

**Canton City Council Public Hearing
July 13, 2022**

The Canton City Council held a public hearing on a petition to vacate a portion of South First Street on July 13, 2022, at the Canton Town Hall. Members present: Carl Ernst, Randy Gossman, Josh Nordsving and Cindy Shanks. Mayor Nick Prestby was absent. City staff present: Brock Bergey, Jim Davis, Barb Kerns and Jon Nordsving. Visitors present: Aimee Gourlay with the League of Minnesota Cities, Attorney Corinne Haugen, Donivee Johnson, Marc Prestby, Jim Richardson, Jackie Ward, Brenda Wilder, Mike Wilder, Melissa Vander Plas, Roman Yoder, Teriana Yoder and Kristy Ziegler.

Acting Mayor Cindy Shanks called the public hearing to order at 6 p.m. She stated the purpose of the hearing was to hear public feedback on a petition to vacate the easterly three feet of South First Street, as submitted by the majority of the property owners abutting the street. The petition was signed by Charles Poncelet, Grace Poncelet, Devry Kerns and Tina Kerns. It was received and acknowledged by City Clerk Brock Bergey on June 28, 2022.

Shanks entertained public comments. Resident Marc Prestby cautioned the council on approving the request, stating, "Once it's gone, you'll never get it back." He also expressed concern about the "dangerous precedent" the proposed street vacation could pose. Resident Mike Wilder cited his past experience on the city council and stated, "We vacated all kinds of stuff." He supported the petition, stating, "You can't make people tear down their structures." Roman Yoder, who currently resides on South First Street and is hoping to purchase said property, told the council the sale is contingent upon the street vacation petition. "We would have to tear the garage down," he said, explaining bank financing requires it. Yoder said a land survey found the existing garage extends beyond the lot line and into the street right-of-way; the three feet vacation would correct the encroachment. Resident Donivee Johnson wondered if a temporary easement could be an alternative consideration. Public comments ceased.

Motion by Ernst, second by Gossman to adjourn the public hearing at 6:06 p.m.; motion carried.

**Canton City Council Regular Meeting Minutes
July 13, 2022**

Acting Mayor Shanks called the regular meeting to order at 6:06 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 Ernst, second by Josh Nordsving to approve the consent agenda (approval of June minutes, approval of July disbursements; approval of \$50 donation to Assumption Church for use of relocated blood drive due to air conditioning repairs at the town hall; approval of temporary street closures for Canton Day Off; approval of temporary liquor license for Canton American Legion for August 19-21, 2022; approval of mileage rate change to \$0.625 per mile for remainder of 2022); motion carried.

Acting Mayor Shanks read Resolution 2022-09 to accept the resignation of Mayor Nick Prestby, effective July 13, 2022, and declare a vacancy in the Office of Mayor. Motion by Gossman, second by Josh Nordsving to approve the resolution; motion carried.

Acting Mayor Shanks read Resolution 2022-10 to fill the vacancy in the Office of Mayor, in which she stated her desire to fulfill the remainder of Prestby's unexpired term through

December 31, 2022. Through her appointment, a vacancy would be created on the city council. A special election, to be held in conjunction with the November 8 general election, would be required to fill that vacancy through December 31, 2024. Motion by Josh Nordsving, second by Ernst to approve the resolution; motion carried.

Mayor Shanks read Resolution 2022-11 to fill the vacancy on the city council for the remainder of 2022 through city council appointment. Letters of interest will be accepted from qualified residents until August 1, 2022 at noon. The city council will determine its appointment during the regular August 10, 2022 city council meeting. Motion by Ernst, second by Gossman to approve the resolution; motion carried.

Public comments: None

Mayor's report: None

Clerk's report: Bergey provided an update to the nuisance property case involving Ted Lord's property, located at the corner of Ash Street and East Canton Avenue. Lord has chosen to go forward with a court trial, scheduled for August 30. Bergey reminded the council follow-up property inspections will occur the first week of August. Following the completion of the second quarter of the calendar year, Bergey presented a 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. Work on the 2023 budgets will begin, with the preliminary General Fund budget needing to be approved in September. Bergey noted the August 9 primary election would be conducted by mail ballot. He also reiterated the need for a special election, in conjunction with the general election on November 8. City of Canton voters will elect a mayor and three councilmembers, one serving a special two year term (for Mayor Shanks' vacated seat) and two counselors serving four year terms. The filing period begins August 2 and continues until 5 p.m. on August 16.

Outside the public comment period, Mike Wilder inquired about city council's ability to make a mayoral appointment. Bergey referenced the State statutory language that outlines such authority under the circumstances created by Prestby's resignation. Wilder noted the Canton American Legion supports Prestby. "We're disappointed that Nick resigned from mayor," Wilder said.

Public Works report: Jon Nordsving presented a \$1,260 price quote from Norby's Tree Service to remove the diseased tree in Main Street Park. Motion by Gossman, second by Josh Nordsving to approve the tree removal; motion carried. Required repairs to the air conditioning at the town hall were completed by Newman Heating and Cooling at cost of \$265. Nordsving recommended budgeting for replacement furnace and air conditioning units in 2023. He noted he would be attending a water and wastewater recertification training in Rushford on July 20 and 21.

Fire Department: Motion by Gossman, second by Ernst to utilize Mississippi Welders for filling air packs, on an as needed basis, at a cost of \$387/year; motion carried.

Police: The two month report, for May and June, included 46 incidents, with the properties identified with nuisance violations included in the incident log.

Planning Commission: Zoning Administrator Josh Nordsving revisited the review of the current zoning ordinance. Attorney Greg Scheiber did an initial review of proposed changes made by the Planning Commission. He suggested delaying further action pending the council's intent on moving forward with a new comprehensive plan, noting that zoning would be a component of that plan. Motion by Gossman, second by Ernst to delay additional action on the zoning ordinance, with intentions of revisiting the matter during expectant comprehensive planning; motion carried.

Josh Nordsving noted the Planning Commission met to review a land use permit application submitted by Jesse and Charissa Peterson for construction of two decks (30 ft. by 10 ft. and 16 ft. by 8 ft.) on their North Second Street residence. He recommended approving the permit as submitted. Motion by Ernst, second by Gossman to approve the permit; motion carried.

Unfinished business: Discussion continued from June's meeting on replacement flooring options for portions of the town hall. A price quote to replace the carpet in 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. At the council's request, Jon Nordsving looked into other flooring options. Based on other costs and the time and labor necessary to prepare the existing floor for a hard surface floor covering, he recommended going with carpet in the entrance and coat room. Motion by Gossman, second by Josh Nordsving to approve the carpet option for the entrance and coat room; motion carried. Bergey noted the project cost may be higher since the price estimate was received in May. No action was taken on the stage area carpet.

New business: 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.

The council discussed the topic from the evening's public hearing – a partial vacation of South First Street. Of greatest concern was the potential community precedent approval would set, with mention of several other properties known to have encroachments. City Attorney Corinne Haugen stated partial street vacations are not uncommon conditions for property sales. Ernst said he supported the petition, compelled by Roman and Teriana Yoders' need to secure financing to purchase the property. Motion by Ernst to grant the street vacation, as presented in the petition. With no second, the motion died. No other council discussion occurred. Roman Yoder thanked Ernst for his support, with he and Teriana leaving the council meeting.

Motion by Gossman, second by Josh Nordsving to approve the purchase of eight street barricades at a cost of \$1,056; motion carried.

Motion by Josh Nordsving, second by Ernst to adjourn at 7:13 p.m.; motion carried.