	60.00
March	1.4	210.00
April	4.8	720.00
May	1.8	270.00
June	3.9	585.00
July	4.7	705.00
August	1.0	150.00
September	1.7	255.00
October	2.4	360.00
November	1.6	240.00
December	0.3	45.00
<b>Total</b>	<b>25.0</b>	<b>3,750.00</b>

<u>Council Meeting Attendance</u>		
April	2.6	390.00
May	1.4	210.00
July	2.0	300.00
<b>Total</b>	<b>6.0</b>	<b>900.00</b>

# City of Canton

## Resolution #2022-01

### RESOLUTION TO CERTIFY ANNUAL CITY APPOINTMENTS FOR 2022

**Whereas**, Minnesota State Statutes require that the city council shall annually, at its first meeting of each year, designate annual appointments;

**Now, therefore, be it resolved by the Canton City Council as follows:**

The following appointments are hereby approved, effective immediately upon adoption:

Acting Mayor	Cindy Shanks
Official Newspaper	Fillmore County Journal
Official Depository	First Southeast Bank
City Attorney	Nethercut Schieber
City Auditor	Hawkins Ash
Authorized Signatures	Brock Bergey, Barb Kerns, Nick Prestby, Cindy Shanks
Fire Chief	Bill Richardson
Assistant Fire Chief	Kyle Ryan
Regular Meeting Night	Second Wednesday of the month
Regular Meeting Time	6 p.m.
Regular Meeting Location	Canton Town Hall, 107 N Ash St.
Polling Place	Balloting by mail precinct
Posting Place	Canton City Hall, 106 N Main St.
Personnel Committee	Randy Gossman, Cindy Shanks
Utilities Committee	Josh Nordsving, Cindy Shanks
Streets Committee	Carl Ernst, Nick Prestby
Parks/Rec Committee	Carl Ernst, Nick Prestby
Finance Committee	Josh Nordsving, Randy Gossman
Planning Committee	Jim Davis, Carl Ernst, George Hafner
Zoning Administrator	Carl Ernst
Standard Mileage Rate	\$0.585 per mile

Passed and adopted by the Canton City Council this 12<sup>th</sup> day of January 2022.

Nicholas Prestby, Mayor

ATTEST:

Brock Bergey, City Clerk

86

## City of Canton

---

### Resolution #2022-02

#### RESOLUTION TO GRANT AN OFF-SITE GAMBLING PERMIT TO CANTON AMERICAN LEGION POST 400

**Whereas**, Canton American Legion Post 400 has requested city council approval to conduct off-site gambling within the City of Canton in calendar year 2022; and

**Whereas**, it has been demonstrated that Canton American Legion Post 400 will collect gambling monies for lawful purposes and adhere to all rules set forth by the Minnesota Gambling Control Board;

**Now, therefore, be it resolved**, that the City of Canton does hereby approve Canton American Legion Post 400 to conduct off-site gambling at Canton Town Hall and Fireman's Pavilion, located at 107 N Ash Street, Canton Minnesota 55922.

Passed and adopted by the Canton City Council this 12<sup>th</sup> day of January 2022.

---

Nicholas Prestby, Mayor

ATTEST:

---

Brock Bergey, City Clerk



# The Art & Science of BBQ

## BBQ 301 Class

We supply the meat, you cook it, and see it being judged!



### What you will do:

- Bring your own smoker.
- Trim and cook your own brisket
- Trim and cook your own pork butt
- Trim and cook your own ribs
- Trim and cook your own chicken
- Get tips and techniques from champion BBQ'ers
- Have your meat evaluated by a panel of certified BBQ judges
- Take home the meat you cook!

**Canton Town Hall**  
**107 N Ash**  
**Canton MN**

**Friday (pm) April 29<sup>th</sup> and**  
**Saturday April 30<sup>th</sup> 2022**

A BBQ class designed for beginning BBQ'ers to experienced competition BBQ teams. This is a hands on class where we supply the briskets, butts, chicken and ribs and you cook em on your smoker. Then you will present your efforts to certified BBQ judges and have the opportunity to *watch and interact* with the judging process.



**Instructor:**  
**Kelly Wertz**  
**4 Legs Up BBQ**  
BBQ World Champion  
Over 40 Grand Champions  
Over 35 Reserve Grand Champions

### What you will Learn

- The basics of:
- Smoking/Barbecuing
- Meat Cuts
- Meat Quality
- Brines & Marinades
- Sauces
- Rubs & Seasonings
- Knife Skills
- Beginner to advanced competition BBQ techniques
- Many insights into competition judging

### You Bring:

Your cooker.  
Everything you need to cook chicken ribs pork & brisket.  
Boning and slicing knife.  
Generator if you need power.  
Pencil & Paper for notes.  
A Positive Fun Attitude!

### Cost:

**\$400 per Head Team Cook**  
**\$500 per Head Team Cook and Spouse**  
**\$600 for Head Team Cook and one teammate**  
**Limited to first 18 teams to sign up!**



### Contact:

**Kelly Wertz**  
**4 Legs Up BBQ**  
[4legsup@gmail.com](mailto:4legsup@gmail.com)  
Or Laurle Tweten, [fortheluvofbbq@gmail.com](mailto:fortheluvofbbq@gmail.com)

# Street Closures for BBQ Event April 29 & 30, 2022

68

