



The Connection

August 2022

Canton City Hall 106 N. Main St. P.O. Box 92 Canton, MN 55922 507.743.5000

Mayor Prestby's resignation letter

July 5, 2022

To: Citizens of Canton, Canton City Council and the employees of the city

From: Nicholas Prestby

Due to recent health issues I am sadly informing you all that I am resigning as the mayor effective immediately today. It has been an honor to be able to serve the city for the last year and a half.

Thank you
Nicholas Prestby

City statement

On July 5, 2022, the City of Canton received written communication from Mayor Nicholas (Nick) Prestby of his intent to resign from his position as mayor.

As outlined in Minnesota Statutes, the city council must pass a resolution stating it has received and accepted Mayor Prestby's resignation, which will occur during the council's regular July 13 meeting. Additionally, the council must declare the vacant position exists and discuss the appointment process for an individual to execute the remainder of Mayor Prestby's two-year term, which expires on December 31, 2022. Until such appointment is made, Acting Mayor Cindy Shanks will preside over the council.

The City of Canton thanks Mayor Prestby for his service and wishes him well.

Shanks appointed to serve as mayor through 2022

Special election will be held with November 8 elections

During the July 13 city council meeting, Acting Mayor Cindy Shanks was appointed to carry out the remainder of Nick Prestby's mayoral term. Prestby submitted his written resignation from the Office of Mayor on July 5. Through the passage of Resolution 2022-09, the city council accepted his resignation and declared the Office of Mayor vacant as of July 13.

Pursuant to Minnesota Statute 412.02 2a, the balance of Prestby's unexpired term was to be filled through appointment by the city council. The council approved Resolution 2022-10 to appoint Shanks to serve the Office of Mayor until December 31, 2022.



Mayor Cindy Shanks

Mayor Shanks' appointment created a vacancy on the city council, which will require a special election, to be held in conjunction with the General Election on November 8, to fill the vacated seat until December 31, 2024.

In the interim, as stated in Resolution 2022-11, the city council will appoint a person to fill Mayor Shanks' vacant seat until December 31, 2022. The council will accept letters of interest from qualified residents until 12 p.m. on August 1. The city council will determine its appointment during its August 10 meeting.

FILING FOR CANDIDACY

Notice is hereby given the following offices shall be filled during the City of Canton's General Election and Special Election, to be held on Tuesday, November 8, 2022:

- ✓ **1 MAYOR** (two-year term)
- ✓ **2 COUNCILMEMBERS** (four-year terms)
- ✓ **1 COUNCILMEMBER** (two-year term)

Affidavits of Candidacy for the above offices may be filed with the city clerk, located at 106 N Main St, between
August 2, 2022 at 8 a.m. and August 16, 2022 at 5 p.m.

The filling fee is \$2.

A candidate for elective office must meet all the following criteria:

- A qualified voter in the State of Minnesota
- A U.S. citizen
- At least 21 years of age on the date they would take office
- A resident of the city for 30 days before the election

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What is a public hearing?

A public hearing is a meeting that is held where members of the public can express their opinions regarding a particular issue. The council is there to regulate the hearing and make sure that people who want to speak get an opportunity to do so. The council does not deliberate or discuss matters during the public hearing portion of a meeting; instead, it listens to the public. Once the public comment period is finished, the council will often end the meeting. To continue a public hearing, the council should not formally end the public comment part of the hearing and should state the date, time, and place of the continued public hearing and record this information in the meeting minutes. There are two types of hearings, those that are discretionary and are held because the public body chooses to do so and those that are mandatory and are held because they are required by a specific statute, ordinance or charter provision.

➤ **Discretionary hearings**

Many city councils will hold public hearings even when they are not legally required to do so. Generally, hearings of this type allow the public to comment on a specific issue. Such hearings can be helpful in raising concerns about an issue that the council may not have considered.

➤ **Required hearings**

When a specific statute, ordinance or charter provision requires the council to hold a public hearing, any notice requirements must be followed. For example, required hearings for zoning ordinance amendments and for the consideration of proposed special assessments have special notice requirements.



Canton City Council Meeting Recap

The Canton City Council met in regular session on July 13. Mayor Nick Prestby was absent, with 12 visitors in attendance.

- The council accepted the resignation of Mayor Prestby and declared his position vacant.
- The council appointed Cindy Shanks to fulfill the remainder of Prestby's term through 2022.
- The council declared Mayor Shanks' council seat vacant and will make an appointment at the August 10 meeting. Letters of interest from qualified residents will be accepted until August 1. The council's appointee will serve through 2022.
- A \$1,200 quote to remove a diseased tree from Main Street Park was accepted.
- A land use permit application was approved for Jesse and Charissa Peterson to build two residential decks.
- Aimee Gourlay, with the League of Minnesota Cities, provided an update on the conflict resolution services she is facilitating. Due to the potential for council composition changes, with four elected positions on the November ballot, Gourlay recommended delaying additional discussions until the first of the year. The council agreed.
- City Clerk Brock Bergey provided a 2022 financial review of the General Fund, Sewer Fund and Water Fund. He noted unbudgeted revenues for all three funds due to the restitution payments from former city clerk Lolly Melander, along with the second (and final) payment of American Rescue Plan Act funds. He added that even with the wage adjustments, approved by the council in April, employee wages ended the first half of the year at 50% of budget.
- A public hearing was held on a petition for a partial street vacation. The petition requested the city council vacate the easterly three feet of South First Street, reducing the street width from 66-feet to 63-feet. Roman and Teriana Yoder stated they wish to purchase residential property on South First Street; however, the Yoders explained, based on a recent land survey, an outbuilding on the property extends beyond the lot line into the platted street. They said financing for their planned purchase is dependent on the council's willingness to vacate three feet of the street. The petition before the council was signed by the current owners of all three residential properties located on South First Street.
- During agenda discussion, the council discussed the pros and cons of the vacation request. Of greatest concern for the elected leadership was the potential community precedent approval would set, with mention of several other properties known to have encroachments. Councilman Carl Ernst made a motion to approve the petition for vacation; however, with no second, the motion died. No other council discussion occurred.

The next regular council meeting is August 10 at 6 p.m. in the town hall.



Schedule of Events: cantondayoff.com