

The Cannon Falls City Council met in a regular session on Tuesday, May 5, 2015, at 6:30 p.m. in the City Council Chambers. Present were Mayor Robby Robinson and Council Members Bill Duncan, Jay Sjoblom, Morris Mattson, Rodney Holst, Kathy Gallups, and Merlyce Johnson. Also present were Ron Johnson, City Administrator; Mike Gesme, IT Director; and Jeffrey McCormick, Police Chief.

Call to Order Mayor Robinson called the City Council Meeting to order at 6:30 p.m.

Pledge of Allegiance Mayor Robinson led in the recitation of the Pledge of Allegiance.

Approval of Agenda A motion was made by Council Member Johnson, seconded by Council Member Duncan and unanimously carried, to approve the Agenda as presented.

Public Input Dennis Larson, Cannon Falls, expressed dissatisfaction with a plan to prohibit right turns on red at the Highway 19/20 stoplight. Police Chief McCormick clarified that illegal passing on the right at intersections would be enforced and not legal right turns on red at the stoplight. Chief McCormick stated that enforcement would consist of issuance of a citation in the event of an accident, along with a plan for increased education with regard to illegal passing on the right. He also stated that he had requested signage or striping at the stoplight intersection, but MnDOT has so far indicated that passing on the right was not allowed and therefore no signage or striping was necessary. Council Member Duncan expressed concern that confusion may lead to more accidents. Chief McCormick replied that he realized this had been a long-standing practice by residents, but given the increase in accidents and resultant insurance issues it was decided to clarify and enforce the law with regard to right turns. He stated that he would continue to work with MnDOT to try to add signage and/or striping to better define travel lanes. He added that patrol officers would not be positioned at the intersection specifically to cite violators, but warnings would be issued when violations were observed. Chief McCormick reiterated that the lead car may still turn right on red at the stoplight and is to move as far to the right as possible before doing so.

Jose Lopez, Cannon Falls, spoke regarding the right turn issue. He stated that when the lead car was making a right turn and drifted toward the right, this may create the illusion of an illegal right turn. Chief McCormick explained that officers can tell the difference between legal right turns and improper passing on the right.

Mr. Lopez also spoke regarding safety concerns related to improper motorist behavior at the four-way stop sign at the Mill Street intersection. Chief McCormick indicated that he would make officers

aware of the issue. When asked whether there could be a stop sign in the middle of the intersection, Chief McCormick explained that such a request would be complicated by the fact that this area was controlled by two MnDOT districts, the Rochester District and the Metro District.

Dennis Larson, Cannon Falls, cited the example of passing a westbound vehicle waiting to make a left turn from Highway 19 into the alley behind the Post Office. Chief McCormick indicated that passing on the right in this situation would also be illegal, even though there may be adequate room to do so, as this was considered to be a single lane of traffic with no designated bypass lane. Chief McCormick stated that he would work with the reporter from the *Cannon Falls Beacon* to provide further education in this regard.

Proclamation for
National Police Week
2015

Mayor Robinson read a proclamation designating May 10-16, 2015, as Police Week in Cannon Falls and publicly saluting the service of law enforcement officers in the community and communities across the nation. Mayor Robinson expressed appreciation for the work of the Cannon Falls Police Department.

Public Hearings:
Resolution 2126,
Certifying Unpaid
Utility Charges to be
Collected with Taxes

City Administrator Johnson referenced the information provided to City Council Members regarding unpaid utility charges. Mayor Robinson provided background information and opened the Public Hearing. Jose Lopez, 102 Northwest Court, Cannon Falls, inquired with regard to setting up a payment plan with the City. Administrator Johnson indicated his understanding that as long as a payment plan was arranged and adhered to, delinquent utility charges would not be certified to be collected with taxes. Mayor Robinson closed the Public Hearing.

A motion was made by Council Member Johnson, seconded by Council Member Duncan and unanimously carried, to adopt Resolution 2126, Certifying Unpaid Utility Charges to be Collected with Taxes.

Consent Agenda

- A. Just and Correct Claims – Accounting Period Ending May 1, 2015
- B. Meeting Minutes for April 21, 2015, City Council Meeting
- C. ~~Resolution 2127, Extending Mediacom's Cable Franchise~~ Pulled by Mayor Robinson
- D. Approve Hiring of Administrative Student Intern

A motion was made by Council Member Johnson, seconded by Council Member Duncan and unanimously carried, to approve the Consent Agenda, minus Item C.

Police Take Home
Vehicle Amendment
to Employment Terms

City Administrator Johnson reviewed information regarding Chief McCormick's take home vehicle and reiterated the discussion that had taken place. He stated the topic was discussed by the Personnel Committee on February 17, related to a change of residence by the Police Chief. At that time the Personnel Committee unanimously recommended that Chief McCormick pay \$50 per month to the City for use of the vehicle on a take-home basis. This topic was subsequently discussed again by the Personnel Committee, which ultimately recommended referral to the City Council for further discussion.

Council Member Duncan stated his opinion that a City official should not be using a City vehicle for private use and discussed the fact that employment agreements may be revised. He stated that the \$50 monthly contribution by Chief McCormick, as initially proposed, was not enough to cover vehicle expenses. He commented that any expenses incurred by Chief McCormick when using his private vehicle may be reimbursed according to established mileage reimbursement procedures. Emergency management considerations were discussed.

Mayor Robinson expressed concerns related to Chief McCormick's personal use of a City vehicle because he had moved out of Goodhue County, stating his opinion that this would not be in the best interest of the City. He recommended obtaining a legal opinion with regard to this issue prior to the Council making a final decision.

Council Member Duncan stated that he could live with this allowance if Chief McCormick lived in the vicinity but added that with Chief McCormick living approximately 20 miles from the City, the vehicle was subject to additional wear and tear along with insurance exposure.

Council Member Johnson inquired with regard to response time requirements for Police Department employees. Chief McCormick reported a response time requirement of 45 minutes for Police Department employees, or approximately 35 miles. The residency and City vehicle utilization histories of former Police Chiefs were

discussed. Police Chief McCormick disagreed with the requirement that vehicles remain within the County, citing the example that the Interim Police Chief lived in Dakota County and also utilized a City vehicle.

Council Members Johnson and Mattson agreed with the recommendation to consult the City Attorney for an opinion. A motion was made by Council Member Johnson, seconded by Council Member Mattson, to table the issue in order to request a legal opinion. All members present voted aye, except Council Member Duncan voted nay. The motion was declared passed.

Resolution 2127,
Extending
Mediacom's Cable
Franchise

IT Director Gesme provided background information with regard to the evaluation and negotiation process for the cable franchise agreement and provided rationale for the requested extension. He clarified that negotiating and signing of the final agreement was the last step in the process. Council Members inquired with regard to extension of the current terms over the next six months. Director Gesme stated that, if an extension was granted, the current franchise terms would remain in place during that time. It was clarified that Mediacom does not have an exclusive contract with the City. Director Gesme stated that if an extension was not granted, the current franchise agreement would expire on May 9th. Mayor Robinson suggested a three-month extension time frame. City Administrator Johnson added that no other companies had proposed a cable franchise agreement with the City at this point. It was anticipated that Hiawatha Broadband Communications (HBC) would be offering broadband Internet service in the coming months.

A motion was made by Council Member Johnson, seconded by Council Member Holst and unanimously carried, to adopt Resolution Number 2127, approving a three-month extension of the existing franchise agreement with Mediacom.

Staff Reports

Police Chief McCormick encouraged feedback from residents with regard to traffic laws and safety concerns. He provided a reminder with regard to exercising caution related to an increased number of pedestrians and bicyclists with the warmer weather. Mayor Robinson commented with regard to the increased number of motorcyclists as well.

Mayor and Council
Reports

Council Member Duncan reported on a recent Public Works Commission meeting, during which wellhead protection was discussed.

Council Member Mattson encouraged residents to provide feedback to Mike Gesme with regard to cable service concerns. He reported on the mock crash event held at Cannon Falls High School on April 29th.

Mayor Robinson reported with regard to a recent Highway 52 Coalition meeting. Coalition members included representatives from Olmsted, Dakota, and Goodhue Counties along with representatives from MnDOT and SRF Consulting. Funding for the Highway 52 overpass was discussed along with the ultimate goal of converting Highway 52 into a controlled access freeway between the Twin Cities and Rochester.

City Administrator Johnson clarified language revisions to Resolution 2127.

Adjournment

The meeting was duly adjourned at 7:25 p.m.

Adopted by the City Council of the City of Cannon Falls on the 19th day of May, 2015.

Lyman M. Robinson, Mayor

ATTEST:

Ronald S. Johnson, City Administrator