

## **Canton City Council**

July 13, 2022 – 6 p.m.

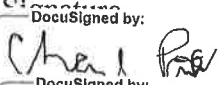
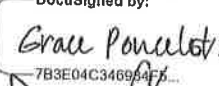
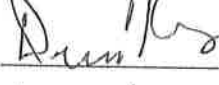
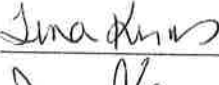
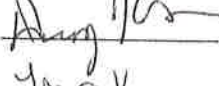
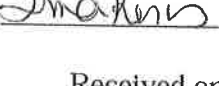
### **Public Hearing Agenda**

1. Call to order
2. Statement of purpose
3. Public comment
4. Adjourn

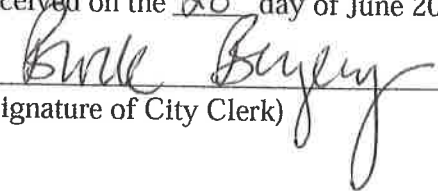
# **PETITION FOR VACATION OF A PORTION OF FIRST STREET SOUTH IN THE CITY OF CANTON, COUNTY OF FILLMORE, MINNESOTA.**

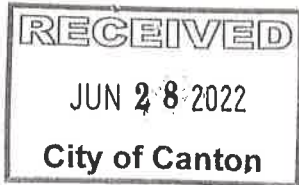
TO: The City Council of Canton, Minnesota

The undersigned, a majority of the property owners as set forth opposite their respective names, abutting on First Street South (formerly known as Ida Street), respectfully petition the city council to vacate the East 3 feet of First Street South lying South of Prairie Ave W.

Print Name	Signature	Address or Description of Property
Charles Poncelet	 DocuSigned by: Charles Poncelet 6/24/2022	102 1 <sup>st</sup> St S, Canton, MN 55922
Grace Poncelet	 DocuSigned by: Grace Poncelet 6/24/2022 7B3E04C346954F5...	102 1 <sup>st</sup> St S, Canton, MN 55922
Devry Kerns		100 1 <sup>st</sup> St S, Canton, MN 55922
Tina Kerns		100 1 <sup>st</sup> St S, Canton, MN 55922
Devry Kerns		104 1 <sup>st</sup> St S, Canton, MN 55922
Tina Kerns		104 1 <sup>st</sup> St S, Canton, MN 55922

Received on the 28 day of June 2022

  
(Signature of City Clerk)



**Canton City Council**  
July 13, 2022 – Following Public Hearing  
Regular Meeting Agenda

1. Call to order
2. Pledge of Allegiance
3. Approval of agenda
4. Consent agenda
  - a. Approval of June minutes
  - b. Approval of July disbursements
  - c. Approval of \$50 donation to Assumption Church for hall use for relocated blood drive
  - d. Approval of temporary street closures for Canton Day Off
  - e. Approval of temporary liquor license application for Canton American Legion for August 19-21, 2022
  - f. Approval of mileage rate change to \$0.625 per mile for remainder of 2022
5. Discussion on Resolution 2022-09: Accepting Mayor Prestby's resignation and declaring a vacancy
6. Public comments
7. Reports
  - a. Acting Mayor
  - b. Clerk
  - c. Public Works
    - i. Discussion on tree removal from Main Street Park
  - d. Fire Department
    - i. Discussion on change to air pack filling procedure
  - e. Police
  - f. Planning Commission
    - i. Discussion on zoning ordinance review
    - ii. Discussion on land use permit application from Jesse & Charissa Peterson
  - g. Other
8. Unfinished business
  - a. Discussion on town hall flooring replacement project
  - b. Other
9. New business
  - a. Discussion on collaborative services recommendations: Aimee Gourlay
  - b. Discussion on Resolution 2022-10: Vacating a portion of South First Street
  - c. Discussion on street barricades purchase
  - d. Other
10. Adjourn

**Upcoming meetings**

Next regular meeting: August 10, 2022 at 6 p.m.

**This is a preliminary draft of the June 8, 2022, 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 Regular Meeting Minutes June 8, 2022**

The Canton City Council held its regular monthly meeting on June 8, 2022, at the Canton Town Hall. Members present: Mayor Nick Prestby, Carl Ernst, Josh Nordsving and Cindy Shanks. Randy Gossman was absent. City staff present: Brock Bergey, Jim Davis and Jon Nordsving. Visitors present: Karl Butenhoff, Jennifer Dowling, Donivee Johnson and Melissa Vander Plas.

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 Shanks, second by Josh Nordsving to approve the consent agenda (approval of May minutes, approval of June disbursements; approval of Resolution 2022-08 for distribution of surety bond payment for Lolly Melander; approval to waive town hall rental fee for American Red Cross Blood Drive on June 14); motion carried.

**Public comments:** None

**Mayor's report:** Mayor Prestby stated he had talked with a MiEnergy representative about the cooperative's upcoming project to bury the current overhead electric transmission lines throughout the City. He said work is expected to begin soon.

The Mayor expressed appreciation to all who contributed to the Canton American Legion's veterans memorial project and noted the Memorial Day dedication event was well attended. He added the Legion is now placing some-150 flags around town for the Avenue of Flags fundraiser program. In addition, he remarked on the community's use of the ball field, which is maintained by the Legion.

Mayor Prestby commented that no citizens expressed interest in receiving volunteer services to assist with property-related improvements. He reminded the council property inspections will occur on Wednesday, June 15, with he and Josh Nordsving conducting them this year.

The Mayor noted Aimee Gourlay, with the League of Minnesota Cities, will be attending the July 13 council meeting to discuss recommendations aimed at resolving previously identified conflicts.

**Clerk's report:** Brock Bergey informed the council the funding application for the proposed water and wastewater replacement project had been submitted to USDA Rural Development. He remarked it is now a "waiting game," with no definitive timeline on a response.

Bergey is applying for up to a \$10,000 grant through SMIF's Small Town Grant Program. If awarded, the money would be used to assist in expanding upon the City's new brand identity of being Southern Minnesota's first stop. Awards will be announced in August.

He stated the legal case involving Evan Richardson had been dismissed by the Fillmore County Attorney's Office. Concerns were raised about the abandon vehicle, for which Richardson was cited in late-February.

**Public Works report:** Jon Nordsving stated the tree in the park needs to come down, as it poses a potential safety risk. The council requested he provide removal options at the next week.

**Fire Department:** None

**Police:** None

**Planning Commission:** Zoning Administrator Josh Nordsving reported the proposed changes to the zoning ordinance are still being reviewed by City Attorney Schieber.

**Unfinished business:** None

**New business:** Karl Butenhoff, owner of the apartments on East US 52, requested time on the agenda to discuss the City's current water and sewer billing practice for multi-unit buildings. Presently, multi-unit building property owners receive monthly water and sewer base rate charges based on rental units. Butenhoff, who purchased the property this past January, believes this an unfair billing practice and wants it changed to a meter-based fee schedule. Instead of eight monthly water base charges and eight monthly sewer base charges, as has been the City's billing practice for at least 20 years, Butenhoff favors one monthly water base charge and one monthly sewer base charge for each of his two buildings, with each building equipped with just one water meter. Mayor Prestby noted that such a change, to all of the City's multi-unit accounts, would result in a combined annual revenue loss of nearly \$11,500 to the Water and Sewer Funds. He said the rest of the City's accountholders would need to make up for that shortfall, which he does not support. The council agreed to keep the present billing practice in place, with additional consideration given to Butenhoff's proposal during the 2023 budget planning process.

A price quote to replace the carpet in the town hall entrance and coat room, along with the front of the stage, was received from Torgerson-Ostby Floor Coverings. The total for the two floor spaces was \$1,042, with the stage coming in at \$1,609. The council discussed other potential options, with no action being taken and the matter revisited in July.

Motion by Mayor Prestby, second by Ernst to approve the Canton Community Association's request from the temporary closure of North Main Street, from Prairie Avenue to the bank drive-up entrance, on August 20 for a Canton Day Off event; motion carried. Since Main Street is also a county road, Bergey will forward the council's recommendation to the Fillmore County Board for discussion.

Motion by Josh Nordsving, second by Ernst to approve the free use of the town hall for an October 29 dance sponsored by the Canton Community Association; motion carried.

Motion by Ernst, second by Josh Nordsving to adjourn at 7:10 p.m.; motion carried.

## July 2022 Disbursements

**DRAFT**

### General Fund

Acentek	221.89	City hall, town hall services	
Bergey, Brock	18.75	Mileage to/from Preston for election training	
Canon Financial Services	44.00	Copier lease	
Consolidated Energy (Preston Dairy & Farm)	170.01	Backhoe fuel	EFT
Hershberger, Carolina	120.00	May & June cleaning	
Fillmore County Assessor's Office	1,246.00	2022 assessment work	
McCabe Electric	262.00	Well #2 wiring / town hall exterior lights photocell	
MiEnergy	67.79	City hall electric	
MiEnergy	93.06	Town hall electric	
MiEnergy	29.87	Bus shed electric	
MiEnergy	483.19	Street lights electric	
MiEnergy	57.68	Welcome sign electric	
MiEnergy	47.91	Ball field electric	
Minnesota Energy Resources	28.56	City hall gas	
Minnesota Energy Resources	20.91	Maintenance shop gas	
Minnesota Energy Resources	61.51	Town hall gas	
Nethercut Schieber Attorneys	210.00	June services (1.4 hours)	
Newman Heating & Cooling	265.34	AC repairs at town hall	
Nordsving, Jon	50.00	Cell phone stipend	
Nordsving, Jon	50.00	Personal UTV use for spraying	
Preston Dairy & Farm	201.74	Spray	
Tri-State Business Machines	50.68	Copier monthly contract	
US Postmaster	84.00	PO Box rent	EFT
Village Farm & Home	74.84	Supplies	
<b>Total General Disbursements</b>	<b>3,959.73</b>		

### Mitson Fund

Hershberger, Carolina	165.00	Cleaning	
MiEnergy	29.76	Mitson electric	
<b>Total Mitson Disbursements</b>	<b>194.76</b>		

### Water Fund

Acentek	40.11	Dailer system	
Gopher State One Call	29.70	June locates	
Mid America Meter	1,075.33	Water meter repair	
MiEnergy	621.32	Pump house electric	
US Postmaster	5.10	Water sample postage	EFT
Yoder B&H	22.42	Postage for water meter repair return	
<b>Total Water Disbursements</b>	<b>1,793.98</b>		

### Sewer Fund

Acentek	40.11	WWTF services	
MiEnergy	723.15	WWTF electric	
Utility Consultants	376.58	WWTF samples	
<b>Total Sewer Disbursements</b>	<b>1,139.84</b>		

### Garbage Fund

Richard's Sanitation	2,611.48	June collection	
<b>Total Garbage Disbursements</b>	<b>2,611.48</b>		

### Fire Department

Acentek	64.95	Internet service	
MiEnergy	77.32	Fire hall electric	
MiEnergy	29.53	Cooler electric	
Minnesota Energy Resources	20.91	Fire hall gas	
<b>Total Fire Dept. Disbursements</b>	<b>192.71</b>		

**Total Disbursements 9,892.50**

\*EFT = Electronic Funds Transfer

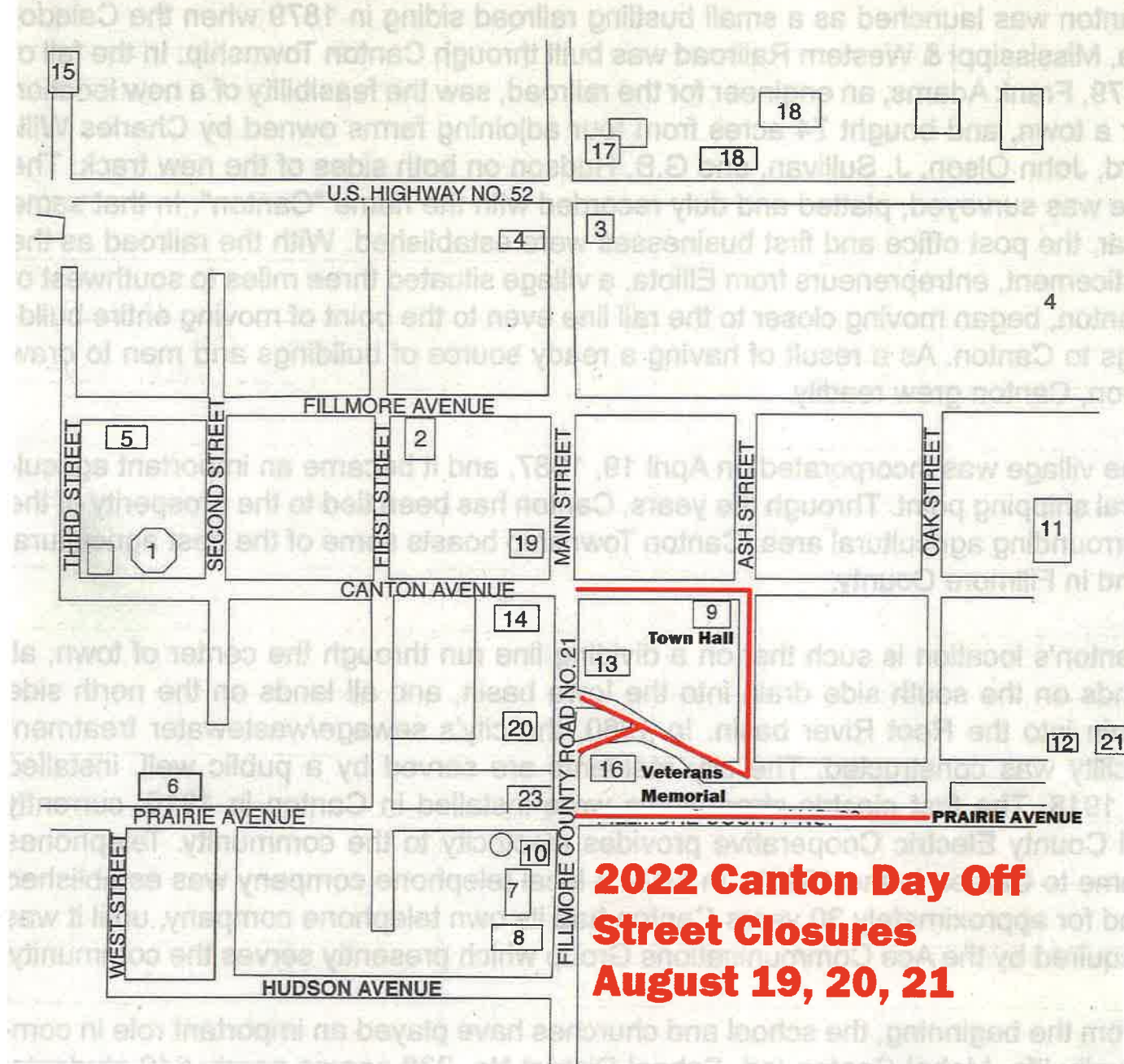
**City of Canton**  
**\*Cash Balances**  
Cash Account: 10100  
July 2022

07/08/22

Fund	2022 Begin Balance	Receipts	Disbursements	Transfers	Journal Entries	Payroll JEs	Balance	
<b><u>10100 - CHECKING</u></b>								
101 - GENERAL FUND	\$200,687.87	\$144,950.90	(\$181,435.06)	0		(\$19,643.86)	\$144,559.85	lr
102 - MITSON HOUSE FUND	\$1,473.71	\$21,419.98	(\$737.24)	0	\$0.00		\$22,156.45	lr
105 - FIRE DEPARTMENT	\$33,041.64	\$930.23	(\$6,180.69)	0			\$27,791.18	lr
601 - WATER FUND	\$52,412.87	\$89,567.02	(\$35,426.74)	0	\$0.00	(\$13,797.40)	\$92,755.75	lr
602 - SEWER FUND	\$32,021.31	\$77,822.11	(\$83,177.46)	0	\$0.00	(\$16,461.56)	\$10,204.40	lr
603 - GARBAGE FUND	(\$951.19)	\$14,628.07	(\$14,621.93)	0			(\$945.05)	lr
	<u>\$318,686.21</u>	<u>\$349,318.31</u>	<u>(\$321,579.12)</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>(\$49,902.82)</u>	<u>\$296,522.58</u>	



# City of Canton

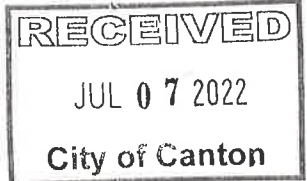


**2022 Canton Day Off  
Street Closures  
August 19, 20, 21**





Minnesota Department of Public Safety  
Alcohol and Gambling Enforcement Division  
445 Minnesota Street, Suite 1600, St. Paul, MN 55101  
651-201-7507 Fax 651-297-5259 TTY 651-282-6555  
**APPLICATION AND PERMIT FOR A 1 DAY  
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**



Name of organization	Date organized	Tax exempt number	
AMERICAN LEGION POST 400	JULY 1, 1922	41-6080920	
Address	City	State	Zip Code
206 MAIN ST N PO BOX 1	CANTON	MN	55922-0001
Name of person making application	Business phone	Home phone	
GREG TURNER		507-493-5257	
Date(s) of event	Type of organization	<input type="checkbox"/> Microdistillery <input type="checkbox"/> Small Brewer	
AUG. 19, 20, & 21 2022	<input checked="" type="checkbox"/> Club <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input type="checkbox"/> Other non-profit		
Organization officer's name	City	State	Zip Code
NICHOLAS PRESTBY	CANTON	MN	55922
Organization officer's name	City	State	Zip Code
RICHARD BIEATNESS	HARMONY	MN	55939
Organization officer's name	City	State	Zip Code
MICHAEL WILDER	CANTON	MN	55922

Location where permit will be used. If an outdoor area, describe.  
CANTON TOWN HALL AT 107 N ASH ST

AND OUTDOOR PAVILION LOCATED 200 FEET SOUTHWEST OF TOWN HALL  
AT 101 VETERANS DR

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

NA

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

MINNESOTA JOINT UNDERWRITING ASSOCIATION BODILY INJURY \$50,000/100,000  
PROPERTY DAMAGE \$10,000, LOSS OF MEANS OF SUPPORT \$50,000/100,000, PECUNIARY LOSS \$50,000/100,000  
ANNUAL AGGREGATE \$30,000

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City or County approving the license	Date Approved
Fee Amount	Permit Date
Date Fee Paid	City or County E-mail Address
	City or County Phone Number

Signature City Clerk or County Official

Please Print Name of City Clerk or County Official

**CLERKS NOTICE:** Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

**ONE SUBMISSION PER EMAIL, APPLICATION ONLY.**

**PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY  
PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY  
CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US**



# IRS increases mileage rate for remainder of 2022

IR-2022-124, June 9, 2022

WASHINGTON — The Internal Revenue Service today announced an increase in the optional standard mileage rate for the final 6 months of 2022. Taxpayers may use the optional standard mileage rates to calculate the deductible costs of operating an automobile for business and certain other purposes.

For the final 6 months of 2022, the standard mileage rate for business travel will be 62.5 cents per mile, up 4 cents from the rate effective at the start of the year. The new rate for deductible medical or moving expenses (available for active-duty members of the military) will be 22 cents for the remainder of 2022, up 4 cents from the rate effective at the start of 2022. These new rates become effective July 1, 2022. The IRS provided legal guidance on the new rates in Announcement 2022-13 [PDF](#), issued today.

In recognition of recent gasoline price increases, the IRS made this special adjustment for the final months of 2022. The IRS normally updates the mileage rates once a year in the fall for the next calendar year. For travel from Jan. 1 through June 30, 2022, taxpayers should use the rates set forth in Notice 2022-03 [PDF](#).

"The IRS is adjusting the standard mileage rates to better reflect the recent increase in fuel prices," said IRS Commissioner Chuck Rettig. "We are aware a number of unusual factors have come into play involving fuel costs, and we are taking this special step to help taxpayers, businesses and others who use this rate."

While fuel costs are a significant factor in the mileage figure, other items enter into the calculation of mileage rates, such as depreciation and insurance and other fixed and variable costs.

The optional business standard mileage rate is used to compute the deductible costs of operating an automobile for business use in lieu of tracking actual costs. This rate is also used as a benchmark by the federal government and many businesses to reimburse their employees for mileage.

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

The 14 cents per mile rate for charitable organizations remains unchanged as it is set by statute.

Midyear increases in the optional mileage rates are rare, the last time the IRS made such an increase was in 2011.

## Mileage Rate Changes

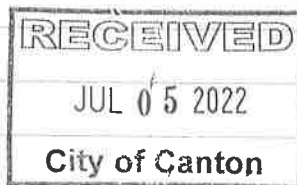
Purpose	Rates 1/1 through 6/30/2022	Rates 7/1 through 12/31/2022
Business	58.5	62.5
Medical/Moving	18	22
Charitable	14	14

July 5<sup>th</sup> 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

State of Minnesota  
County of Fillmore

## City of Canton

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### Resolution #2022-09

#### A RESOLUTION ACCEPTING RESIGNATION AND DECLARING A VACANCY

**WHEREAS**, the City Council has received the written resignation of Mayor Nicholas Prestby, effective on July 5, 2022.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Canton, Fillmore County, Minnesota:

1. The City Council accepts Mayor Nicholas Prestby's resignation as described above.
2. The City Council declares that a vacancy exists on the City Council, effective July 13, 2022.

Passed and adopted by the City Council of Canton, Minnesota this 13<sup>th</sup> day of July 2022.

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Cindy Shanks, Acting Mayor

ATTEST:

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Brock Bergey, City Clerk

## **Clerk's Report July 13, 2022**

### **By the numbers**

- Current delinquent accounts: 20 totaling \$1,558
- Water service disconnections: 0
- ACH accounts: 49
- 2022 pet licenses: 83 total; 23 cats, 58 dogs
- 2022 chicken permits: 1
- 2022 ATV/UTV/golf cart permits: 17

### **Updates**

- Ted Lord nuisance property case
- Follow-up property inspections scheduled for first week of August
- 2022 financial review
- 2023 budget planning
- August 9 primary election
- Candidate filing period August 2-16
  - Mayor
  - Two council positions (Ernst & Nordsving)

**CITY OF CANTON  
FINANCIAL REPORT  
JANUARY 1 THROUGH JUNE 30, 2022**

**GENERAL FUND**

EXPENDITURES

2022 BUDGET	\$275,915.00
2022 Q1 + Q2 ACTUAL	\$222,623.77
PERCENTAGE OF BUDGET	80%

REVENUES

2022 BUDGET	\$275,979.00
2022 Q1 + Q2 ACTUAL	\$125,407.49
PERCENTAGE OF BUDGET	45%

<u>Unbudgeted Revenues</u>	
Melander restitution	\$26,638.68

**SEWER FUND**

EXPENDITURES

2022 BUDGET	\$98,661.00
2022 Q1 + Q2 ACTUAL	\$99,603.65
PERCENTAGE OF BUDGET	99%

<u>Unbudgeted Expenditures</u>	
Engineering services	\$14,900.00
Sewer televising	\$22,348.26
Total	\$37,248.26

REVENUES

2022 BUDGET	\$75,196.00
2022 Q1 + Q2 ACTUAL	\$68,388.47
PERCENTAGE OF BUDGET	91%

<u>Unbudgeted Revenues</u>	
Melander restitution	\$26,638.66
APRA funds	\$9,398.27
Total	\$36,036.93

**WATER FUND**

EXPENDITURES

2022 BUDGET	\$68,241.00
2022 Q1 + Q2 ACTUAL	\$35,190.95
PERCENTAGE OF BUDGET	51%

REVENUES

2022 BUDGET	\$100,154.00
2022 Q1 + Q2 ACTUAL	\$89,533.83
PERCENTAGE OF BUDGET	89%

<u>Unbudgeted Revenues</u>	
Melander restitution	\$26,638.66
APRA funds	\$9,398.27
Total	\$36,036.93

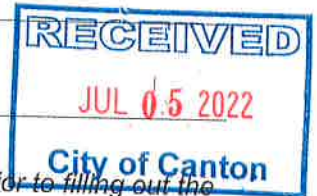
**EMPLOYEE WAGES**

2022 BUDGET	\$134,649.00
2022 Q1 + Q2 ACTUAL	\$67,261.57
PERCENTAGE OF BUDGET	50%



# CITY OF CANTON PERMIT APPLICATION

LAND USE



It is recommended that all applicants contact the Zoning Coordinator (Carl Ernst 743-8552) prior to filling out the application to make sure that this proposed project is feasible. It is imperative that all instructions and regulations be read carefully before submitting this application.

Names of all Landowners: Jesse Peterson Phone #:

Charissa Peterson Phone #:

Phone #

Property Address: 102 N. Second St.

City, State, Zip: Canton, MN 55922

Parcel #: R 09.0099.000 Legal Description from deed, abstract or Records Office:

LOT-170 LOTS 170+171

Section: N/A

Have you started work on this project? Yes: \_\_\_\_\_ No: X

Is there an access to this property? Yes: X No: \_\_\_\_\_

Is this project located under a power line? Yes: \_\_\_\_\_ No: X

Proposed Project: Decks - 2

(New home, addition, move in a structure, outbuilding or other.)

Total # of bedrooms N/A

Estimated cost: \$ 2,000.00

Total Square Footage:	Length		Width		Total
Basement		X		=	
1st level		X		=	
2nd level		X		=	
Attached Garage		X		=	
Porch or Deck	<u>30 FT</u>	X	<u>10 FT</u>	=	<u>300 SQ FT</u>
Total Square Footage	<u>16 FT</u>	X	<u>8 FT</u>	=	<u>128 SQ FT</u>
Total	<u># 2</u>				<u>428 SQ FT</u>

NO WORK MAY BEGIN UNTIL A PERMIT IS OBTAINED. IF WORK HAS BEGUN ON THE PROJECT BEFORE A PERMIT IS ISSUED, A \$400.00 LATE FEE MUST BE PAID IN ADDITION TO THE PERMIT FEE. The following projects are assessed \$7.50 per 100 square feet of living space; New Homes, home additions, porches, decks, attached garages, homes being moved in, and manufactured homes. All other structures are assessed at \$5.00 per 100 square feet (storage buildings, detached garages). A minimum is \$8.00.

TOTAL FEE \$ 32.10 (NO REFUNDS)



Cash

An aerial photo of the site must be provided with the application showing the location of the proposed construction. (Aerial photos are available from the Fillmore County Zoning Office.)


Measure and determine the following distances from the structure you are building:

1. Setback from center of a public road and setback from all property lines. 33 ft-N
  2. Setback from a well. N/A
  3. Setback from a sewer system. N/A
  4. Setback from a bluff N/A
  5. Setback from the nearest feedlot. N/A
  6. Setback from a rock quarry. N/A
- 50 ft-W, 46 ft-S, 83 ft-E

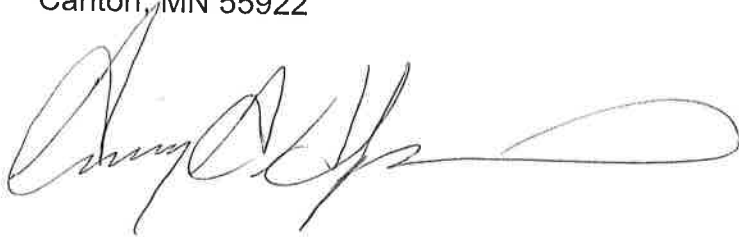
SITE INSPECTIONS ARE REQUIRED FOR ALL NEW DWELLINGS. The footings must be dug and inspected before the actual construction of the dwelling may begin.

I hereby certify that the information contained herein is correct and agree to do the proposed work in accordance with the provisions of the Ordinances of City of Canton, Fillmore County and the Statutes of the State of Minnesota.

Signatures of All Landowners

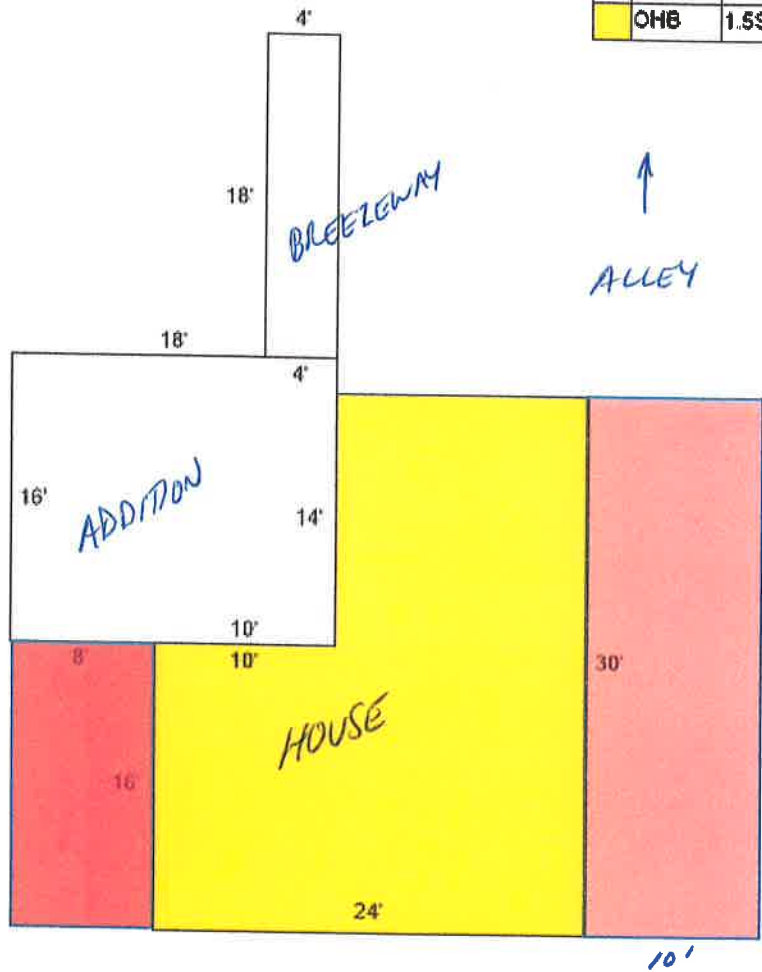
	<u>6-28-22</u>
Name	Date
<u>Charrisa E. Peterson</u>	<u>6-28-22</u>
Name	Date
_____	_____
Name	Date

Send all correspondence to:  
City of Canton  
PO Box 92  
Canton, MN 55922



7 July 22

	BZW	BREEZEWAY	72	2012
	HAB	HOUSE ADD	288	2008
	OHB	1.5STY/BMT	560	1901



Peterson – 102 2nd St N

Deck Plans in red

STREET





May St

N SECOND ST

090193010

090100000

30x10



Canton

090099000

Alley

090193020

090099000

090099000

090

**412.851 VACATION OF STREETS.**

The council may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. The council shall cause written notice of the hearing to be mailed to each property owner affected by the proposed vacation at least ten days before the hearing. The notice must contain, at minimum, a copy of the petition or proposed resolution as well as the time, place, and date of the hearing. In addition, if the street, alley, public grounds, public way, or any part thereof terminates at, abuts upon, or is adjacent to any public water, written notice of the petition or proposed resolution must be served by certified mail upon the commissioner of natural resources at least 60 days before the hearing on the matter. The notice to the commissioner of natural resources does not create a right of intervention by the commissioner. At least 15 days prior to convening the hearing required under this section, the council or its designee must consult with the commissioner of natural resources to review the proposed vacation. The commissioner must evaluate:

- (1) the proposed vacation and the public benefits to do so;
- (2) the present and potential use of the land for access to public waters; and
- (3) how the vacation would impact conservation of natural resources.

The commissioner must advise the city council or its designee accordingly upon the evaluation. After a resolution of vacation is adopted, the clerk shall prepare a notice of completion of the proceedings which shall contain the name of the city, an identification of the vacation, a statement of the time of completion thereof, and a description of the real estate and lands affected thereby. The notice shall be presented to the county auditor who shall enter the same in the transfer records and note upon the instrument, over official signature, the words "entered in the transfer record." The notice shall then be recorded with the county recorder. Any failure to file the notice shall not invalidate any vacation proceedings.

**History:** 1949 c 119 s 102; 1953 c 735 s 12; 1957 c 383 s 1; 1967 c 289 s 15; 1969 c 9 s 85; 1973 c 123 art 2 s 1 subd 2; 1973 c 494 s 11; 1976 c 181 s 2; 1986 c 444; 1989 c 183 s 4; 1990 c 433 s 2; 2005 c 4 s 105; 2005 c 117 s 2

## City of Canton

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### Resolution #2022-10

#### A RESOLUTION VACATING A PORTION OF SOUTH FIRST STREET

**WHEREAS**, a petition was received on June 2, 2022, from a majority of the property owners abutting South First Street (formerly known as Ida Street) requesting the City Council to vacate the easterly three feet of South First Street lying south of West Prairie Avenue, and;

**WHEREAS**, two weeks published and posted notice of a public hearing on the petition was given, and notice was mailed to all adjacent landowners, and;

**WHEREAS**, the hearing was held on July 13, 2022, at which time all persons desiring to be heard were given an opportunity to be heard, and;

**WHEREAS**, the vacation was requested by the landowners to remedy the encroachment of one or more existing buildings into the public right of way.

**WHEREAS**, the City Council deemed it in the best interest of the City and of the public that said vacation be approved.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Canton, Fillmore County, Minnesota:

1. That the following described right-of-way is hereby vacated:

The easterly three feet of South First Street lying south of West Prairie Avenue.

2. That the City Clerk is authorized to execute all documents necessary to effect the transfer of this property.

**Passed and adopted by the City Council of Canton, Minnesota this 13<sup>th</sup> day of July 2022.**

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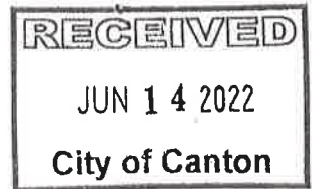
**Cindy Shanks, Acting Mayor**

**ATTEST:**

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**Brock Bergey, City Clerk**





June 13, 2022

Brock Bergey  
City of Canton  
Clerk/Treasurer  
Via Email: Clerk@cantonmn.com

RE: Collaborative Services Recommendation

Dear Mr. Bergey and Canton City Council Members:

Thank you for meeting with me to discuss whether collaborative services could possibly help the Canton. I appreciated City staff and Council members' willingness to share their experiences and explore possibilities.

My role was to assess the potential for Canton to use the League of Minnesota Cities Insurance Trust's Collaboration Services to improve communication and navigate conflict. The purpose of Collaboration Services is to help cities move forward, and not to determine "right" and "wrong" or tell a Council what to do.

I reviewed written materials and met with City Council members and the City Clerk. The meetings were to understand perspectives, learn issues which could be clarified or addressed, and discuss barriers to addressing issues. I will not share specifics of our conversations with anyone. I recommend that you do not share this letter more broadly.

I am writing to provide themes of the issues from the interviews and to recommend to the Council Collaboration Services which could be useful. (If a topic was mentioned frequently, then I considered it more likely that the Council as a whole would benefit from addressing it.)

Following is a list of topic themes and recommendations:

**THEME** Desire to Understand Roles and Responsibilities for City Council members and staff. For example, someone asked, "What is our purpose?". (7 mentions)

#### RECOMMENDATION

- Individually watch online training from the League of Minnesota Cities ("LMC") or participate in an in-person summary of "best practices" for establishing and maintaining roles and responsibilities from the LMC Research team. (You decide which you prefer.)
- Collaboration Services will facilitate a workshop to discuss the best practices and decide what works in Canton.
  - Respond to a very brief confidential survey before the workshop.
  - The desired outcome from this conversation is to develop a common understanding of your roles and responsibilities and, if necessary, agree about how to proceed if you need to make updates to policy or procedures.

**THEME** The Council would benefit from defining and committing to respectful communication. For example, people mentioned behaviors which stifled council communication and was perceived as disrespectful. (6 mentions)

#### RECOMMENDATION

- Collaboration Services will facilitate a workshop to develop shared understand of the Council's culture. You will discuss questions like: What message do you want to send the Canton community by your behaviors during council meetings? Outside of council meetings? How you want to work together? What does "respect" look like to you? How do you disagree? (You don't need to agree - how you disagree is important.)
  - Respond to a very brief confidential survey before the workshop.
  - The desired outcome is to have common understanding of how you will communicate with each other and, if necessary, agree about how to proceed if you need to make updates to policy or procedures.

**THEME** Desire to have efficient council meetings which lead to decisions. For example, someone said "we aren't getting things done." (5 mentions)

#### RECOMMENDATION

- Individually watch online training from the League of Minnesota Cities ("LMC") or participate in an in-person summary of "best practices" for conducting meetings from the LMC Research team.
- Work with Collaboration Services to develop a shared understanding of how you want to plan, prepare for, and conduct your meetings. You will map out the process do you want to follow, including steps and timelines for agenda setting, preparing for Council meetings, dialogue and decision-making during meetings, expectations for consistency. What do you want participation of public (public comments) look like? How do you engage with each other on agenda items for discussion about and make decisions? Expectations for consistency, support for decision of the whole.
- The desired outcome is a draft process map and, if necessary, agree about how to proceed if you need to make updates to policy or procedures.

**THEME** There is a concern about water and sewer rate increases and the impact on your community. (5 mentions)

#### RECOMMENDATION

- Decide as a Council on what you want to say to the community about water and sewer rate increases, and what you want to know from residents. Hold a community meeting to share the Council's message and gather community feedback.
- Collaboration Services will provide meeting planning assistance as requested.
- Collaboration Service will put the City Clerk in contact with resources to learn what other cities have done as requested.

I plan on attending your meeting on July 13 to discuss these recommendations and see what your meetings are like.

My Best,

Aimee Gourlay, Collaboration Services Manager  
League of MN Cities Insurance Trust  
651-215-4147  
AGourlay@lmc.org