

The Cannon Falls City Council met in a regular session on Tuesday, February 7, 2017, at 6:30 p.m. in the City Council Chambers. Present were Mayor Robby Robinson and Council Members Morris Mattson, Lynne Berg, Cedar Abadie, Ken Carpenter, and LeRoy McCusker (arrived at 6:32 p.m.) Council Member Mike Dalton was absent. Also present were Ron Johnson, City Administrator; Lanell Endres, Assistant City Administrator; Tom Bergeson, Public Works Director; Greg Anderson, City Engineer; Amy Schutt, City Attorney; and Jeffrey McCormick, Police Chief.

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

Roll Call Council Member Mike Dalton was absent.

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

Approval of Agenda A motion was made by Council Member Carpenter, seconded by Council Member Berg and unanimously carried, to approve the Agenda as submitted.

Public Input There was no public input.

Public Hearing:
Resolution 2257,
Certifying Unpaid
Utility Charges to be
Collected with Taxes

Assistant City Administrator Endres provided background information on the public hearing stating the purpose was to provide an opportunity for citizens to discuss proposed assessments for unpaid utility charges. Mayor Robinson opened the Public Hearing at 6:33 p.m. No one came forward to speak. Mayor Robinson closed the Public Hearing at 6:34 p.m. Mayor Robinson inquired with regard to the higher amount of unpaid utility charges this quarter. Assistant Administrator Endres commented that the number of individual parcels had increased, which would account for the increase in the total. Council Member McCusker commented that the numbers had improved over the last few years, including the number of commercial accounts. He asked whether policy changes have been implemented. Assistant Administrator Endres described the policies that have been followed in these situations. She suggested discussion of allowing credit card payments, stating that there were costs involved with doing this. Mayor Robinson suggested discussion of potentially shutting off utility services for nonpayment. Assistant Administrator Endres commented that shut-off notices were sent in certain cases. Council Member McCusker asked whether affected property owners typically contact the City to discuss the situation. Assistant Administrator Endres commented that most property owners do not respond to communication from the City. Council Member McCusker suggested that payment options be communicated. Assistant Administrator Endres reviewed the communication process.

A motion was made by Council Member Mattson, seconded by Council Member Abadie and unanimously carried, to adopt Resolution 2257, certifying unpaid utility charges to be collected with taxes.

Consent Agenda

- A. Just and Correct Claims – Accounting Period Ending December 30, 2016
- B. Just and Correct Claims – Accounting Period Ending February 2, 2017
- C. Meeting Minutes for January 17, 2017, City Council Meeting
- D. Statutory Tort Limits
- E. Resolution 2256, Accepting a Monetary Donation in Memory of Helen Kvittem
- F. Approve Final Payment for Third Street / Cannon Street Project
- G. Approval Submittal of an MPCA Project Priority List Application
- H. Application for Payment No. 6 for West Side Street Project
- I. Resolution 2259, Accepting a Donation from Invenergy for the Purchase of Ambulance Equipment
- J. Resolution 2260, Accepting a Donation from Invenergy for the Fire Department
- K. Resolution 2261, Accepting a Donation from Monitor Brothers Farm for the Fire Department
- L. Resolution 2262, Accepting a Donation from Dakota Electric Association for the Fire Department

A motion was made by Council Member Berg, seconded by Council Member Carpenter and unanimously carried, to approve the Consent Agenda.

HBC Cable Television
Franchise Agreement

City Administrator Johnson provided background information with regard to the proposed Cable Franchise Agreement with Hiawatha Broadband Communications. Attorney Bob Vose from Kennedy & Graven provided additional information. He discussed the benefits of offering cable television and telecommunication services to residents and businesses. He reviewed the process for considering a cable franchise, as established by the State Legislature. He summarized the draft franchise agreement terms, including fee payments, capital funding toward equipment needs, and two PEG channels, both broadcast in standard and high definition. He reported that HBC has agreed to meet or exceed the agreement terms previously established with Mediacom. He stated that it has been concluded that HBC has the legal, technical, and financial qualifications to build the required network.

Council Member Mattson inquired with regard to access to the lower channels. Mr. Vose clarified that it was required for the two PEG channels to be included on the lowest level of service, adding that the FCC has allowed cable providers to scramble even those channels on the lowest level tier of service so that people must have a converter. Council Member Mattson asked about the long-term future of cable providers. Mr. Vose commented that approval of a franchise agreement with HBC will provide more leverage during any ongoing negotiations with Mediacom.

Council Member McCusker expressed satisfaction with the proposed agreement, stating that he has been disappointed with the service provided by Mediacom. He asked whether subscriber fees were competitive. Mr. Vose commented that, although he had no knowledge of HBC's business plan for Cannon Falls, HBC did offer services in several surrounding communities and commented with regard to the competitive nature of the industry.

Council Member McCusker asked about the length of the contract. Mr. Vose commented that a ten-year contract was being proposed.

Council Member McCusker asked if Mr. Vose was handling negotiations with both HBC and Mediacom. Mr. Vose indicated that this was the case.

Council Member Abadie asked where the labor would come from for the infrastructure buildout and whether this work would be subject to a bid evaluation process. Mr. Vose commented that HBC would be subject to right-of-way permitting and other requirements, as was the case with other utilities. HBC CEO and President Dan Pecarina commented with regard to HBC's construction partners. He added that local people would be hired to work for HBC. Council Member McCusker recommended keeping the Public Works Department fully informed during the construction process.

Council Member Berg asked about the timeframe for moving the process forward, once an agreement had been approved. Mr. Vose reviewed the process and anticipated construction schedule. Council Member Berg asked how services would be phased. Mr. Pecarina provided additional information in this regard, stating that the goal would be to provide services to at least half of Cannon Falls this year. He commented that a number of factors could slow the progression. Administrator Johnson indicated that HBC would be encouraged to connect City offices during the first phase.

1. Resolution 2258, Approving HBC's Cable Franchise Application.

A motion was made by Council Member McCusker, seconded by Council Member Berg and unanimously carried, to adopt Resolution 2258, approving HBC's cable franchise application.

2. Introduction and First Reading of Ordinance 349, Granting a Franchise to Hiawatha Broadband Communications, Inc., to Construct, Operate, and Maintain a Cable Communications System in the City of Cannon Falls.

A motion was made by Council Member Mattson, seconded by Council Member Carpenter and unanimously carried, to approve the introduction and first reading of Ordinance 349.

City Charter Section
4.05 City Attorney

Administrator Johnson introduced Attorney Amy Schutt, representing the firm of Campbell Knutson, and provided background information with regard to Section 4.05 of the Cannon Falls City Charter requiring that the City Attorney be present at council meetings. He discussed communication from Attorney Roger Knutson and the process that has historically taken place with regard to the services provided by the City Attorney. Mayor Robinson referenced the process to change the Charter language. Council Member Carpenter expressed his opinion that the City Attorney should not be required to attend all City Council meetings. Council Member Abadie commented that, in the event that a topic arises during a City Council meeting that requires an opinion from the City Attorney, the City Attorney can be requested to review the meeting video. Council Member McCusker suggested continuing the current process. City Attorney Amy Schutt commented that most of the work was done on the front end, adding that Campbell Knutson would be happy to send a representative to attend City Council meetings if requested to do so. The consensus of the Mayor and City Council was to continue the current process.

Authorize
Advertisement for
Bids for the Alexander
Court Project

City Engineer Anderson provided background information with regard to plans for the Alexander Court development in the area of the proposed new GrandStay Hotel near the south interchange along Highway 52. He discussed the project schedule and bidding process for street improvements. He commented that the Public Works Commission had reviewed this information and recommended moving forward with the project.

Council Member McCusker commented with regard to trail connections and holding ponds. He suggested tabling a decision and recommending further discussion by the Park Board. Mr. Anderson indicated that the project schedule would not be adversely affected by

a brief delay. He provided rationale for adhering to the City's standards for curb and gutter street improvements. He commented that sidewalk or trail improvements were not included in the original plans for this project but could be added at an additional cost. Council Member McCusker commented with regard to feedback he has received related to the benefits of trail connections. Council Member Berg expressed agreement with long-term planning related to trail connections but stated that this did not have a bearing on the project under discussion.

Council Member McCusker asked for a legal opinion about whether funding could be allocated toward trail improvements, if the project bids came in lower than anticipated. City Attorney Amy Schutt stated her opinion that this would involve re-working and re-approval of the project. Council Member Abadie restated the question related to potential reallocation of project funds. City Attorney Amy Schutt stated that this would depend upon abatement agreement language and other factors.

Council Member Abadie commented regarding the recent Public Works Commission meeting, stating that there was consensus regarding the idea of developing a comprehensive connectivity plan. She added that attaching this to the project would not appear to be a good fit and that a delay would not accomplish this purpose.

Council Member McCusker commented with regard to the request for trail connections from motel owners.

Mayor Robinson discussed current statutory requirements related to holding ponds. Council Member McCusker commented with regard to these requirements.

A motion was made by Council Member Carpenter, seconded by Council Member Berg, to approve the bidding process for the Alexander Court cul-de-sac project. A vote was taken, and the motion carried unanimously.

Staff Reports

Police Chief McCormick provided a reminder with regard to winter parking restrictions during snow and ice events.

Administrator Johnson provided an update with regard to the joint planning position hiring process, with a target start date of April 1.

Administrator Johnson discussed the bidding process for the Third Street Bridge project.

Council Member McCusker commented with regard to safety issues related to garbage cans.

Council Member McCusker discussed concerns related to phone calls to City Hall and Public Works going unanswered.

Council Member McCusker commented with regard to a recent meeting he attended with the Chamber of Commerce, during which a potential blacktopping project with the School District was discussed.

Council Member McCusker asked whether there was still a pool committee. Public Works Director Bergeson provided historical information and suggested discussion with the new Park Board.

Council Member McCusker commented with regard to recent discussions with MnDOT representatives.

Council Member McCusker suggested that updates from the City be published in the *Cannon Falls Beacon*.

Council Member McCusker commented with regard to solicitation of Park Board members and potential topics of discussion. He commented with regard to citizen interest in a dog park and discussions with Gemini related to this. He commented with regard to trail connections and concerns about the pool parking lot.

Director Bergeson provided additional information regarding the pool parking lot. He stated that voice mail messages left for the Public Works Department are forwarded to him and that his number is provided by the phone system. Council Member Mattson commented that he recently called Public Works, but that the call just continued to ring and was not answered by the system. Director Bergeson indicated that ongoing phone system problems were being addressed. Administrator Johnson discussed phone system problems and reported that phone service was currently provided by Northfield WiFi and that discussions were being conducted with HPC. Mayor Robinson recommended going back to a land line for phone service. Administrator Johnson recommended tracking customer complaints. Council Member McCusker commented with regard to emergency situations.

Council Member Carpenter commented with regard to a new Council Member workshop that he attended.

Mayor Robinson provided an update regarding discussions related to a potential new taxi service in Cannon Falls. Mayor Robinson discussed the bus service that is currently available. Council Member McCusker commented with regard to potential transportation subsidies.

Adjournment The meeting adjourned at 7:46 p.m.

Adopted by the City Council of the City of Cannon Falls on the 21st day of February, 2017.

Lyman M. Robinson, Mayor

ATTEST:

Ronald S. Johnson, City Administrator