

Canton City Council Regular Meeting Minutes January 12, 2022

The Canton City Council held its regular monthly meeting on January 12, 2022, at the Canton Town Hall. Members present: Mayor Nick Prestby, Carl Ernst, Randy Gossman, Josh Nordsving and Cindy Shanks. City staff present: Brock Bergey, Jim Davis, Barb Kerns and Jon Nordsving. Visitors present: Ellen Collett, Jennifer Dowling, Stephanie Hendrickson, Brenda Janvrin, Holly Knutson, Jamie Knutson, Kyle Ryan, Greg Schieber, Christina Schmidt, Robert Schmidt, Melissa Vander Plas and Kristy Ziegler

Mayor Prestby called the meeting to order at 6 p.m., with the Pledge of Allegiance recited by all.

Motion by Ernst, second by Josh Nordsving to approve the agenda; motion carried. Motion by Nordsving, second by Shanks to approve the consent agenda (approval of December minutes and approval of January disbursements); motion carried.

Public comments: None

Mayor's report: Mayor Prestby noted some of the accomplishments in 2021 and talked about his priorities for 2022. He thanked the council, staff and community members for their good work in the previous year.

Clerk's report: In his clerk report, Bergey reported there were 9 delinquent utility accounts, with no service disconnection occurring since the December meeting. 12 pet licenses have been issued for 2022. Updates were provided on the employee wage study and preliminary engineering report on the water and wastewater systems, with final presentations expected in February or March. The external audit will be conducted in mid-February by Hawkins Ash CPAs. An internally-prepared 2021 financial presentation will be provided in February. City hall will be closed January 17 for Martin Luther King, Jr. Day. Bergey also highlighted some of the achievements from 2021, noting a comprehensive list was shared on the City's Facebook page.

Public Works report: Nordsving reported on a water leak at the corner of Hudson Avenue and Main Street; the source remains undetermined and the area will be monitored.

Nordsving presented a quote for council discussion for a replacement backhoe/loader from Joe Welch Equipment in Caledonia. The CAT 430E was priced at \$89,500, with a \$17,500 trade-in allowance for the current JCB 214 Series unit. Nordsving noted another governmental unit was also interested in purchasing the proposed replacement unit. Even though the final price (\$72,000) was \$10,000 over the 2022 budgeted amount (\$62,000) for the capital purchase, the council agreed it was needed. Motion by Mayor Prestby, second by Shanks to approve the backhoe/loader purchase; motion carried.

Nordsving presented two quotes for a replacement lawn mower from Windridge Implement. With trade-in of the current mower, the quotes ranged from \$2,800 to \$3,995. Nordsving recommended going with the \$2,800 quote for a 2022 Hustler Excel Zero Turn. The 2022 budget includes \$3,000 for the purchase. Gossman questioned the costs associated with owning and maintaining a lawn mower and suggested contracting lawn care services. No action was taken.

Fire Department: Motion by Gossman, second by Ernst to appoint Mason Henry to the fire department; motion carried.

Motion by Josh Nordsving, second by Gossman to approve Resolution 2022-03 in support for the fire department to apply for a Minnesota Lawful Gambling Exempt permit; motion carried.

Police: The November and December reports were reviewed.

Planning Commission: None

Unfinished business:

The legal settlement involving the former clerk/treasurer was reviewed. On January 3, Lolly Melander pleaded 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. She is scheduled to be sentenced on March 7. City Attorney Schieber informed the council that, in addition to the criminal case, the City could pursue civil action against Melander. However, he stressed the prosecution costs would be the City's responsibility. No action was taken.

The council directed Bergey and Attorney Schieber to draft a resolution to request the Fillmore County Board of Commissioners to impose specific conditions on the planned March 1 public sale of the former school property. Mayor Prestby also mentioned he had a conversation with State Representative Greg Davids on the matter.

Brenda Janvrin, operator of True Smoke BBQ and More, asked the council to continue to permit the parking of a food trailer behind her downtown place of business. The current zoning ordinance for the commercial district does not list food trailers as a permitted accessory use. Janvrin stated the trailer is essential to her business. Motion by Gossman, second by Ernst to allow the food trailer to remain, in its current location, for an additional 90 days; motion carried.

New business:

Robert Schmidt requested a change to the current animal ordinance to permit chickens. According to Schmidt, who has 12 hens, he considers his chickens pets and not farm animals, as defined in the City's animal ordinance. Schmidt acknowledged knowingly violating the ordinance. After much discussion, including input from Attorney Schieber on possible ordinance requirements, the council instructed Bergey to work with Schieber on an amendment to the animal ordinance to include the permitting of chickens, with certain restrictions. The revised ordinance will establish a permitting process that will limit residents to six hens (no roosters) per property. Written permission from adjoining property owners will be required for the annual

permit, which will cost \$10. A draft version of the amended animal ordinance will be presented for review in February.

Discussion occurred on the current citizen complaint response process. The council supported the present process followed by City staff.

Discussion occurred on the current arrangement with the City Attorney for annual services. The council supported the present process.

Motion by Gossman, second by Shanks to approve Resolution 2022-01 to certify annual appointments for 2022; motion carried.

Motion by Gossman, second by Josh Nordsving to approve Resolution 2022-02 to grant an off-site gambling permit to Canton American Legion Post 400; motion carried.

Motion by Shanks, second by Josh Nordsving to approve temporary street closures (Veterans Drive and a portion of Ash Street) for a BBQ event on April 29 and 30; motion carried.

Motion by Nordsving, second by Gossman to adjourn at 7:36 p.m.; motion carried.